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American Medical Association Adopts Landmark Policy on Neural Data Privacy

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The American Medical Association (AMA) House of Delegates has unanimously adopted Resolution 503, "Safeguarding Neural Data Collected by Neurotechnologies." This new policy cements the AMA's support for comprehensive protections governing the collection, use and disclosure of "neural data" – and sets a medical consensus definition of the term.

Key elements of the AMA policy

- **Formal definition of neural data:** The resolution defines neural data as "information obtained by measuring the activity of a person's central or peripheral nervous system through the use of neurotechnologies." Importantly, the policy clarifies that neural data **does not** include data inferred from non-neural sources, such as traditional biometric sensors.
- **Support for legislative and regulatory action:** The AMA expressly endorses enactment of laws and regulations that safeguard the privacy and security of neural data, and prohibit discrimination or other inequitable uses of neurotechnology.
- **Opposition to overbroad definitions:** The resolution directs the AMA to oppose efforts to expand the definition of neural data to encompass "data inferred from non-neural information," underscoring the organization's view that neural signals merit unique treatment distinct from broader categories of biometric or physiological data.
- **Focus on nondiscrimination and fair access:** The AMA calls for algorithms and use cases involving neurotechnology to incorporate nondiscrimination principles, and for regulatory guidelines to address equity and justice in access to neurotechnology-enabled therapies and enhancements.

Why the resolution matters

- **Authoritative medical guidance:** As the largest US physician association, the AMA's policy statements may influence federal agencies, state legislatures and private accrediting bodies. The endorsement of neural data protections may spur additional rulemaking and professional-society guidance.
- **Alignment with emerging state laws:** The AMA definition and core principles mirror recent statutory language adopted in Colorado, California and Montana. This alignment strengthens the likelihood that other jurisdictions will follow a similar approach.

Definition of neural data still varies across jurisdictions

> The AMA's resolution adopts a definition of neural data that closely mirrors those in recently enacted laws in California, Colorado and Montana, further entrenching this approach as the emerging standard in US law and policy. Unlike Connecticut, which omits data from the peripheral nervous system from its definition, the AMA's definition includes all data measured from the nervous system, regardless of context or sensitivity. This distinction reflects ongoing variation in how neural data is defined across jurisdictions.

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Key Contacts

Kristen Mathews New York	kmathews@cooley.com

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