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ACLU OF RI POSITION: SUPPORT

TESTIMONY ON 26-S 2992, RELATING TO HEALTH AND SAFETY – REPRODUCTIVE FREEDOM AND GENDER AFFIRMING CARE HEALTH DATA PRIVACY ACT May 7, 2026

The ACLU of Rhode Island strongly supports this legislation and its critical safeguards for the privacy of reproductive and gender-affirming healthcare data.

The vast amount of personal data collected daily by companies, sometimes without a user's consent or knowledge, underscores the need for the protective measures outlined in this legislation. Specifically, this bill would require entities to obtain explicit consent from individuals before collecting or sharing any data related to that individual's reproductive or gender-affirming healthcare decisions. Under this bill, consent to sell this data must meet specific and heightened requirements, and any data collected must be restricted to what is necessary to provide the services requested by the user.

The bill's coverage is directed at those entities that are not covered by HIPAA but provide reproductive and gender-affirming healthcare services, collect reproductive and gender-affirming healthcare data from individuals in providing those services, and direct the collection and use of the data. These include services or products provided by many modern health apps, including those that track health conditions, like period-tracking apps or apps that monitor vital statistics, to the extent they relate to reproductive and gender-affirming care. However, only information that can directly identify a person's reproductive or gender-affirming health status is covered by the bill.

This bill would also prohibit entities from creating a geofence around healthcare facilities that provide reproductive or gender-affirming services in order to track individuals seeking care. A geofence is a virtual boundary drawn around certain areas that tracks when a user has entered or left the boundary area. For example, a map application that has access to a user's location for navigation purposes would not be able to use that data to secretly identify healthcare clinics someone has visited.

In the 2024 legislative session, the General Assembly passed the Healthcare Provider Shield Act. That law created broad protections for Rhode Island health care providers from out-of-state legal action, specifically from places where abortion and other reproductive or gender-affirming care has been limited because of the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*. Protecting data that could indicate reproductive or gender-affirming status is the next logical step in protecting reproductive rights and reaffirming our

commitment to being a safe harbor for our residents and those who seek this necessary care here in Rhode Island.

Some examples of the need for this bill are contained in the two attached documents that our National ACLU office has prepared in support of this critical legislation. Cell phone tracking and data collection represent both a powerful tool and a comprehensive surveillance scheme. Passage of this legislation will preserve the legitimate use of this technology and the individual privacy rights of all Rhode Islanders.

For all these reasons, we strongly support this legislation. Thank you for considering our views.

Enclosures