



February 9, 2023

## FTC BARS GOODRX FROM SHARING CERTAIN INFORMATION WITH ADVERTISERS

On February 1, 2023, the Department of Justice filed, on behalf of the FTC, a first-of-its-kind proposed order against GoodRx for violations of the FTC's Health Breach Notification Rule ("Rule"). The Rule requires vendors of personal health records and related entities to notify consumers following a breach involving unsecured information. In addition, if a service provider to one of these entities has a breach, it must notify the entity, which in turn must notify consumers. The Rule also specifies the timing, method and content of notification, and in the case of certain breaches involving 500 or more people, requires notice to the media.

The proposed order would prevent GoodRx from sharing user health data with certain third parties for advertising purposes, require user consent for any other sharing, require GoodRx to seek deletion of certain data, implement a mandatory privacy program and require GoodRx to pay a \$1.5 million penalty. The proposed order must be approved by the applicable federal court to go into effect.

The FTC is closely monitoring companies use and disclosure of personal information (including health information) for reasons that are unrelated to providing services. All companies should ensure their privacy policies are up-to-date given rapid developments in privacy law and should seek to obtain express consents whenever possible. We can assist in reviewing your data privacy policies and procedures. We also advise servicer and healthcare credit providers on a variety of related issues. Let us know how we can help you. ☐

✦ *Mike Tomkies and Nathan D. Copeland*

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