



# WORLD **PRIVACY** FORUM

## **Comments of the World Privacy Forum to FTC Chair and Commissioners, Open FTC Commission Meeting**

July 1, 2021

Chair Khan and Commissioners,

Thank you for the opportunity to make a public comment at this Open FTC Commission meeting.

The FTC Health Breach Notification Rule implements the American Recovery and Reinvestment Act of 2009. Congress asked the FTC to craft a rule applicable to a vendor of PHRs or to a PHR-related entity in connection with a product or service offered by that entity. The FTC crafted an excellent rule, consistent with the limits provided by Congress.

Fifteen years ago, PHR technology was clunky, and data transfers could be challenging. Today, there is significant expansion in health data ecosystems outside of HIPAA and include apps, smartwatches, mobile devices, and personal health records among other devices and mechanisms.

The health ecosystem data flows outside of HIPAA protections have escaped the boundaries of the original rule. The World Privacy Forum requests that the Commission re-examine the Health Breach Notification rule to update it. The impacts of the global pandemic have put an exclamation point on the importance of this issue.

Thank you for your work.

Respectfully,

Pam Dixon  
Founder & Executive Director  
World Privacy Forum

### **Related documents:**

- Comments of the World Privacy Forum to the FTC regarding Proposed Consent Order, In the Matter of Flo Health, File No. 1923133. March 1, 2021. (PDF, 4 pages) [https://www.worldprivacyforum.org/wp-content/uploads/2021/03/WPF\\_Comments\\_FloHealth\\_1March2021\\_fs.pdf](https://www.worldprivacyforum.org/wp-content/uploads/2021/03/WPF_Comments_FloHealth_1March2021_fs.pdf)
- Comments of the World Privacy Forum to the Federal Trade Commission regarding Health Breach Notification Rulemaking, Project No. R91102. June 1, 2009. (PDF, 12 Pages) [http://www.worldprivacyforum.org/wp-content/uploads/2009/08/WPF\\_FTCBreachcomments\\_06012009\\_fs.pdf](http://www.worldprivacyforum.org/wp-content/uploads/2009/08/WPF_FTCBreachcomments_06012009_fs.pdf)