

## **UH Law Center health law professor Fowler examines Femtech privacy issues surfacing post-Dobbs**

**Nov. 9, 2022** — Roe v. Wade’s reversal, by way of the Supreme Court’s Dobbs decision, inadvertently drew attention to the work of consumer health technology researcher Leah Fowler, Research Assistant Professor at the University of Houston Law Center’s Health Law & Policy Institute.

“I’m really interested about where consumer health technologies we use every day intersect with the law,” said Fowler. “There’s a breakdown in how people understand their rights and what their rights actually are.”

Specifically, Fowler’s research examines the accuracy, efficacy, and privacy of healthcare technology — including femtech tools such as period and fertility tracking apps. Femtech products are defined as a category of consumer technologies that address an array of “female” health needs.

Fowler’s expertise on this front has been much sought after following the June 2022 Supreme Court decision that prompted widespread concerns about the security and privacy of femtech. For instance, following the Dobbs v. Jackson Women’s Health Organization ruling, calls for users to delete their femtech apps started popping up across the internet.

Period and fertility tracking apps hold some of the most “wildly intimate” information about the human body, according to Fowler, from the date of a user’s last menstrual cycle to an ovulation window, even including further details that could point to a potential or past pregnancy. In the wrong hands, some advocates say this information could be used against consumers, especially in regions where individuals aiding or performing abortions have the potential to be sued by private citizens.

Fowler’s forthcoming work [Femtechnodystopia](#), in partnership with Michael R. Ulrich of Boston University School of Public Health, concentrates precisely on this intersection, imagining a multifaceted approach to safeguarding the benefits of femtech from the potential harms in a post-Roe world.

While Fowler’s scope of research extends beyond the femtech realm, she said that this subset of healthcare technologies may be garnering more attention because they “[make] concrete a lot of the issues that are common across health technology.”

So, is it time to delete femtech apps? Not necessarily. It depends on the product, Fowler said, adding that she hesitates to advise people to delete an app they find useful, “especially in the absence of evidence these are being currently used to prosecute people.”

Generally, it can be more helpful to conduct a cost-benefit analysis of “how much utility does this product give you versus what are you willing to give up in exchange for it.” Additionally, Fowler recommends checking privacy policies for phrases like “does not engage in third-party sharing” or “data stored on device” instead of in a cloud.

“Whatever calculus you’re making for a period and fertility tracking app, take that same type analysis to other apps you download to your phone and every other type of technology you use,” Fowler said.

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