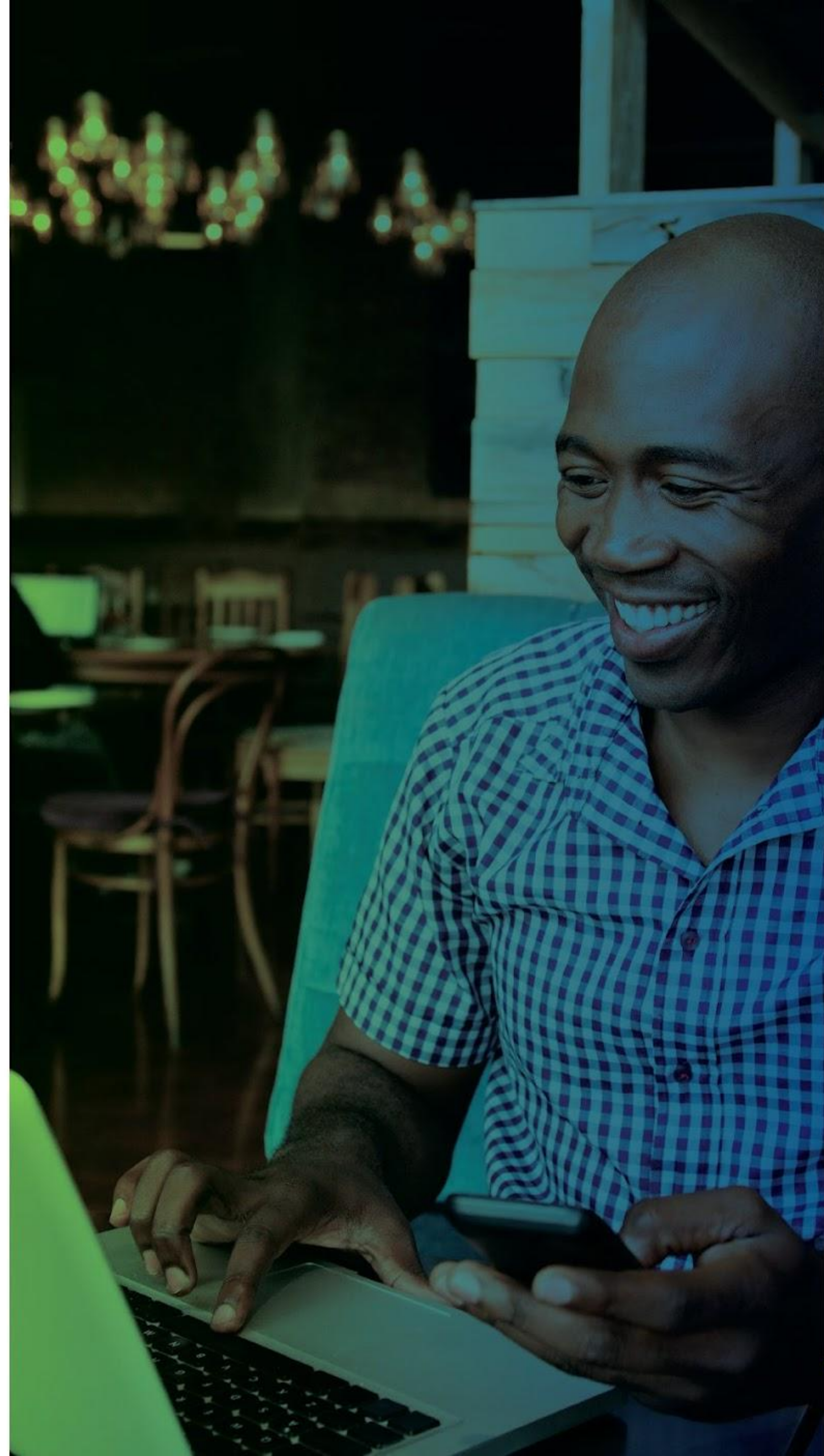**iapp**

Washington's My Health My Data Act: Ensuring Robust Compliance in 2024

Tuesday, March 12th

09:00-10:00 AM PT
12:00-13:00 PM EST
18:00-19:00 PM CET

Speakers

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Overview of the Washington My Health My Data Act (MHMDA)

Overview
- Enacted on April 27, 2023 to safeguard the health data of Washington residents
- Extends beyond HIPAA, covering a broad range of consumer health data, including wearables and consumer locations

Scope and Coverage
- Applicable to any entity operating in Washington or catering to Washington consumers
- No minimum threshold for data subjects or revenue, meaning SMBs are likely required to comply

Comparison with HIPAA
- Expands privacy protections beyond traditional healthcare providers and insurance companies
- Defines health data broadly, including physical or mental health conditions, healthcare provision/payment, and consumer health data

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Exploring business implications

Key challenges

- Understanding and adapting to the broad scope of the MHMDA

- Ensuring compliance for businesses of all sizes, including SMBs

Implications

- Compliance initiatives required to avoid enforcement actions and penalties

- Importance of timely action for companies handling consumer health data in Washington State

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Navigating compliance through data mapping

Role of data mapping

- ○ Crucial for understanding data flow and classification

- ○ Provides visibility into covered health data, amidst other personal data collected by businesses

Challenges

- ○ Identifying and classifying potential consumer health data accurately

- ○ Ensuring data mapping reflects real-time data inventory for effective compliance measures

Best practices

- ○ Implement automated data discovery tools for comprehensive mapping

- ○ Regularly update and review data mapping processes to adapt to changing data landscapes

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Strategies for compliance

Robust consent mechanisms
- Obtain explicit consent from individuals before collecting, using, or sharing health data
- Ensure transparency and clarity in consent processes to meet MHMDA requirements

Detailed privacy policies
- Craft comprehensive privacy policies that explain categories, purposes, and sources of health data collected
- Policies should be easily accessible and prominently featured on company websites

Fulfilling consumer requests
- Provide mechanisms for consumers to exercise their rights (data access, deletion, etc.)
- Implement modern privacy solutions for increased efficiency

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Understanding enforcement measures

Insights into enforcement

- Civil penalties
- Class-action lawsuits
- Importance of compliance

Common pitfalls:
- Inadequate consent mechanisms
- Insufficient privacy policies

Common risks:
- Regulatory enforcement
- Class-action lawsuits
- Damage to consumer trust

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Questions?

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Thank you!

K Royal

Mike Hintze

Brandon Wiebe

Cameron Ivey

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