

# My Health My Data (ESHB 1155) -- Location Data & Geofencing

Washington residents and out-of-state visitors need real protections for health care data that companies and law enforcement can't work around to target reproductive healthcare seekers.

Washington Privacy Organizers ask WA Legislators to:

1. **Cover all location data that reasonably indicates attempts to acquire or receive health care services or supplies**  
Remove "precise" from the definition of what location data is covered. The current version's definition allows tracking of out-of-state visitors to clinics.
2. **Prohibit all geofencing in the vicinity of health care facilities**  
Any geofencing in the vicinity of health care facilities can be used to track and derive the location of people seeking health care – including reproductive health services.

With the bans and restrictions on abortion & trans healthcare in multiple states, more people may travel to Washington for those services. This is especially true for clinics in Eastern WA that will be assisting people coming from Idaho, which not only has one of the most stringent [abortion bans but also allows bounty hunters](#). As such, it's of the utmost importance to protect location data related to people seeking healthcare services, including out-of-state visitors. **To better illustrate these gaps in ESHB 1155 (as passed out of the Senate Law & Justice Committee), below are three stories of people from Idaho seeking reproductive healthcare in Washington.** While these are fictitious people, the situations are realistic in occurrence.

**(1) Imani is a 29 year old mother hoping to have her second child** but discovered the fetus has a severe anomaly which would result in the baby not surviving outside of the womb even if delivered at full term. While the fetus is non-viable, it still has a heartbeat; so she drove from Idaho to the Planned Parenthood in **Pullman, WA** to receive reproductive healthcare.

In ESHB 1155, the **definition of location information** was reduced to only covering precise location information, defined as 1,750 feet. That radius around the Pullman Planned Parenthood doesn't include anything else worth driving from Idaho to visit - it's just chain retail stores, fast food restaurants, and auto suppliers (Fig. 1). If police learn that Imani might be pregnant (as an Idaho resident, her healthcare data from apps & internet searches is not protected) and was within that radius, then bounty hunters and/or Idaho police could purchase her data and reasonably assert that she was at the Planned Parenthood.

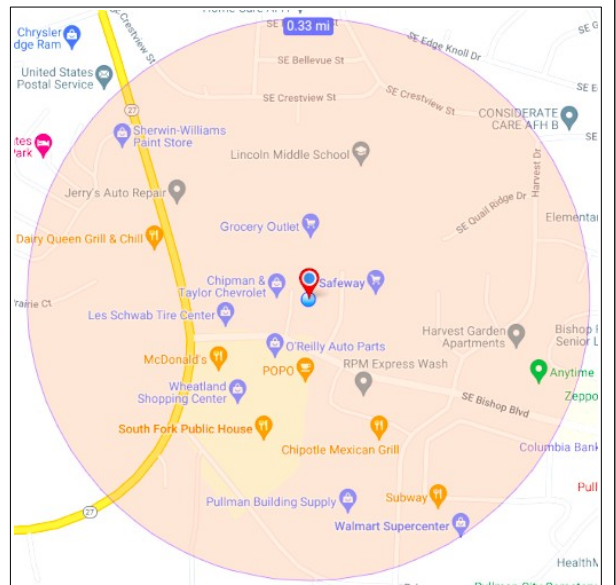


Fig. 1 Red pin denotes the Planned Parenthood in **Pullman, WA**. The light red circle is a radius of 1,750 feet.

**(2) Gabriela is a 15 year old girl who was raped but didn't report it to the police because she and her mother are undocumented immigrants.** Her mother drove her from Idaho to the Planned Parenthood in **Spokane, WA** to receive reproductive healthcare.

Location data privacy risks also exist for healthcare services in larger cities. In ESHB 1155, **the definition of a geofence** only includes 2,000 feet or less from the perimeter of "the physical location." In Spokane, there could be a geofence centered on a student residence hall and a second geofence centered on a car dealership (Fig 2). Idaho police could buy into the ad programs for both of these geofences and check for when the same advertising/device ID is present concurrently inside both. Since only three businesses are located inside that overlapping area, the police would then have good reason to assert that Gabriela (who left Idaho and stopped inside those two geofences) likely was visiting the Planned Parenthood (Fig. 3).

