

## Response from Clue to Business & Human Rights Resource Centre

September 21, 2022

**For background, sharing more about Clue:** Clue is a Berlin-based reproductive health company that educates and empowers people with personalized health insights to support them from their first period to their last. Created with science and technology at its core, the company's mission is to be a trusted companion, empowering people around the world on their journeys to self-discovery and reproductive health.

Founded in 2012, Clue was one of the first femtech companies, and regularly partners with universities, researchers and clinicians on [research to help address health gaps](#). The app serves millions of people in 190 countries.

Clue's app is free to download and includes its signature Period Tracking feature, with additional personalized modes like Clue Birth Control, Clue Conceive and others available in the company's subscription offering, Clue Plus.

**Clue's business model is built on premium subscriptions of the product. Data about our customers is never sold.**

You can find key documents re: Clue's stance on data privacy in the following links:

- [Clue's response to Roe vs Wade](#)
- [Patient Data Privacy at Clue: A statement from the Co-CEOs](#)
- [Data is power, and responsibility: what we believe as Clue's Co-CEOs](#)

Our users' health data, particularly any data they track in Clue about pregnancies, pregnancy loss or abortion, is kept private and safe. Supporting our users' reproductive autonomy is at the core of what we do, and their health data privacy is a key part of that. All personal data held in Clue is subject to European privacy law, which is the strictest in the world. Therefore, all of our data processing is regulated subject to specific legal requirements. While data privacy is not a right in all of the countries where people use Clue, we as a European company are both required and morally committed to providing the same standard of protection to all of our users, regardless of where they live.

As a result, privacy due diligence is part of how we routinely do business. That said, we are of course sensitive to the concerns of our user community, so we did again carefully review our privacy practices when the original Supreme Court leak was published. The decision itself did not trigger any substantive change to our privacy practices, because those already protect data from disclosure. We categorically never sell our users' personal data. And we have reviewed all of our sub-processors (sub-contractors who process certain limited data for us) to ensure that they pose no additional risk in light of the deteriorating reproductive rights situation in the U.S.

One action we have taken in response to the U.S. Supreme Court decision is to evaluate in detail, together with our legal team, how we would resist any subpoena or other disclosure request from a U.S. authority in the context of an alleged illegal abortion. It is worth noting that this is a highly theoretical scenario: the data held in Clue is unlikely to be determinative in any case, and we have never received such a request from any country's authorities (people have used Clue in 190 countries across the world for years, and some abortions are criminalized in most places). Our view is that any such request would be inconsistent with European data privacy law and human rights principles, as well as German procedural law. Therefore we do not believe that such a disclosure request could be legally valid. But regardless of any arguments that might be made in such a case, we are committed to never participating in reproductive surveillance.

**Our users' data is legally and practically safe from disclosure that could harm them in the context of any alleged illegal abortion.**

**Our data privacy team works tirelessly to ensure that we comply with GDPR and earn the trust of our customers every day.** From data encryption and vetting software tools to the robust pseudonymization or anonymization of datasets for our academic research partnerships, being bound by the strictest privacy laws in the world means we can only process the data that we really need for the defined purpose. We routinely delete data when it is no longer needed; and our customers have a right for all their personal data to be deleted on request. As stated in our public [privacy policy](#), Clue users can write to [trust@helloclue.com](mailto:trust@helloclue.com) with any questions or concerns regarding data privacy.