
FTC updates to Healthtech Privacy in USA – Darshan Talks Podcast

Darshan Talks Podcast

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In this episode of Darshan Talks, Darshan Kulkarni and guest Krishna Jani have a discussion on Privacy and all the facets related to it. Krishna Jani, who is a Cybersecurity and Data Privacy Attorney at Flaster Greenberg PC. She is also involved in Litigation Department focusing her practice on complex commercial litigation. The conversation started on an interesting note about traveling, Covid restrictions, and rules of various countries wherein the countries had different standards of dealing with the situation, having respective approaches. This linked to the topic of privacy laws for example – the European method, where there is an overarching principle/code and each country does the same situation uniquely and this directly relates to privacy laws. FTC (Federal Trade Commission) is a federal agency that formulates consumer protection, consumer education, anti-trust laws, and now privacy laws. The FTC has been the chief federal agency on privacy policy and enforcement since the 1970s when it began enforcing one of the first federal privacy laws – the Fair Credit Reporting Act. Since then, rapid changes in technology have raised new privacy challenges. The agency uses law enforcement, policy initiatives, and consumer and business education to protect consumers' personal information and ensure that they have the confidence to take advantage of the many benefits of the ever-changing marketplace. Privacy has now become the umbrella term as per the expert given under section 5 of the FTC Act describing as unfair trade practice. She elaborates on the enforceability of FTC regulations in privacy matters. Then they talked about the health applications (for example consumer data such as pregnancy, personal data of health problems, biometric data) emerging technology, and consumer privacy correlates with each other. She also spoke about the concept of data minimization that states that data collected or processed should not be utilized unnecessarily and only if it's essential for reasons that were clearly stated in advance to support data privacy.