Government Focus on Online Tracking Technology Regulatory Risks



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On September 1, 2023, the U.S. Department of Health & Human Services, Office for Civil Rights and the U.S. Federal Trade Commission published joint letters that were sent in July to approximately 130 hospital systems and telehealth providers emphasizing the risks and concerns about the use of online tracking technologies, such as the Meta/Facebook pixel and Google Analytics, that can track a user's online activities. OCRs concerns about such tracking technologies and HIPAA compliance were also highlighted in OCR guidance issued last year. Health care providers should take heed of these warnings and guidance before using any online tracking technologies to collect data about website and mobile app users, and particularly if a provider has any plans to use this data for marketing and other purposes.

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If you need assistance with your HIPAA compliance program, an OCR investigation, or a data breach incident, please contact:
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