

# Think women ought to have abortion rights? Don't talk about it on Facebook

August 18 2022, by Robin Epley

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Credit: Unsplash/CC0 Public Domain

The case of Facebook's parent company, Meta, turning over private message data to Nebraska investigators, who then used it to prosecute a teenage girl who induced an abortion, is the latest proof that our sense of

privacy is an illusion.

Celeste Burgess and her mother, Jessica Burgess, have been charged with one felony count of prohibited acts with human skeletal remains, one misdemeanor count of concealing the death of another person and one misdemeanor count of false information. Jessica Burgess has also been charged with felony counts of inducing an illegal abortion and performing an abortion as someone other than a licensed physician.

Authorities say Celeste was 17 years old and 23 weeks pregnant when she and her mother used Facebook Messenger to purchase medicine designed to end a pregnancy. The police were following up on a tip when they requested the message data from Meta, Facebook's [parent company](#).

Obviously, at 23 weeks pregnant, a surgical abortion would have been preferable, but that wasn't an option.

In a post-Roe world, we apparently must also fear that [tech companies](#) might willingly hand over private data to aid in the harassment and prosecution of citizens who act on their right to bodily autonomy.

The Burgesses have maintained throughout the investigation that the abortion produced a stillborn fetus, yet they are facing serious charges, and Celeste is being tried as an adult.

What is to stop Nebraska, or any other state, from using someone's personal data to track a pregnancy?

People who menstruate are deleting apps that help track our periods, so they don't share unencrypted information about their cycles with third parties. Would the police also like to know if I flush an unusually large blood clot down the toilet while on my period? Does that information make you uncomfortable? Good. Sit in your unease.

Electronic Frontier Foundation Director of Federal Affairs India McKinney says this type of intrusion is not only possible but has been happening for years.

"Any data collected and stored by [private company](#) can be accessed by [law enforcement](#) and is being accessed by law enforcement," she said. "Sometimes it's because of a warrant and sometimes it's just because they ask nicely, and sometimes it's because they buy the data from data brokers."

A Californian offering over the internet to help a person in a state like Nebraska could even be subject to Nebraska laws, though supporters of abortion rights are working on possible solutions at both the state and federal level.

A recent executive order from President Joe Biden favors [federal funding](#) in legal conflicts to states where access to abortion is guaranteed, and urges the Federal Trade Commission and the Department of Health and Human Service to reinforce and educate the public on data protection policies. McKinney said the EFF is working to encourage legislators to pass national data protections.

Tech companies such as Amazon, Apple, Google, Lyft and Facebook all rushed in after Roe was overturned to promise they would pay the cost of any employee seeking an abortion, yet stayed curiously silent about how they would respond to requests for data.

We simply cannot expect our society to be technologically-dependent while refusing to properly regulate the companies that control our most [personal data](#) and technologies. Anything you put on any of your [digital devices](#) is accessible to the [company](#) unless it's encrypted, McKinney said.

"It feels like it's personal and private because you're alone, but that's not how data works."

The case against the Burgesses reveals the extent law enforcement will go in a post-Roe world to enforce state [abortion](#) bans, compromising not only our rights to bodily autonomy but also our right to privacy.

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