



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

July 7, 2023

[Name of Commenter]

Re: *BetterHelp, Inc.*, File No. 2023169

Dear [Name]:

Thank you for your comment regarding the Federal Trade Commission's ("FTC" or "Commission") proposed consent agreement in the above-titled proceeding against BetterHelp, Inc. ("BetterHelp"). The Commission has placed your comment on the public record pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). Your comment raises important issues, and we have given it serious consideration.

The Commission's primary law enforcement tool is Section 5 of the FTC Act, 15 U.S.C. § 45, which prohibits unfair and deceptive acts or practices. The Commission also enforces numerous other laws and evaluates the unique circumstances of each case to determine the appropriate charges.

Here, the Commission alleges that BetterHelp committed several Section 5 violations. The Commission's complaint alleges that BetterHelp repeatedly pushed people to hand over their sensitive health information through unavoidable prompts and assured consumers that it would keep that information private. The complaint alleges that, despite those promises, BetterHelp used and shared the health information of millions of consumers with platforms like Facebook, Snapchat, Criteo, and Pinterest for advertising purposes. The complaint also alleges that BetterHelp failed to maintain sufficient policies or procedures to protect the sensitive information it collected from consumers.

BetterHelp's actions strike at the core of a key Commission priority, namely its commitment to protect consumers' privacy. When consumers entrust a company with their personal information, the company must protect the privacy and confidentiality of that information. This is even more so the case when the information is sensitive, such as health information. When a company then betrays consumers' trust and shares that information without consumers' knowledge or approval, the company must be held responsible.

The proposed consent agreement both holds BetterHelp accountable for its actions and requires it to implement measures to protect consumers' privacy in the future. Specifically, the proposed consent agreement bans BetterHelp from sharing consumers' health information for

advertising and from sharing consumers' personal information for re-targeting. It also requires BetterHelp to pay \$7.8 million to provide partial refunds to people who signed up for and paid for BetterHelp's services between August 1, 2017, and December 31, 2020. For more information on how to obtain a refund, visit the FTC's refund page, available at <https://www.ftc.gov/enforcement/refunds>.

In addition, the proposed consent agreement requires that BetterHelp obtain consumers' affirmative express consent before disclosing their personal information to certain third parties for any permitted purpose. And it requires BetterHelp to implement a comprehensive privacy program that includes strong safeguards to protect consumers' privacy and is subject to outside assessments by an independent third party. For example, under the privacy program, BetterHelp must conduct mandatory annual privacy training of all employees, delete consumers' personal information that is no longer reasonably necessary, and institute testing of each mechanism by which BetterHelp discloses consumers' personal information to third parties. Additionally, the proposed consent agreement prohibits BetterHelp from misrepresenting how BetterHelp collects, uses, and discloses consumers' personal information and misrepresenting to consumers that a government agency or other third party certified BetterHelp's compliance with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). Although the Commission does not enforce HIPAA, this complaint and others previously brought by the Commission demonstrate that the Commission will hold entities accountable for false HIPAA certification claims. The proposed consent agreement also requires BetterHelp to tell consumers who signed up for an account before January 1, 2021—people affected by the practices alleged in the complaint—about the FTC's action against BetterHelp.

We appreciate your support of the proposed consent agreement. The Commission believes the relief in the proposed consent agreement will hold BetterHelp accountable and protect the privacy of consumers who use BetterHelp's products and services. If BetterHelp violates the Commission's final order, the Commission may seek civil monetary penalties of over \$50,000 per violation pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). The FTC is committed to the enforcement of its orders, including the order in this proceeding. If, in the future, you have specific information suggesting that BetterHelp is not maintaining reasonable privacy or security of user information, please contact the FTC at (877) 382-4357, or file a report online at <https://reportfraud.ftc.gov>.

The Commission has determined that the public interest would best be served by issuing the complaint and Decision and Order in the above-titled proceeding in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and it thanks you again for your comment.

