



September 12, 2019

The Honorable Gavin Newsom  
Governor of the State of California  
State Capitol, First Floor  
Sacramento, CA 95814  
ATTN: Legislative Unit

**Re: A.B. 929 – Request for Veto**

Dear Governor Newsom:

I write today on behalf of the Electronic Frontier Foundation<sup>1</sup>, to request your veto on Assembly Bill 929, authored by Assemblymember Luz Rivas. AB 929 would require Covered California to collect and maintain health information that it is not required to protect.

Health information is highly sensitive, and should have strong protections. This is why health information is one of the few types of personal information that is protected by federal law, through the Health Information Portability and Accountability Act. Yet AB 929 mandates the overbroad collection of this type of data, without requiring adequate protections.

The California Association of Health Plans has opposed this bill and asked that it be amended to remove the requirement that health plans include personal health information in their data submissions.

Covered California is currently required to collect data from health plans for the purpose of providing people with information necessary to choose plans that fit their needs. Much of the information needed to do this, however, is financial information, not patient health information.

Requiring Covered California to receive sensitive health information poses a further problem because it is not covered by HIPAA—the federal privacy and security rules that regulate health plans. That is particularly problematic as AB 929 would also require Covered California to collect information about its own enrollees, but also those of any other “insureds of the carrier,” meaning that even a person not covered under an Exchange would have their private information shared with Covered California.

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<sup>1</sup> EFF is a San Francisco-based, non-profit organization that works to protect civil liberties in the digital age. EFF represents more than 30,000 active donors and members, including thousands of supporters in California.

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Furthermore, nothing in AB 929 protects the privacy or security of the health information Covered California receives unless it wants to make this data public—in which case, it is only required to protect the information of its own enrollees.

AB 929 requires Covered California to engage in the overbroad collection of sensitive health information, requires inadequate privacy protections for that information, and due to privacy concerns, has been opposed by the health plans required to submit this information.

For these reasons, we respectfully request your veto on AB 929. If you have questions, please contact Hayley Tsukayama at [hayleyt@eff.org](mailto:hayleyt@eff.org) or 415-436-9333 x 161.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hayley Tsukayama', followed by a horizontal line.

Hayley Tsukayama  
Legislative Activist  
Electronic Frontier Foundation  
(415) 436-9333 x 161

cc: Assemblymember Luz Rivas