



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 11, 2013

Mr. David J. Schlanger
Interim Chief Executive Officer
WebMD Health Corp.
111 8th Ave., 7th floor
New York, NY 10011

Dear Mr. Schlanger,

I am writing to you about the health-related information your company's website, www.webmd.com, collects about consumers. As one of the country's most popular health-related websites,¹ www.webmd.com is visited regularly by millions of consumers seeking information about health-related topics. When consumers in Illinois, and across the country, access and use a website like www.webmd.com, they inevitably leave behind a digital footprint that contains sensitive information about them or their family members. This digital footprint can include the health topics and symptoms they research, the drugs they read about, or the links they click. I am sure you agree that information as sensitive as this raises important privacy considerations. I am seeking to understand what your company does with the information, the steps it takes to safeguard the information, and whether your company allows third-party companies to access the information.

Over the past decade, consumers have increasingly used the Internet as a resource for health-related information. One recent study showed that seventy-two percent of adults in the United States have used the Internet to research health issues.² The ease with which consumers can now obtain information about health topics has greatly benefited our country. While websites like yours offer important services to consumers who are seeking information, the use of the Internet to research health-related issues also gives rise to troubling privacy concerns. Health-related information, which would be protected from disclosure when said in a doctor's office, can be captured, shared, and sold when entered into a website. These concerns are likely overlooked by consumers, as the disclosures about capturing and sharing their information are often buried in privacy policies not found on websites' main pages.

¹ Alexa – Top Sites by Category: Health, <http://www.alexa.com/topsites/category/Top/Health> (last visited Jul. 10, 2013).

² Susannah Fox et al., Family Caregivers are Wired for Health 9 (Jun. 20, 2013), *available at* <http://pewinternet.org/Reports/2013/Family-Caregivers.aspx>.

Because there are significant ramifications to capturing, storing, and selling consumers' health-related information, I have directed my office to focus on this issue. The Office of the Illinois Attorney General is tasked with enforcing laws designed to protect Illinois residents' sensitive personal information, including health information, and we must understand what happens to consumers' information when they access websites like yours.

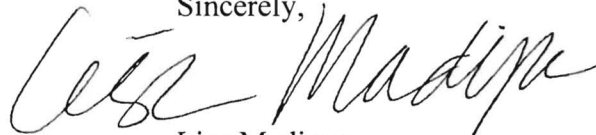
Please provide answers to the following questions and requests by Friday, August 2, 2013.

1. What types of information/data do Illinois consumers generate while accessing WebMD's website or mobile application?
2. Does WebMD capture, collect, store, aggregate, sell, share, or transmit information pertaining to Illinois consumers? If so, please provide answers to the following questions:
 - a. What information about Illinois consumers does WebMD capture, collect, store, aggregate, sell, share or transmit?
 - b. Why does WebMD capture, collect, store, aggregate, sell, share, or transmit information pertaining to Illinois consumers?
 - c. How is this information stored and protected? Are different categories of consumers' information stored or secured differently?
 - d. What security methods and practices are in place to ensure consumer health information or personally identifiable information is safeguarded?
 - e. To what extent is consumer health information anonymized?
3. What forms of consumer tracking, if any, does WebMD use? (IP logging, first-party web cookie placement, geo-physical location tracking, search query caching, etc.)
4. Do you provide your website's users with the opportunity to opt out of any data collection and/or tracking that it utilizes? If so, please provide answers to the following questions:
 - a. How can users of your website opt out of tracking and/or data collection?
 - b. How is this option disclosed to consumers?
 - c. What percentage of your website's users have opted out of tracking and/or data collection?
5. Do third-parties have access to information/data that users generate while accessing your company's website? If so, please provide answers to the following questions:
 - a. Who are these third-parties? Please provide a list of these third-parties and your company's contracts with each of these third-parties.
 - b. What information do these third-parties have access to?

- c. Does WebMD benefit financially by allowing third-parties to access this information? If so, how much revenue does WebMD generate annually by giving third-parties access to this information?
 - d. What forms of consumer tracking, if any, does WebMD allow third parties to employ?
 - e. Does WebMD restrict how this information is used by third-parties? If so, what are these restrictions and how does WebMD enforce them?
6. Using website or mobile application analytics, provide the percentage of users who have also accessed your company's privacy policy.
7. Please provide any supporting documents used to generate responses to the above questions, including:
 - a. A copy of your Privacy Policy, in its current state made available to consumers.
 - b. All documents made available to consumers, purchasers, or third-parties that refer to the collection, storage, aggregation, sale, or transmission of consumers' information.
 - c. Screenshot(s) of any Privacy Policy and/or Terms of Service made available to consumers utilizing any mobile-application based consumer device.
 - d. A spreadsheet detailing any consumer complaints or inquiries pertaining to how consumer information is collected, stored, or shared.

If you have any questions, please contact Erik Jones, Policy Director and Assistant Attorney General, at (312) 814-3873 or Matt Van Hise, Assistant Attorney General, at (217) 782-4436.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Madigan". The signature is fluid and cursive, with the first name "Lisa" written in a larger, more prominent script than the last name "Madigan".

Lisa Madigan
Attorney General