

Consumer Health Privacy Notices by the Numbers



NEW RESEARCH BY THE FUTURE OF PRIVACY FORUM (FPF) shows that companies are split on how to best comply with new notice requirements under Washington’s ‘My Health, My Data’ Act (MHMDA) and Nevada’s health data privacy law (NV SB370).

MHMDA and NV SB370 require entities to maintain a privacy policy for health data. Organizations may be subject to either or both of these requirements, as well as related mandates found in other U.S. privacy laws.

FPF has surveyed 185 company websites across various industries and sectors, focusing on entities providing health and wellness products and services. As this dataset shows, **consumer health data notices or policies** are inconsistent in both if and how they are displayed. There could be many reasons for this, including the challenges and complexities of persistent updates to privacy policies, lack of awareness of the laws and their scope, or ambiguity around the broad definitions of “health data” and who collects, processes, or uses it.



185

company websites across industries with a focus on **health + wellness companies**



62%

stated that some form of health data (e.g., wellness, weight, sleep, etc.) was part of the collected data when consulting the general privacy notice or policy.*

*Several policies explicitly stated no health data was collected or used



50%

Few industry sectors (ex. retail, fitness, travel, etc.) were unified in the use of MHMDA or NV SB370 notices on websites, with most being evenly or nearly evenly **split between websites with and websites without notices.**

40%



of websites surveyed had a **consumer health data notice or policy**

Of the websites with existing consumer health privacy notices:

70%

of notices were linked in the homepage footer, with two sites also linking notices from the consent or cookie banners

86%

of health privacy notices explicitly mention the MHMDA

Example: “Washington My Health My Data Act requires...”

40%

of notices combined or bundled MHMDA and NV SB370

Example: MHMDA “and similar laws”

15%

had entirely separate and explicit policies for the MHMDA and NV SB370

Ex. “For Washington Residents...” and “For Nevada Residents...”

87%

of companies headquartered in WA had notices

The average number of website clicks to find the notice was

1.54

indicating not all notices were prominently displayed on home pages per the MHMDA

26%

of globally headquartered companies had notices

FPF OBSERVATIONS

There were four distinct types of consumer health privacy notices

1

Separate and distinct language for MHMDA

2

Language that combines MHMDA and NV SB370 into a single notice

3

Separate and distinct language for both MHMDA and NV SB370

4

Integrated language that does not explicitly mention state protections for consumer health data

Two types of structures for notice webpages emerged



Stand-alone webpages for notices were more common



Sections in or as **part of broader privacy policy** were less common

Similar to health data privacy laws like the MHMDA and NV SB370, comprehensive state privacy laws with similar requirements were bundled or combined in one notice or policy.

Example: “For residents of Colorado, Connecticut, Utah, and Virginia”

California state privacy laws typically had a separate notice section or webpages in privacy policies.

ABOUT THE DATA

This data sample, collected April 12–17, 2024, is a highly diverse range of organizations with an emphasis on companies with a health focus or health component. Data were created through a tally system of ‘yes’ or ‘no.’

» Data limitations:

- The data is limited to websites accessed via desktop. App interfaces were not included.
- All websites were accessed from locations outside Washington State and Nevada.

DATA CREATORS

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