

Via US Mail

January 28, 2025

Attorney General Andrew Bailey Missouri Attorney General 's Office Consumer Protection Unit P.O. Box 899 Jefferson City, MO 65102

Re: Potentially Deceptive Privacy Practices of Crisis Pregnancy Centers

Dear Attorney General Bailey,

The Electronic Frontier Foundation ("EFF") is a member-supported, non-profit civil liberties organization that has worked to protect free speech and privacy rights in the online world for more than thirty years. With more than 30,000 active donors and dues-paying members nationwide, EFF represents the interests of technology users in courts, legislatures, and broader policy debates regarding law, technology, and civil liberties.

We write to draw your attention to potential violations of the privacy and consumer rights of people in your state who have provided sensitive health data to crisis pregnancy centers ("CPCs"). CPCs are facilities that offer pregnancy tests, counseling, and information, as well as limited medical services in some cases, but not reproductive healthcare such as abortion or contraception. Some are licensed medical clinics; many are not. Nationally, there are an estimated 2,750 of these facilities and the vast majority are affiliated with one or more of three national organizations: Care Net, Heartbeat International, and the National Institute of Family and Life Advocates. CPCs reportedly received \$1.4 billion in revenue in 2022, including substantial federal and state funds.¹

As you may be aware, last year researchers at the Campaign for Accountability filed a series of complaints asking attorneys general in five states—Idaho, Minnesota, Washington, Pennsylvania, and New Jersey—to investigate crisis pregnancy centers in those states that had allegedly misrepresented, through their client intake process and/or via their websites, that information provided to them was protected by the Health Insurance Portability and Accountability Act ("HIPAA").²

An incident in Louisiana also suggests that some CPCs may be sharing client information with other centers in their affiliated networks, without appropriate privacy or anonymity

¹ See <u>https://www.theguardian.com/world/2024/feb/14/anti-abortion-centers-funding</u>

² See <u>https://campaignforaccountability.org/watchdog-asks-state-attorneys-general-to-investigate-crisis-pregnancy-centers-for-deceptive-practices/</u>

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protections.³ In that incident, a software training video shared the names and personal information of roughly a dozen patients.

As advocates for consumer privacy, we are concerned that CPCs in your state may be engaged in similar practices. For example, the Pregnancy Help Center's website (https://thepregnancyhelpcenter.com/) states that "Pursuant to the Health Insurance Portability and Accountability Act (HIPAA), Pregnancy Help Center has developed a notice for patients, which provides a clear explanation of privacy rights and practices as it relates to private health information." Its Notice of Privacy Practices suggests oversight by the U.S. Department of Health and Human Services Office for Civil Rights, instructing clients who feel their rights were violated to "file a complaint with the U.S. Department of Health and Human Services Office for Civil Rights by sending a letter to 200 Independence Avenue, S.W., Washington, D.C. 20201, calling 1-877-696-6775, or visiting www.hhs.gov/ocr/privacy/hipaa/complaints/." Pregnancy Help Center also receives Missouri state taxpayer funding via Alliance for Life Missouri, the state's taxpayer funding regranting organization.⁴ See Exhibit 1.

As another example, Parkville Women's Clinic's website (<u>https://parkvillewomensclinic.com/</u>) includes a "HIPPA Privacy Practices" page that notes: "*This notice describes how health information about you, as a client of this clinic, may be used and disclosed, and how you can get access to your health information. This is required by the Privacy Regulations created as a result of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).*" See Exhibit 2.

And the Rolla Pregnancy Resource Center's website (<u>https://prcrolla.com/</u>) states that "*No matter what service is provided, your results and information are confidential in accordance with HIPAA guidelines.*" See Exhibit 3.

EFF is deeply concerned that people in your state may rely on these representations when they share personal information with these centers, and others with similar practices. Accordingly, we respectfully urge your office to investigate whether CPCs in Missouri are violating privacy and consumer protection laws by deceiving clients as to how their private information will be retained and used. If you have any questions, please do not hesitate to contact me.

Sincerely,

Corynne McSherry Legal Director Electronic Frontier Foundation

³ See <u>https://campaignforaccountability.org/watchdog-asks-louisiana-ag-to-investigate-deceptive-pregnancy-center-following-leak-and-hhs-determination/</u>

⁴ <u>https://www.causeiq.com/organizations/alliance-for-life-missouri,460489686/grantmaking</u>