

## Personal Mental Health Data Being Sold to the Highest Bidder - Study from Duke University

February 15, 2023 - A new study from Duke University states that people's mental health data is being sold to pretty much anyone who wants it. Moreover, the way that the data is being collected and sold appears to be perfectly legal. The data includes conditions and prescribed drug information. How can that be?

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While information that you share with your doctor is supposed to be private, the truth is that this depends upon how you share that information. If you walk into your doctor's office and have a conversation, the data that you share in that meeting is covered by HIPPA; a federal regulation that makes it illegal for doctors, hospitals and other covered entities to share patient data. But if you use a third party app to communicate with a doctor, the owners of that app can sell any data they collect on you. And they collect a lot of data.

Over the past ten years, there has been a significant rise in the tele-health industry. No longer do you need to see a doctor in person. At first this change was via telephone... hence the name tele-health. But more recently, it has been driven by apps; most of which are oriented towards Android or Apple devices.

The advertising for these apps makes their use seem very convenient. "Just use the app and we'll connect you with a local doctor, licensed therapist, etc... No need to make an appointment and no need to leave the comfort of your home." Then when you download the app and run it, you're asked a bunch of questions. What conditions do you have? What prescriptions do you take? Where do you live?

You may intend that information for the doctor, but before it gets to the doctor it actually goes to the owner of the app. And application owners are not "covered entities" under HIPPA. They can... and do... sell this information to data brokers. In some cases, the information they sell is aggregated... meaning that it is stripped of information that can identify you. But in other cases, the data is personalized and available to anyone willing to purchase it.

Is the convenience of tele-health really worth it? Only consumers can answer that question. But anyone who wants to keep their conditions private really needs to read the privacy policies of any health related apps that they are considering using prior to divulging any information. Otherwise you can pretty well assume that your data will be offered for sale. And

there are no federal laws to protect you.

by Jim Malmberg

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