

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, AUGUST 16, 2022**

MINUTE ORDER NO. 8

SUBJECT: RESOLUTION IN SUPPORT OF MY BODY, MY DATA ACT: PROTECTING THE PRIVACY, DATA, AND SAFETY OF PEOPLE SEEKING REPRODUCTIVE HEALTH CARE (DISTRICTS: ALL)

OVERVIEW

In the 30 days since the overturning of *Roe v. Wade* by the United States Supreme Court, 11 states have enacted bans on abortion. Another 15 states are certain or likely to ban abortion now that *Roe* is no longer in place. Some of these states already criminalize abortion or people who assist a person seeking an abortion. Personal reproductive health data found on a person's phone, computer, or stored in apps can be weaponized in these criminalization efforts. We need policies that reflect today's world and the intersection between our digital lives and our reproductive rights.

Congresswoman Sara Jacobs' *My Body, My Data Act* (H.R. 8111), guards against the misuse of personal reproductive health data by restricting the use of such data by businesses and nongovernmental organizations. This board letter recommends that the County of San Diego Board of Supervisors (Board) adopt a resolution to formally support the *My Body, My Data Act*.

RECOMMENDATION(S)

VICE-CHAIR NORA VARGAS AND SUPERVISOR TERRA LAWSON-REMER

Adopt the Resolution titled: "RESOLUTION IN SUPPORT OF CONGRESSWOMAN SARA JACOBS' MY BODY, MY DATA ACT TO PROTECT THE PRIVACY, DATA, AND SAFETY OF PEOPLE SEEKING REPRODUCTIVE HEALTH CARE."

EQUITY IMPACT STATEMENT

The lack of strong digital privacy protections has implications in the face of expanding criminalization of reproductive health care. Laws that criminalize reproductive health care are already being used to disproportionately penalize Black and Brown people. According to the National Advocates for Pregnant Women, the past 15 years have seen a spike in arrests and prosecutions for crimes related to stillbirths, miscarriages, and alleged drug and alcohol use during pregnancy. Of the 1,600 people prosecuted for these offenses since the *Roe* decision in 1973, 1,200 were charged after 2006, and those targeted were disproportionately Black and Indigenous women. Protecting digital privacy is inextricably linked to protecting access to reproductive health care and information without fear of the potential use of that information.

FISCAL IMPACT

There is no fiscal impact associated with today's recommended action.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Vargas, seconded by Supervisor Fletcher, the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 22-118, entitled: RESOLUTION IN SUPPORT OF CONGRESSWOMAN SARA JACOBS' MY BODY, MY DATA ACT TO PROTECT THE PRIVACY, DATA, AND SAFETY OF PEOPLE SEEKING REPRODUCTIVE HEALTH CARE.

AYES: Vargas, Lawson-Remer, Fletcher, Desmond

NOES: Anderson

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter