

Deleting Your Period Tracker Won't Protect You

Tweets telling women to do that went viral after Roe v. Wade was overturned, but experts say other digital data are more likely to reveal an illegal abortion.



By Kashmir Hill

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In May 1972, the Chicago police raided a high-rise apartment where a group called the Jane Collective was providing abortions. It was the year before the Supreme Court's Roe v. Wade decision gave women the constitutional right to decide whether to give birth, and abortion was a criminal offense in Illinois.

Seven women were arrested, including two who had the names and addresses of patients on index cards in their purses. According to a history written by a member of the collective, "The Story of Jane," the women destroyed the cards in the police van on the way to the station, tearing them into small pieces and eating some of them. They didn't know what the police might do with the information, so they got rid of it.

Fifty years later, the Supreme Court has overturned the Roe decision. Abortions will be banned or seriously limited in much of the country. But now, thanks to the digital trails left behind in the modern technological age, it will be far harder to hide incriminating data about a decision to end a pregnancy.

When a draft of the court's decision was first leaked in May, and then when the ruling became official last week, people focused on these digital trails, specifically the information that millions of women share about their menstrual cycles on period tracker apps. The knee-jerk advice was simple and direct: Delete them all. Immediately.



"Delete those fertility apps now," tweeted Gina Neff, a sociologist and director of the Minderoo Center for Technology and Democracy at the University of Cambridge. In an interview over Zoom, Dr. Neff said the apps contained "powerful information about reproductive choices that's now a threat."

These apps allow users to record the dates of their menstrual cycles and get predictions about when they are ovulating and most fertile. The apps can also serve as digital diaries for sexual activity, birth control methods and conception attempts. Some women use the apps when they are trying to get pregnant, others to avoid it and many just to know when their next period is coming.

The exhortations to get rid of them seem to have had the opposite effect. According to Data.ai, which monitors app store activity, the downloads of period tracking apps doubled in the days since Roe was overturned, compared with average

weekly downloads in the three previous months.

The biggest gainers were Clue and a little-known astronomy-based period tracker, Stardust, both of which made public commitments to data protection after the Supreme Court's decision. A spokeswoman for Clue said the company, which is based in Europe, would not comply with requests for users' health information from U.S. law enforcement.

While period trackers seem like an obvious source of information about reproductive health decisions, experts say other digital information is more likely to put women at risk. Cynthia Conti-Cook, a civil rights lawyer and technology fellow at the Ford Foundation, researched prosecutions of pregnant people accused of feticide or endangering their fetuses, cataloging the digital evidence used against them in an academic paper she published in 2020.

"We should start with the types of data that have already been used to criminalize people," said Ms. Conti-Cook, who previously worked in a public defenders' office in New York. "The text to your sister that says, 'Expletive, I'm pregnant.' The search history for abortion pills or the visitation of websites that have information about abortion."

One of the cases Ms. Conti-Cook highlighted was that of Latice Fisher, a Mississippi woman who was charged with second-degree murder after a stillbirth at home in 2017. According to a local report, investigators downloaded the contents of her phone, including her internet search history, and she "admitted to conducting internet searches, including how to induce a miscarriage" and how to buy pregnancy-terminating medicine like mifepristone and misoprostol online. After significant public attention, the case against Ms. Fisher was dropped.

In another case, in Indiana, text messages to a friend about taking abortion pills late in a pregnancy were used to convict Purvi Patel, who successfully appealed and reduced a 20-year sentence for feticide and neglect of a dependent.

"Those text messages, those websites visited, those Google searches are the exact type of intent evidence that prosecutors want to fill their bag of evidence," Ms. Conti-Cook said.

Investigators could also potentially use smartphone location data if states pass laws forbidding women to travel to areas where abortion is legal. Information about people's movements, collected via apps on their phones, is regularly sold by data brokers.

When The New York Times investigated the supposedly anonymized data on the market in 2018, it was able to identify a woman who had spent an hour at a Planned Parenthood in Newark. In May, a journalist at Vice was able to buy information from a data broker about phones that had been carried to Planned Parenthoods over the course of a week for just \$160. (After Vice's report, the data broker said it planned to cease selling data about visits to the health provider.)

In the past, anti-abortion activists have "geofenced" Planned Parenthoods, creating a digital border around them and targeting phones that enter the area with ads directing owners to a website meant to dissuade women from ending their pregnancies.

There are similar attempts to capture the attention of people who go online to seek help with abortions. "Pregnancy crisis centers" aim to be at the top of Google search results when people seek information about how to end a pregnancy. When someone clicks through to such a website, it will sometimes try to collect information about the person.

Given the many ways in which people's movements, communications and internet searches are digitally tracked, the bigger question may be just how zealous law enforcement will be in states with abortion bans. Those advising against the use of period trackers appear to fear the worst: dragnet-style searches for anyone who was pregnant and then ceased to be.

"It's hard to say what will happen where and how and when, but the possibilities are pretty perilous," Ms. Conti-Cook said. "It can be very easy to be overwhelmed by all the possibilities, which is why I try to emphasize focusing on what we have seen used against people."

She added: "Google searches, websites visited, email receipts. That's what we've seen."

Kashmir Hill is a tech reporter based in New York. She writes about the unexpected and sometimes ominous ways technology is changing our lives, particularly when it comes to our privacy. @kashhill