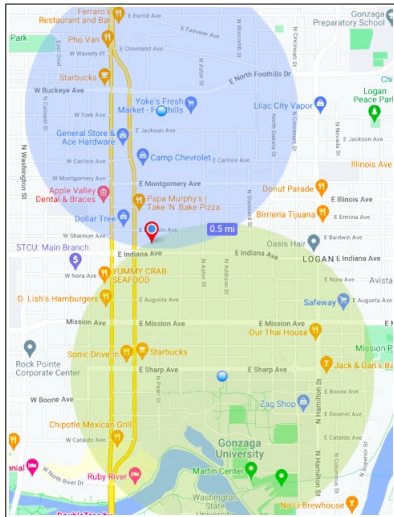


Fig. 2 Red pin denotes the Planned Parenthood in Spokane, WA.

The blue circle to the North is a large geofence centered on car dealership. The green circle to the South is a large geofence centered on a college residence hall.

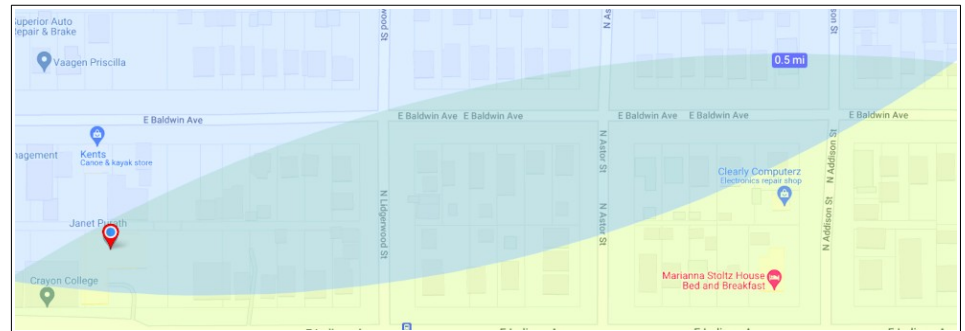


Fig. 3 Red pin denotes the Planned Parenthood in Spokane, WA. The overlapping area of the blue and green circles shows **only three** businesses (Planned Parenthood, a daycare, & a computer repair shop) are located inside both geofences, though it might be hard to see here).

**(3) Marta is a 23 year old student at the University of Idaho.** The condom broke when she and her boyfriend were having sex. She wants to be a mother eventually but would like to finish her Master's degree first. [The University considers emergency contraceptives \(such as Plan B\) to be "abortion-related."](#) She drove to **Sunnyside, WA** to stay with her family for the weekend and receive reproductive healthcare services at the local Planned Parenthood.

The Sunnyside Planned Parenthood is one of only a few buildings in the rural block of the same square footage excluded in this bill from the **explicit authorization of the consumer** (Fig. 4). This leaves rural residents and our healthcare-seeking neighbors, like Marta, particularly vulnerable; and thus, the unknown leaking of their healthcare data. *All location data needs to require explicit consent - for peoples' protection.*

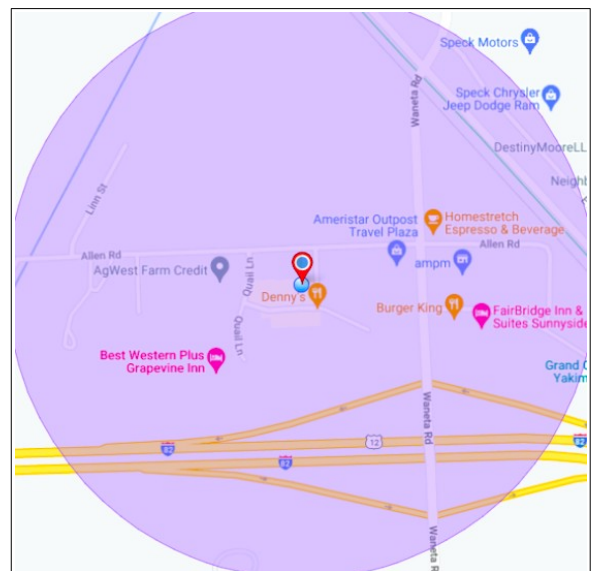


Fig. 4 The red pin denotes the Planned Parenthood in Sunnyside, WA. The light purple circle is a radius of 1,750 feet.