By direction of the Commission.

April J. Tabor  
Secretary



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Office of the Secretary

July 7, 2023

Linda L. Michaels, PsyD MBA, Chair  
Pratyusha Tummala-Narra, PhD, Vice Chair  
Janice Muhr, PhD, Treasurer  
Psychotherapy Action Network  
645 N. Michigan Ave, Suite 803  
Chicago, IL 60611

Re: *BetterHelp, Inc.*, File No. 2023169

Dear Dr. Michaels, Dr. Tummala-Narra, and Dr. Muhr:

Thank you for your comment regarding the Federal Trade Commission's ("FTC" or "Commission") proposed consent agreement in the above-titled proceeding against BetterHelp, Inc. ("BetterHelp"). The Commission has placed your comment on the public record pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). Your comment raises important issues, and we have given it serious consideration.

The Commission's primary law enforcement tool is Section 5 of the FTC Act, 15 U.S.C. § 45, which prohibits unfair and deceptive acts or practices. The Commission also enforces numerous other laws and evaluates the unique circumstances of each case to determine the appropriate charges.

Here, the Commission alleges that BetterHelp committed several Section 5 violations. The Commission's complaint alleges that BetterHelp repeatedly pushed people to hand over their sensitive health information through unavoidable prompts and assured consumers that it would keep that information private. The complaint alleges that, despite those promises, BetterHelp used and shared the health information of millions of consumers with platforms like Facebook, Snapchat, Criteo, and Pinterest for advertising purposes. The complaint also alleges that BetterHelp failed to maintain sufficient policies or procedures to protect the sensitive information it collected from consumers.

BetterHelp's actions strike at the core of a key Commission priority, namely its commitment to protect consumers' privacy. When consumers entrust a company with their personal information, the company must protect the privacy and confidentiality of that information. This is even more so the case when the information is sensitive, such as health

information. When a company then betrays consumers' trust and shares that information without consumers' knowledge or approval, the company must be held responsible.

The proposed consent agreement both holds BetterHelp accountable for its actions and requires it to implement measures to protect consumers' privacy in the future. Specifically, the proposed consent agreement bans BetterHelp from sharing consumers' health information for advertising and from sharing consumers' personal information for re-targeting. It also requires BetterHelp to pay \$7.8 million to provide partial refunds to people who signed up for and paid for BetterHelp's services between August 1, 2017, and December 31, 2020.<sup>1</sup>

In addition, the proposed consent agreement requires that BetterHelp obtain consumers' affirmative express consent before disclosing their personal information to certain third parties for any permitted purpose. And it requires BetterHelp to implement a comprehensive privacy program that includes strong safeguards to protect consumers' privacy and is subject to outside assessments by an independent third party. For example, under the privacy program, BetterHelp must conduct mandatory annual privacy training of all employees, delete consumers' personal information that is no longer reasonably necessary, and institute testing of each mechanism by which BetterHelp discloses consumers' personal information to third parties. Additionally, the proposed consent agreement prohibits BetterHelp from misrepresenting how BetterHelp collects, uses, and discloses consumers' personal information and misrepresenting to consumers that a government agency or other third party certified BetterHelp's compliance with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). Although the Commission does not enforce HIPAA, this complaint and others previously brought by the Commission demonstrate that the Commission will hold entities accountable for false HIPAA certification claims. The proposed consent agreement also requires BetterHelp to tell consumers who signed up for an account before January 1, 2021—people affected by the practices alleged in the complaint—about the FTC's action against BetterHelp.

The Commission believes the relief in the proposed consent agreement will hold BetterHelp accountable and protect the privacy of consumers who use BetterHelp's products and services. If BetterHelp violates the Commission's final order, the Commission may seek civil monetary penalties of over \$50,000 per violation pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). The FTC is committed to the enforcement of its orders, including the order in this proceeding. If, in the future, you have specific information suggesting that BetterHelp is not maintaining reasonable privacy or security of user information, please contact the Consumer Response Center at (877) 382-4357, or file a report online at <https://reportfraud.ftc.gov>.

