



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

August 31, 2022

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Since *Roe v Wade* was overturned, the rights of women in Michigan and across the nation have been under threat. Many states are passing restrictive laws that threaten criminal action against doctors and nurses; some are also prosecuting women for their health care decisions. I have been fighting for Michigan women and health-care professionals to preserve women's right to choose, and I call on you to stand with me in defending them.

It is critical that women can access the care they need, and that includes finding healthcare professionals, clinics, and pharmacies to provide that care, as well as having access to information about their bodies so they can make informed choices. The technology from which your company generates revenue, especially online advertising, search, and social networking, is critical to connecting women to the care they need. You have a responsibility to help them, not harm them.

As a responsible actor, your company can help to ensure that women receive the health care they need. But it is vital that women feel safe in seeking out that information so they can access providers and make the best choices for themselves.

As custodians of individuals' most sensitive health data, your company has a significant role to play in ensuring the privacy of those who use your services. Keyword searches,

message histories, location data, and general health data can all be used to target women seeking health care and to criminally prosecute the doctors and nurses who provide it.

I therefore call on you to take immediate measures to protect the privacy of your users. Firms that value privacy benefit their shareholders by fostering a transparent relationship that prioritizes the needs of their users. We have already begun to see instances of private data used to prosecute women seeking health care. Absent strong and transparent protections, such instances will erode trust in your platforms and products.

To retain trust, it is also critical that users understand how companies interact with law enforcement. User information should be provided only in response to requests that conform to the requirement of the Stored Communications Act or other relevant law, including any requirement that a subpoena be domesticated before compliance. Your company should notify users when a request is received for their data where legally possible.

Additionally, I call on your company to immediately move to make available information about requests you receive for sensitive health information and other information that could be used to prosecute women for seeking health care. You should prominently publish and regularly update information about all requests for user communications or data that relate to reproductive health or other health matters, including search histories. In doing so, while protecting user privacy, you should include at least information sufficient to identify the jurisdiction from which the request originated and whether you provided information in response to the request.

Taking these steps will demonstrate your commitment to protecting the privacy of your users and the integrity of the data you collect. I hope you will stand with me to protect our doctors and nurses who provide health care and Michigan women who seek it.

Sincerely,



Gretchen Whitmer
Governor



Garlin Gilchrist II
Lieutenant Governor

