

United States Senate

WASHINGTON, DC 20510

June 16, 2023

Mr. Andy Jassy
President and Chief Executive Officer
Amazon
410 Terry Avenue
North Seattle, WA 98109

Dear Mr. Jassy,

We are concerned that Amazon’s online health platform, Amazon Clinic, may be harvesting consumer health data from patients. We ask Amazon to provide information on what data is being collected from customers seeking Amazon Clinic services, how Amazon uses the data, and whether any of the data is being used to promote or sell any other Amazon products or services.

According to recent reporting by the *Washington Post*, customers seeking to enroll in Amazon Clinic, which advertises low-cost health care provided online, are first required to sign an “authorization” form that gives Amazon “complete” access to customers’ health information.¹ The form indicates that this information “may be re-disclosed,” after which it will “no longer be protected by HIPAA,”² the federal law that requires providers to take steps to protect patient health data. The form does not provide specific details on how patient data will be shared or used going forward.³

Customers who decline to consent to the “HIPAA authorization” are prevented from completing their patient registration with Amazon Clinic and are re-directed to a third-party provider information page.⁴ Notably, the HIPAA Privacy Rule prohibits conditioning care on an authorization to disclose patient information.⁵

Amazon Clinic describes itself as “a virtual healthcare storefront through which telehealth services are offered” by third-party health care providers.⁶ Amazon Clinic has represented that the company does not “use customer data for purposes that customers haven’t consented to.”⁷ However, Amazon Clinic provides no information on its website as to why the company is collecting customer health care data or for what purposes it is used.⁸

In a recent enforcement action, the Federal Trade Commission (FTC) secured a \$1.5 million penalty from telehealth provider GoodRx for failing to notify customers that their personal health data had been disclosed to third parties for advertising. The proposed enforcement order requires GoodRx to “clearly and conspicuously” detail the categories of health information that it will disclose to third parties and prohibits the company from using manipulative designs, known as “dark patterns,” to obtain users’ consent to share

¹ *To Become an Amazon Clinic Patient, First you Sign Away Some Privacy*, The Washington Post (May 1, 2023) (online at www.washingtonpost.com/technology/2023/05/01/amazon-clinic-hipaa-privacy/).

² Amazon Clinic HIPAA Authorization form (online at <https://clinic.amazon.com/privacy>).

³ *Id.*

⁴ Amazon Clinic Other Care Options (online at <https://clinic.amazon.com/privacy/options>).

⁵ 42 CFR § 164.508(b)(4); 42 CFR § 164.502(3)

⁶ Amazon Clinic Terms of Use (online at <https://clinic.amazon.com/privacy>).

⁷ *To Become an Amazon Clinic Patient, First You Sign Away Some Privacy*, The Washington Post (May 1, 2023) (online at www.washingtonpost.com/technology/2023/05/01/amazon-clinic-hipaa-privacy/).

⁸ Amazon Clinic (online at https://clinic.amazon.com/help?ref_=sf_nav_help).

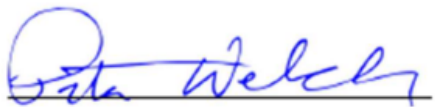
the information. This is the FTC's first enforcement action under the Health Breach Notification Rule, which protects consumers' personal health records.⁹

Amazon Clinic customers deserve to fully understand why Amazon is collecting their health care data and what the company is doing with it. Congress is also evaluating legislative efforts to protect health data in the context of emerging technologies.

Therefore, we respectfully request that you provide the following by June 30, 2023:

1. A sample contract between Amazon and any third-party providers that deliver health care services to Amazon Clinic enrollees.
2. An itemized list of patient health data collected from customers that sign the company's HIPAA authorization form.
3. An itemized list of patient health data that Amazon Clinic shares with any other entities within the Amazon group (including but not limited to Amazon.com, Inc., Amazon.com Services LLC, Amazon Advertising LLC, Amazon Web Services, Inc.), identifying the entities within the Amazon group that have access to this data.
4. An itemized list of patient health data that Amazon Clinic shares with any other third-party entities.
5. With regard to the health data collected:
 - a. Is the data used in any analytics or algorithms? If so, please describe the nature of these analytics or algorithms.
 - b. Is the data used for marketing purposes? If so, please describe the nature of these activities.
 - c. Is the data used for developing other products or services sold by Amazon?
 - d. Is the data sold to any third parties? If so, please provide a full list of all entities to which it is sold.
 - e. Are entities within the Amazon group or third-party entities that have access to these data subject to any restrictions governing their use? If so, please describe the restrictions.
 - f. Is the data provided to any federal, state, or local law enforcement authorities? If so, for what purposes?
 - g. Please identify all uses of the data.

Sincerely,



Peter Welch
United States Senator



Elizabeth Warren
United States Senator

⁹ Federal Trade Commission, *Press Release: FTC Enforcement Action to Bar GoodRx from Sharing Consumers' Sensitive Health Info for Advertising* (Feb. 1, 2023) (online at www.ftc.gov/news-events/news/press-releases/2023/02/ftc-enforcement-action-bar-goodrx-sharing-consumers-sensitive-health-info-advertising).