PsiAN's comment supports the proposed consent agreement, highlighting the importance of the proposed order's restrictions on BetterHelp's ability to disclose consumers' personal information to third parties in the future, as well as the proposed order's requirement for affirmative express consent before other disclosures of consumers' personal information. We appreciate PsiAN's support of the proposed consent agreement and the Commission will

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<sup>1</sup> For more information on how to obtain a refund, visit the FTC's refund page, available at <https://www.ftc.gov/enforcement/refunds>.

continue to use its unfairness and deception authority when appropriate to protect consumers' privacy.

Your comment also states that BetterHelp should be required moving forward to make public any marketing, advertising, or customer-acquisition strategies. As noted above, the proposed consent agreement in this matter specifically prohibits BetterHelp from making misrepresentations about the privacy of consumer information, including in connection with promoting its products and services.

The Commission has determined that the public interest would best be served by issuing the complaint and Decision and Order in the above-titled proceeding in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and it thanks you again for your comment.

By direction of the Commission.

April J. Tabor  
Secretary



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FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

July 7, 2023

John Davisson, Director of Litigation & Senior Counsel  
Suzanne Bernstein, Law Fellow  
Electronic Privacy Information Center  
1519 New Hampshire Ave. NW  
Washington, DC 20036

Re: *BetterHelp, Inc.*, File No. 2023169

Dear Mr. Davisson and Ms. Bernstein:

Thank you for your comment regarding the Federal Trade Commission's ("FTC" or "Commission") proposed consent agreement in the above-titled proceeding against BetterHelp, Inc. ("BetterHelp"). The Commission has placed your comment on the public record pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). Your comment raises important issues, and we have given it serious consideration.

The Commission's primary law enforcement tool is Section 5 of the FTC Act, 15 U.S.C. § 45, which prohibits unfair and deceptive acts or practices. The Commission also enforces numerous other laws and evaluates the unique circumstances of each case to determine the appropriate charges.

Here, the Commission alleges that BetterHelp committed several Section 5 violations. The Commission's complaint alleges that BetterHelp repeatedly pushed people to hand over their sensitive health information through unavoidable prompts and assured consumers that it would keep that information private. The complaint alleges that, despite those promises, BetterHelp used and shared the health information of millions of consumers with platforms like Facebook, Snapchat, Criteo, and Pinterest for advertising purposes. The complaint also alleges that BetterHelp failed to maintain sufficient policies or procedures to protect the sensitive information it collected from consumers.

BetterHelp's actions strike at the core of a key Commission priority, namely its commitment to protect consumers' privacy. When consumers entrust a company with their personal information, the company must protect the privacy and confidentiality of that information. This is even more so the case when the information is sensitive, such as health information. When a company then betrays consumers' trust and shares that information without consumers' knowledge or approval, the company must be held responsible.

The proposed consent agreement both holds BetterHelp accountable for its actions and requires it to implement measures to protect consumers' privacy in the future. Specifically, the proposed consent agreement bans BetterHelp from sharing consumers' health information for advertising and from sharing consumers' personal information for re-targeting. It also requires BetterHelp to pay \$7.8 million to provide partial refunds to people who signed up for and paid for BetterHelp's services between August 1, 2017, and December 31, 2020.<sup>1</sup>

