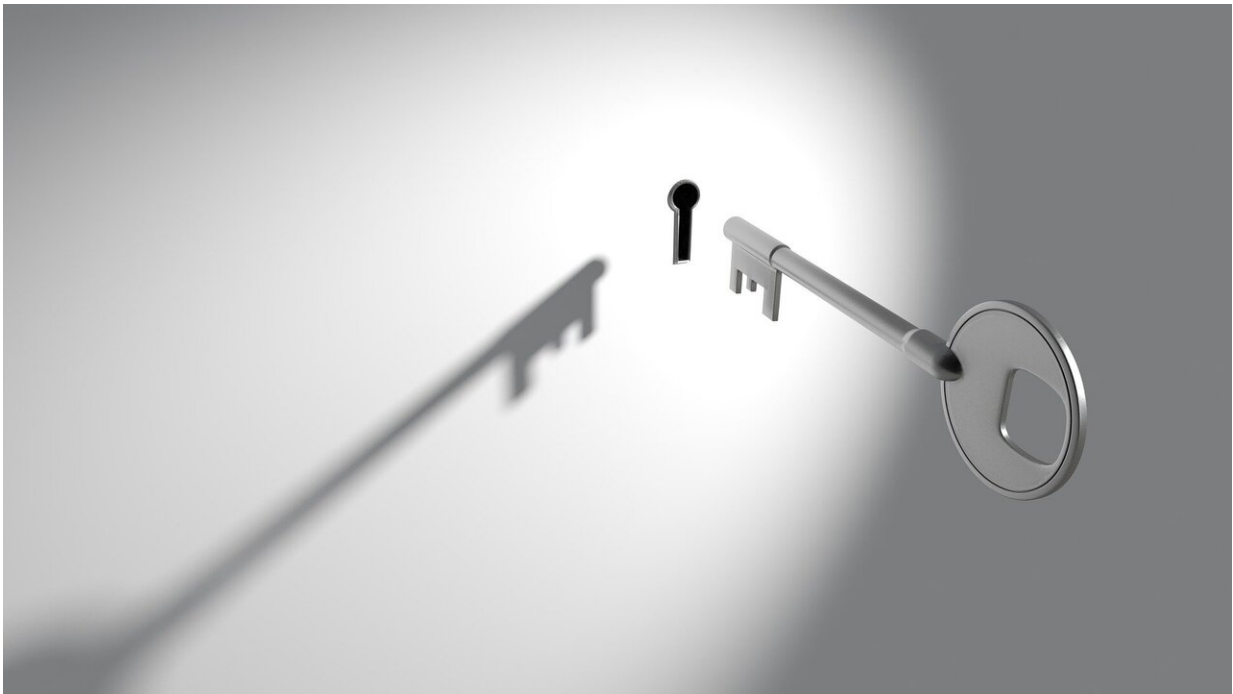


# Colorado law protects brain data captured by gadgets

April 18 2024

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Credit: CC0 Public Domain

Colorado on Wednesday expanded its privacy law to include brain data gathered by the booming array of gadgets people use for feedback about sleep, fitness, sports, and lifestyle.

Nonprofit Neurorights Foundation said it worked with the state on the unprecedented legal protection for neurological data gathered by devices

not governed by privacy laws applied to [medical information](#).

A bill signed into law by the Colorado governor expands a 2021 privacy act to include protection of neural data, defined as "measurement of the activity of an individual's central or peripheral nervous systems and that can be processed by or with the assistance of a device."

The foundation strives to warn authorities to risks posed by devices such as headbands for improving sleep, earpieces to aid meditation, sensors for improving golf swings and the like.

Users are typically unaware that consumer "neurotechnology" can record or even influence brain activity, foundation co-founder Jared Genser told reporter while discussing a freshly released report on the topic.

"The human brain is unlike any other organ, as it generates all of our mental and cognitive activities," the foundation report stated.

Such neural data "is therefore capable of revealing enormously sensitive information about the people from whom it was collected, including identifiable information about their [mental health](#), physical health, and cognitive processing," it contended.

The gadgets function outside privacy rules applied to professional medical care, according to Genser.

"Your thoughts, your memories, your imagination, your emotions, your behavior and even subconscious things you are not aware of are carried in the brain," said foundation president Rafael Yuste, director of the Neurotechnology Center at Columbia University.

The foundation study shows that companies, many of them small startups, behind gadgets often harvest more data than is needed for

products to function.

Most companies also allow sharing of collected neural data with unspecified third parties, according to the foundation.

Advocates also worry about long-term dangers as the sensitivity of sensors improves.

"Sooner or later, a company will sell magnetic stimulators to improve memory, Yuste predicted.

"Which will make it possible to manipulate brain activity, not just record it."

The underlying technology is advancing rapidly, thanks to neural implants placed directly in brains and [artificial intelligence](#) that helps interpret activity detected.

Tech titans could accelerate adoption of such gadgets by tying data to popular services or features on their platforms.

Genser noted that Apple recently filed a [patent application](#) to add electroencephalography sensors that sense brain activity to AirPods wireless earpieces.

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