



September 8, 2026

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: ATA ACTION REQUEST FOR VETO REGARDING AB 1542 (Ward)

Dear Governor Newsom,

On behalf of ATA Action, I am writing to express our concerns regarding Assembly Bill 1542. While our organization agrees that the privacy of patient data is paramount to the healthcare system, ATA Action has several concerns that this legislation runs counter to sound data privacy policy by banning, without exemption, the selling or sharing of sensitive personal information.

ATA Action is the affiliated policy and legislative advocacy arm of the American Telemedicine Association. ATA Action is the leading advocacy organization dedicated to advancing policy and accelerating the adoption of technology-enabled healthcare. We represent a diverse membership – including hospital systems, technology companies, professional associations, direct-to-consumer digital health providers, payers, pharmaceutical manufacturers, digital therapeutics developers, and remote monitoring organizations.

Our organization is deeply concerned about the blanket prohibition on the selling or sharing of sensitive personal information to third parties included in the new 1798.121(e). Many healthcare entities use third party technology vendors on their public facing websites and homepages, from virtual-only providers serving specific patient populations to large hospital and health systems. These vendors assist the healthcare entity, and healthcare systems as a whole, in a wide variety of ways. Examples of the benefits of data sharing with third-party technology vendors include using the information to create a more personal experience for the user by showing digital maps of healthcare locations close to them, advertisements of potential health related interests and identifying potential need for translation services. This data sharing can also provide crucial analytics regarding community concern or interest in certain treatments or areas of care, aiding providers and health systems in workforce alignment and resource distribution while also helping to identify areas of websites that patients are struggling to navigate.

We are concerned that this sweeping new mandate would prohibit entities from using any third-party technology on public facing websites, even where there is patient consent to share data, undermining the benefits enumerated above. Recognizing these benefits, several California health-related agencies use third-party analytics and tracking technologies on their own webpages, including the California Department of Public Health, Department of Health Care Services, and California Health and Human Services Agency.¹

Furthermore, we are concerned that the strict mandate against the share and sale of data contemplated in this Act—a provision we are unaware of in any other state law—would create inconsistent and conflicting

¹ <https://themarkup.org/blacklight>



obligations when the “sensitive data” at issue would not constitute PHI under HIPAA or medical information under CMIA, both of which are exempt from the Act and permit sharing (and sale) of medical information with consent.

To be clear, ATA Action shares the sponsors’ intent to protect sensitive data and our [Data Privacy Principles](#) emphasize that collection and use of sensitive data should always require explicit disclosure to, and consent from, the consumer. Should California determine that policy change in this space is required, we encourage the strengthening of existing consent frameworks to ensure that patients can continue to consent to the use of their own data.

Thank you for the opportunity to comment and for your consideration of these important issues. As your office considers the next steps for AB 1542, and health data privacy generally, we are happy to serve as a resource. If you have any questions or would like to further discuss ATA Action’s perspective on this critical issue, please contact me at hyoung@ataaction.org.

Kind regards,

Hunter Young
Head of State Government Relations
ATA Action