In addition, the proposed consent agreement requires that BetterHelp obtain consumers' affirmative express consent before disclosing their personal information to certain third parties for any permitted purpose. And it requires BetterHelp to implement a comprehensive privacy program that includes strong safeguards to protect consumers' privacy and is subject to outside assessments by an independent third party. For example, under the privacy program, BetterHelp must conduct mandatory annual privacy training of all employees, delete consumers' personal information that is no longer reasonably necessary, and institute testing of each mechanism by which BetterHelp discloses consumers' personal information to third parties. Additionally, the proposed consent agreement prohibits BetterHelp from misrepresenting how BetterHelp collects, uses, and discloses consumers' personal information and misrepresenting to consumers that a government agency or other third party certified BetterHelp's compliance with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). Although the Commission does not enforce HIPAA, this complaint and others previously brought by the Commission demonstrate that the Commission will hold entities accountable for false HIPAA certification claims. The proposed consent agreement also requires BetterHelp to tell consumers who signed up for an account before January 1, 2021—people affected by the practices alleged in the complaint—about the FTC's action against BetterHelp.

The Commission believes the relief in the proposed consent agreement will hold BetterHelp accountable and protect the privacy of consumers who use BetterHelp's products and services. If BetterHelp violates the Commission's final order, the Commission may seek civil monetary penalties of over \$50,000 per violation pursuant to Section 5(l) of the FTC Act. The FTC is committed to the enforcement of its orders, including the order in this proceeding. If, in the future, you have specific information suggesting that BetterHelp is not maintaining reasonable privacy or security of user information, please contact the FTC at (877) 382-4357, or file a report online at <https://reportfraud.ftc.gov>.

EPIC's comment supports the proposed consent agreement, highlighting the importance of the proposed order's restrictions on BetterHelp's ability to disclose consumers' personal information to third parties in the future, as well as the proposed order's explicit prohibitions against future misrepresentations. We appreciate EPIC's support of the proposed consent agreement and the Commission will continue to use its unfairness and deception authority when appropriate to protect consumers' privacy.

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April J. Tabor  
Secretary





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Office of the Secretary

July 7, 2023

Joy Alafia, Executive Director  
Bradly J. Muldrow, Staff Attorney  
California Association of Marriage and Family Therapists  
7901 Raytheon Road  
San Diego, CA 92111-1606

Re: *BetterHelp, Inc.*, File No. 2023169

Dear Ms. Alafia and Mr. Muldrow:

Thank you for your comment regarding the Federal Trade Commission's ("FTC" or "Commission") proposed consent agreement in the above-titled proceeding against BetterHelp, Inc. ("BetterHelp"). The Commission has placed your comment on the public record pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). Your comment raises important issues, and we have given it serious consideration.

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BetterHelp's actions strike at the core of a key Commission priority, namely its commitment to protect consumers' privacy. When consumers entrust a company with their personal information, the company must protect the privacy and confidentiality of that information. This is even more so the case when the information is sensitive, such as health information. When a company then betrays consumers' trust and shares that information without consumers' knowledge or approval, the company must be held responsible.

The proposed consent agreement both holds BetterHelp accountable for its actions and requires it to implement measures to protect consumers' privacy in the future. Specifically, the proposed consent agreement bans BetterHelp from sharing consumers' health information for advertising and from sharing consumers' personal information for re-targeting. It also requires BetterHelp to pay \$7.8 million to provide partial refunds to people who signed up for and paid for BetterHelp's services between August 1, 2017, and December 31, 2020.<sup>1</sup>

In addition, the proposed consent agreement requires that BetterHelp obtain consumers' affirmative express consent before disclosing their personal information to certain third parties for any permitted purpose. And it requires BetterHelp to implement a comprehensive privacy program that includes strong safeguards to protect consumers' privacy and is subject to outside assessments by an independent third party. For example, under the privacy program, BetterHelp must conduct mandatory annual privacy training of all employees, delete consumers' personal information that is no longer reasonably necessary, and institute testing of each mechanism by which BetterHelp discloses consumers' personal information to third parties. Additionally, the proposed consent agreement prohibits BetterHelp from misrepresenting how BetterHelp collects, uses, and discloses consumers' personal information and misrepresenting to consumers that a government agency or other third party certified BetterHelp's compliance with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). Although the Commission does not enforce HIPAA, this complaint and others previously brought by the Commission demonstrate that the Commission will hold entities accountable for false HIPAA certification claims. The proposed consent agreement also requires BetterHelp to tell consumers who signed up for an account before January 1, 2021—people affected by the practices alleged in the complaint—about the FTC's action against BetterHelp.

