

Reproductive Rights and Data Privacy

WHEREAS: Following the revocation of the constitutional right to an abortion in June 2022, federal policymakers and legislators are concerned about the use of personal digital data for the enforcement of state laws that ban or limit abortion access. Congress is considering bills that increase privacy protections for personal reproductive health information. California requires out-of-state law enforcement seeking personal data from California corporations to attest the investigation does not involve any crime concerning an abortion that is lawful in California.

Law enforcement frequently relies on digital consumer data. While CVS does not publicly report figures on law enforcement requests compliance, Alphabet and Meta collectively received around 110,000 requests in the second half of 2021. Each complied with about 80 percent of those requests.¹ In 2022, Meta satisfied a Nebraska police warrant for private Facebook messages from a defendant facing felony charges for allegedly helping her daughter terminate a pregnancy,² receiving significant negative press.

CVS collects sensitive personal digital information including geolocation and inferential data, internet activity, and commercial history. Shareholders are concerned data will be accessed without consumer consent by states that criminalize abortion. The Company's privacy policies allow CVS to disclose personal consumer information "in response to a . . . request from law enforcement."³ However, such law enforcement requests may seek evidence of consumer acts that are inappropriate for CVS to voluntarily share – for example, customers' financial activities that were legal in the state where they occurred, such as purchasing abortifacients.

CVS collects and stores digital consumer data and is not immune to abortion-related law enforcement requests that may create significant reputational, financial, and legal risks. CVS already complies with "deletion rights" under California law, wherein consumers may request the Company delete personal data that it is not legally required to retain. There is a strong brand benefit to increasing longstanding consumer privacy expectations.

RESOLVED: Shareholders request our Board issue a public report detailing known and potential risks and costs to the Company of fulfilling information requests relating to CVS customers for the enforcement of state laws criminalizing abortion access, and setting forth any strategies beyond legal compliance the Company may deploy to minimize or mitigate these risks. The report should be produced at reasonable expense, exclude proprietary or legally privileged information, and be published within one year of the annual meeting.

SUPPORTING STATEMENT: Shareholders recommend, at board discretion, input from reproductive rights and civil liberties organizations be solicited and reflected in the report, and the report contain:

- (1) An assessment of the implementation of a nationwide data privacy policy wherein consumers would have "deletion rights;"
- (2) An evaluation of the benefits of notifying consumers about law enforcement information requests regarding their data prior to, and with sufficient time for consumer response, before complying with any such request.

¹ <https://transparencyreport.google.com/user-data/overview?hl=en>; <https://transparency.fb.com/data/government-data-requests/country/us/>

² <https://www.npr.org/2022/08/12/1117092169/nebraska-cops-used-facebook-messages-to-investigate-an-alleged-illegal-abortion>

³ <https://www.cvs.com/content/patient-privacy>; <https://www.cvs.com/content/privacy-policy>