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Menstrual surveillance is a feminist issue: privacy concerns in period and fertility apps

Period and fertility apps are becoming more widely used and routinely incorporated into users' daily lives. These apps collect highly personal and sensitive user data, including details about one's menstrual cycle, sexuality, or will to procreate. The sensitive nature of the collective data, as well as the commercial character of many apps, create space for a plethora of ethical issues, including privacy breaches, surveillance and abuse of power. In our paper, we take a closer look at three examples of what recently went wrong in the field of period and fertility apps and discuss what these troubling instances mean for the conceptualisation of privacy.

We explore the cases of 1) a 'women's health' and fertility app, which promotes natural (i.e. the least reliable) methods of family planning, and was found to be linked to individuals and funders engaged in anti-abortion anti-gay Catholic campaigning; 2) a period and ovulation tracker, which has been accused of sharing intimate user data with Facebook; 3) a group of three apps by one provider, that enable to track ovulation, pregnancy and parenting, which have been pitched to employers and companies have 'encouraged' their use among employees to 'keep up' with their procreative plans.

We believe that these cases reveal much about unequal social power structures, which also shape emerging technologies. From our point of view, the cases highlight some of the dangerous and risky implications of digitalised health applications for structurally oppressed and vulnerable groups, such as women and LGBTIQ people.

In our analysis of the examples, we observe a dynamic of commodification of user data as well as user surveillance with potential attempts at control. We argue that menstrual surveillance is an intersectional feminist issue. The surveillance and data-commodification we see in period and fertility apps involve oversight of gender-oppressed individuals' intimate information by members of a structurally privileged group. A major power imbalance lies in the fact that many period and fertility apps

are designed, driven and profited from by cisgender men. The design of these technologies isn't sufficiently informed by user groups' needs and interests and these technologies can, indeed, reinforce patriarchal agendas.

This we see in Case 1, which involves an app which has been designed and funded by men invested in a Catholic anti-choice agenda, involving the controlling of women's and LGBTIQ's lives, and the spreading of queerphobia. The concerning question then is how these agendas affect the app guidance given to users and how the providers linked to anti-abortion campaigning utilise highly personal information about women's and LGBTIQ people's menstrual cycles and sex lives.

Upon interrogation of the other two examples, we see that private information collected through apps can be used to further the commercial interests of app providers and/or employers. Data mining and sharing in Case 2 involves the appropriation of sensitive private data by app providers for advertising and commercial purposes, while the 'encouraged' use of a period/fertility tracker by an employer, as illustrated by Case 3, points to attempts at surveilling women's and LGBTIQ people's lives for app providers' and employers' profit. These examples highlight to us the dangers of privacy invasion and social disciplinaton of workers' procreative choices. In particular, we are concerned about erosion of one's sovereignty over intimate details about their bodily processes, sexuality and potential procreation and the implications this has for personal and procreative autonomy of gender-oppressed groups.

We propose that these concerns need to be addressed in order to make mHealth technologies just and safe to use. We further argue that a traditional and narrowly construed conceptualisation of privacy does not capture these concerns, because this notion of privacy fails to sufficiently grasp structural issues of power and domination, which are at play in period and fertility apps. We contend that a much broader and nuanced concept of privacy is needed, one that would provide handles to grasp the complex power dynamic of gender and heteronormative patriarchal family politics, proliferated through the applications in our case studies.