

# Wellness Wearables and Privacy



## Wellness wearables are on the rise

Wellness wearables are playing a growing role in the lives of Canadians. These devices can promote well-being by helping users track and act on their health and wellness goals. But wellness wearables also pose new and significant challenges to privacy. What's more, since these consumer products are often similar to medical devices but generally lack the same protections, current Canadian policy and law are not well equipped to address these risks. Targeted action is needed to close this policy gap and protect users' privacy rights.

## What are the privacy challenges?

Wellness wearables are designed to be constantly worn and are deeply connected to the body. While these characteristics make wearables unique, they also pose privacy challenges:



### Wellness wearables can generate a lot of personal and sensitive information

These devices collect, use, and potentially share, a large amount of health-related information and inferences about users. And since wellness wearables are consumer products, this sensitive information can sometimes be used and shared in more ways than similar types of data from medical devices or doctors' offices. What's more, wearables are often insecure, so data can potentially be hacked.



### Wellness wearables can be hard to understand and have few options for privacy preferences

Since users aren't technical or legal experts, it can be difficult for them to assess risks and make informed privacy decisions. Wellness wearable companies might also share or sell data to third parties, who may then use it in ways that are unclear or unknown to users. Privacy policies for these devices remain frequently unclear. They are often inaccessible and don't provide a lot of choice.



### Wellness wearables can impact other important rights that are related to privacy

These devices can negatively impact other rights by infringing on privacy. Wellness wearables can reveal sensitive information about people's health and abilities that can potentially be misused for discrimination. They can also let others know an individual's location, putting their safety and security at risk. And since they are always on, it can be hard to set boundaries between public and private life.

## What are wellness wearables?

Wellness wearables are consumer products worn on the body that use sensors to collect real-time information directly from users. This information is then analyzed to generate health and wellness insights that are summarized for users, often through an associated app. You may be familiar with popular wrist-worn fitness trackers like Fitbit or smartwatches like Apple Watch. But there are many other different types of wellness wearables. There are shirts that measure heart rates, headbands that assess emotions, and even hats that track fatigue, to name a few.



## Where can I find wellness wearables?

You may use wearables yourself in your day-to-day life or know others who do. But these devices are not just being used by individuals. Organizations are also implementing them:



### Wellness wearables at work

These devices are being used in wellness, and health and safety programs. They provide continuous and intimate monitoring of workers.



### Wellness wearables in insurance

These devices are being used in health and life insurance policies. They provide insurers with real-time information about policyholders.



## What action needs to be taken?

Canadians are often using wellness wearables without sufficient supports in place to promote their privacy. Policymakers need to act to close the gap. To help Canadians exercise privacy, we need to:

### Modernize privacy protections

Strong legal protections should be put in place to address both the large amount of health-related data collected by wellness wearables and the high-stakes applications of these devices in workplace and insurance contexts. We need to:

- Create explicit protections for consumer health-related information
- Enhance and extend privacy protections to all employees
- Limit the use of wellness wearable data in insurance

### Help businesses bolster privacy

Businesses should receive supports that make it easier to follow the law, adopt privacy-promoting practices, and cooperate with authorities. This is especially the case for smaller wearable firms that might lack in-house resources and expertise. We need to:

- Create standards and guidance for best practices
- Change how businesses relate to regulators
- Develop a pipeline of privacy professionals

### Promote informed user choices

Users of wellness wearables should be equipped with the right tools to both make it easier to identify best-in-class products and to make more informed and meaningful decisions about their privacy preferences. We need to:

- Require enhanced notice and consent mechanisms
- Encourage certification and labelling
- Promote digital literacy

## Where can I read more?

You can learn more by reading CSA Group's report *Exercising Privacy: Policy Options for Privacy and Wellness Wearables*, written by Alannah Dharamshi and Adrienne Lipsey. It was developed with support from the Office of the Privacy Commissioner of Canada's Contributions Program.