

United States Senate

WASHINGTON, DC 20510

May 19, 2022

The Honorable Lina Khan
Chair
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chair Khan,

We write to express serious concerns regarding recent reports identifying data brokers buying and selling location data that include personal data related to family planning and abortion services.¹ We respectfully request additional information on what steps the Federal Trade Commission (FTC) is taking to ensure data brokers are not collecting, buying, or selling sensitive location data that put people, particularly those seeking medical attention, at risk.

We are concerned about online markets that sell and trade mobile phone location data. This data is often collected and sold by ordinary apps installed on a person's smartphone, such as weather apps. The data is then bought and resold by data brokers.² All of this information has historically been used to identify individuals. The estimated value of the location data market was approximately \$14 billion in 2021.³

Recent reports highlight data brokers selling location data that allows the buyer to see how many people visit a certain location and when, including how many people are seeking care at reproductive health clinics such as Planned Parenthood.⁴ One report identified the purchase of data showing the number of people that visited over 600 Planned Parenthood locations in a week for just over \$160.⁵

¹ Cox, Joseph (May 3, 2022). "Clinics "Data Broker Is Selling Location Data of People Who Visit Abortion Clinics." Retrieved from: <https://www.vice.com/en/article/m7vzjb/location-data-abortion-clinics-safegraph-planned-parenthood>; Mangan, Dan (May 4, 2022). "Location data broker SafeGraph stops selling information on visits to abortion providers." Retrieved from: <https://www.cnn.com/2022/05/04/data-broker-safegraph-stops-selling-abortion-provider-information.html>

² Keegan, Jon and Ng, Alfred (September 32, 2021). "There's a Multibillion-Dollar Market for Your Phone's Location Data." Retrieved from: <https://themarkup.org/privacy/2021/09/30/theres-a-multibillion-dollar-market-for-your-phones-location-data>

³ Grand View Research (April 2022). "GVR Report cover Location Intelligence Market Size, Share & Trends Analysis Report By Application (Sales & Marketing Optimization, Remote Monitoring), By Service, By Vertical, By Region, And Segment Forecasts, 2022 – 2030." Retrieved from: <https://www.grandviewresearch.com/industry-analysis/location-intelligence-market>

⁴ Cox, Joseph (May 3, 2022). "Clinics "Data Broker Is Selling Location Data of People Who Visit Abortion Clinics." Retrieved from: <https://www.vice.com/en/article/m7vzjb/location-data-abortion-clinics-safegraph-planned-parenthood>

⁵ Cox, Joseph (May 3, 2022). "Clinics "Data Broker Is Selling Location Data of People Who Visit Abortion Clinics." Retrieved from: <https://www.vice.com/en/article/m7vzjb/location-data-abortion-clinics-safegraph-planned-parenthood>

In light of reports that the Supreme Court is set to overrule *Roe vs. Wade*, we are concerned about the privacy of women making decisions that should be between them, their families, and their doctors, as they have for nearly five decades. Should the Court's final decision match the leaked opinion, thirteen states could immediately ban abortion and over a dozen others are likely to criminalize it.⁶ Banning and criminalizing abortion in parts of our country could create added risks to those seeking family planning services in states where abortions remain legal.

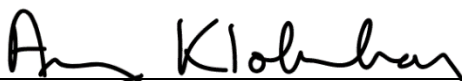
We appreciate your efforts to highlight the critical need for increased consumer privacy and the danger of open data to further victimization.⁷ However additional measures need to be taken to protect personal data and ensure the privacy of women as they make decisions that should be between them and their doctors.

We respectfully request that you respond to the following questions by June 10:

- What measures is the FTC taking to ensure individuals have the right to review and remove their information online, and assist them should their data be sold or they become victim to a breach?
- How does the FTC plan to mitigate harms posed by mobile phone apps that are developed to collect and sell location data? How is the FTC educating individuals about how to identify apps that collect and sell their location data?
- What is the FTC doing to coordinate with the Department of Justice, states and localities, health care providers and private stakeholders to prevent data brokers and others from gaining access to the personal information of women and their healthcare decisions?
- Does the FTC need additional resources to better protect women from having their personal location data bought and disseminated by data brokers?

Thank you for your attention to this important matter. We look forward to working with you to address this threat to privacy and safety.

Sincerely,



Amy Klobuchar
United States Senator



Tammy Baldwin
United States Senator

⁶ Gerstein, Josh and Ward, Alexander (May 3, 2022). "Supreme Court has voted to overturn abortion rights, draft opinion shows." Retrieved from: <https://www.politico.com/news/2022/05/02/supreme-court-abortion-draft-opinion-00029473>

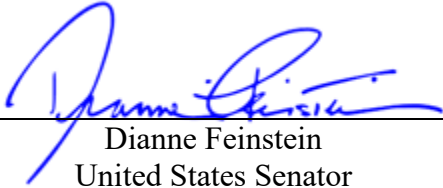
⁷ Federal Trade Commission (January 13, 2021). "Developer of Popular Women's Fertility-Tracking App Settles FTC Allegations that It Misled Consumers About the Disclosure of their Health Data." Retrieved from: <https://www.ftc.gov/news-events/news/press-releases/2021/01/developer-popular-womens-fertility-tracking-app-settles-ftc-allegations-it-misled-consumers-about>



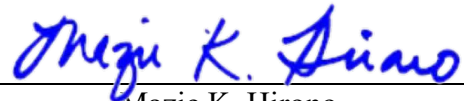
Kirsten Gillibrand
United States Senator



Catherine Cortez Masto
United States Senator



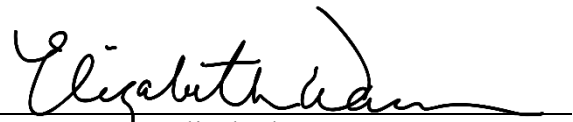
Dianne Feinstein
United States Senator



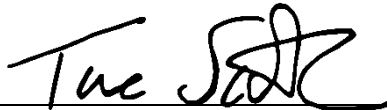
Mazie K. Hirono
United States Senator



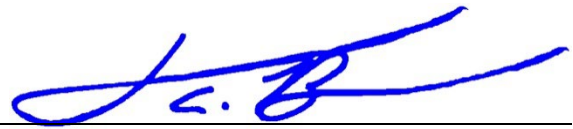
Tammy Duckworth
United States Senator



Elizabeth Warren
United States Senator



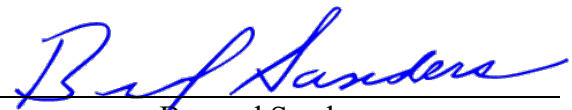
Tina Smith
United States Senator



Cory A. Booker
United States Senator



Alex Padilla
United States Senator



Bernard Sanders
United States Senator



Edward J. Markey
United States Senator



Mark R. Warner
United States Senator



Richard Blumenthal
United States Senator



Richard J. Durbin
United States Senator