The Commission believes the relief in the proposed consent agreement will hold BetterHelp accountable and protect the privacy of consumers who use BetterHelp's products and services. If BetterHelp violates the Commission's final order, the Commission may seek civil monetary penalties of over \$50,000 per violation pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). The FTC is committed to the enforcement of its orders, including the order in this proceeding. If, in the future, you have specific information suggesting that BetterHelp is not maintaining reasonable privacy or security of user information, please contact the FTC at (877) 382-4357, or file a report online at <https://reportfraud.ftc.gov>.

Your comment supports the proposed consent agreement, highlighting the importance of the proposed order's restrictions on BetterHelp's ability to disclose consumers' personal information to third parties, as well as its requirement that BetterHelp implement a comprehensive privacy program. We appreciate CAMFT's support of the proposed consent agreement and the Commission will continue to use its unfairness and deception authority when appropriate to protect consumers' privacy.

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WASHINGTON, D.C. 20580

Office of the Secretary

July 7, 2023

Nicole Sugerman, Kairos Campaign Manager  
Kairos Fellowship  
nicole@kairosfellows.org

Re: *BetterHelp, Inc.*, File No. 2023169

Dear Ms. Sugerman:

Thank you for your comment regarding the Federal Trade Commission's ("FTC" or "Commission") proposed consent agreement in the above-titled proceeding against BetterHelp, Inc. ("BetterHelp"). The Commission has placed your comment on the public record pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). Your comment raises important issues, and we have given it serious consideration.

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In addition, the proposed consent agreement requires that BetterHelp obtain consumers' affirmative express consent before disclosing their personal information to certain third parties for any permitted purpose. And it requires BetterHelp to implement a comprehensive privacy program that includes strong safeguards to protect consumers' privacy and is subject to outside assessments by an independent third party. For example, under the privacy program, BetterHelp must conduct mandatory annual privacy training of all employees, delete consumers' personal information that is no longer reasonably necessary, and institute testing of each mechanism by which BetterHelp discloses consumers' personal information to third parties. Additionally, the proposed consent agreement prohibits BetterHelp from misrepresenting how BetterHelp collects, uses, and discloses consumers' personal information and misrepresenting to consumers that a government agency or other third party certified BetterHelp's compliance with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). Although the Commission does not enforce HIPAA, this complaint and others previously brought by the Commission demonstrate that the Commission will hold entities accountable for false HIPAA certification claims. The proposed consent agreement also requires BetterHelp to tell consumers who signed up for an account before January 1, 2021—people affected by the practices alleged in the complaint—about the FTC's action against BetterHelp.

The Commission believes the relief in the proposed consent agreement will hold BetterHelp accountable and protect the privacy of consumers who use BetterHelp's products and services. If BetterHelp violates the Commission's final order, the Commission may seek civil monetary penalties of over \$50,000 per violation pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). The FTC is committed to the enforcement of its orders, including the order in this proceeding. If, in the future, you have specific information suggesting that BetterHelp is not maintaining reasonable privacy or security of user information, please contact the FTC at (877) 382-4357, or file a report online at <https://reportfraud.ftc.gov>.

Your comment supports the proposed consent agreement, highlighting the importance of the proposed order's restrictions on BetterHelp's ability to disclose consumers' personal information to third parties, as well as the partial refunds that will be paid to certain of BetterHelp's users. We appreciate Kairos Fellowship's support of the proposed consent agreement and the Commission will continue to use its unfairness and deception authority when appropriate to protect consumers' privacy.

The Commission has determined that the public interest would best be served by issuing the complaint and Decision and Order in the above-titled proceeding in final form without any

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