



Via US Mail

January 28, 2025

Attorney General Ken Paxton
Office of the Attorney General
PO Box 12548
Austin, TX 78711-2548

Re: Potentially Deceptive Privacy Practices of Crisis Pregnancy Centers

Dear Attorney General Paxton,

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, but 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 protections.³ In that incident, a software training video shared the names and personal

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

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

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

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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. The Open Door Resource Center, for example, asserts that client information is handled “according to HIPAA guidelines” and its Notice of Privacy Practices advises clients that they can submit any privacy complaints to the U.S. Department of Health and Human Services, Office of Civil Rights (“HHS”).⁴ However, the HHS has stated that a similar crisis pregnancy center was not a covered entity nor a covered business associate under HIPAA and, therefore, not subject to its jurisdiction.⁵

Similarly, the East Texas Pregnancy Help Center (<https://www.etphc.org/>) claims on its website: “*Client information is held in strict and absolute confidence, according to HIPAA guidelines*” and 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/.*” See Exhibit 1.

As another example, Pregnancy Lifeline (<https://pregnancylifeline.net/>) claims on its website that: “*If you receive services through Pregnancy Lifeline, federal law, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), also protects your health information.*” See Exhibit 2.

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 Texas are violating Texas privacy and consumer protection laws by deceiving Texans 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

⁴ See <https://www.opendoortx.org/commitment-of-care;>
<https://www.opendoortx.org/notice-of-privacy-practices>

⁵ See <https://www.documentcloud.org/documents/25452367-hhs-closure-letter-the-unexpected-pregnancy-center/>; see also <https://www.acog.org/advocacy/abortion-is-essential/trending-issues/issue-brief-crisis-pregnancy-centers>

Exhibit 1

East Texas Pregnancy Help Center Commitment of Care

<https://web.archive.org/web/20250122171806/https://www.etphc.org/commitment-of-care>,
archived on January 22, 2025

The screenshot shows the top portion of a website. At the top, there is a browser address bar with the URL <https://www.etphc.org/commitment-of-care>. Below the address bar, there is a dark navigation bar containing the phone number "CALL: 409-381-8600", social media icons for Instagram and Facebook, and the text "DONATE" and "SUPPORT OUR WORK". The main header features the "EAST TEXAS Pregnancy Help Center" logo on the left and a green "Get Care" button on the right. Below the header, there are three menu items: "SERVICES", "HEALTH INFORMATION", and "ABOUT US". The main content area is dominated by a large photograph of a person with long brown hair, wearing a blue denim shirt, holding a large bouquet of white baby's breath flowers. The person's hands are visible, and they are wearing a ring on their left hand.

Our Commitment to You

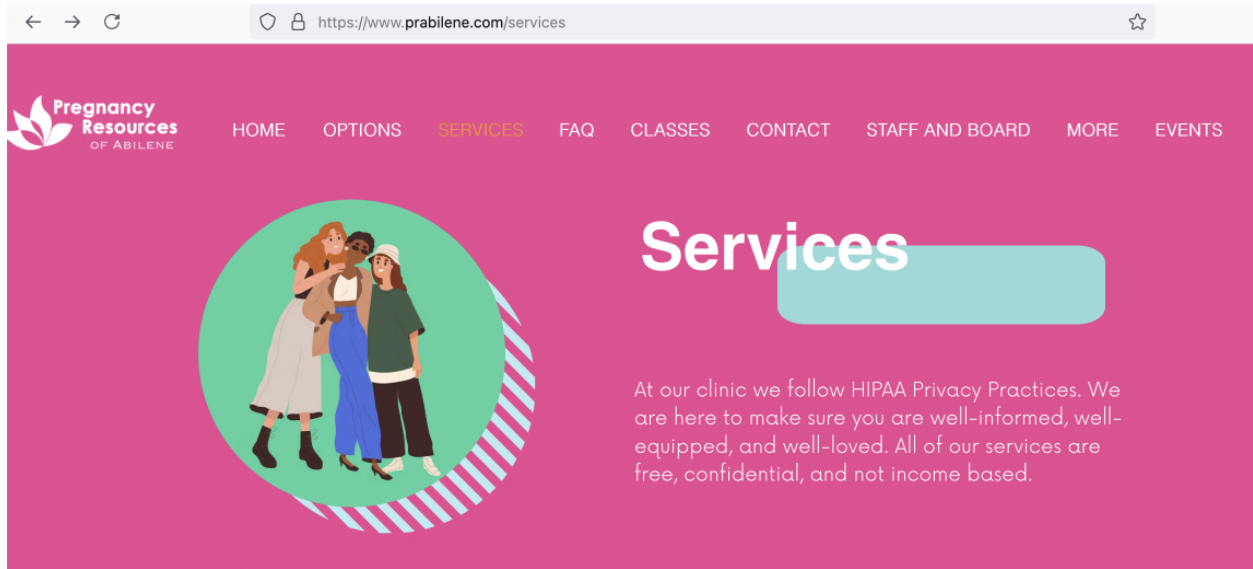
OUR COMMITMENT TO CARE

1. Clients are served without regard to age, race, income, nationality, religious affiliation, disability, or other arbitrary circumstances.
2. Client information is held in strict and absolute confidence, according to HIPAA guidelines. Releases and permissions are obtained appropriately. Client information is only disclosed as required by law and when necessary to protect the client or others against imminent harm.

Exhibit 2

Pregnancy Resources of Abilene Services

<https://web.archive.org/web/20250122172321/https://www.prabilene.com/services>, archived on January 22, 2025



Pregnancy Resources of Abilene HIPAA Notice of Privacy Practices

https://web.archive.org/web/20250122172918/https://www.prabilene.com/_files/ugd/5dcb5c_398013c18f2f4e6e850d13be784a9a47.pdf, archived on January 22, 2025

