



January 8, 2025

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Re: NYC Contract with Talkspace, Inc. relating to “Teenspace” Tele-health Program

Dear Ms. Landau and Mr. Elcock:

Thank you for your letter dated December 18, 2024. We are happy to hear that since you received our second letter dated October 16, 2024,¹ you have asked Talkspace to revise its Privacy Policy, its Terms of Use, and its contract with the City to better protect the personal data of NYC teens from invasive disclosure and commercial exploitation.

For the reasons set forth below, however, we do not believe that Talkspace has engaged in good faith actions to prioritize the privacy and protection of NYC youth’s highly sensitive private information. We would like to schedule a meeting with you as soon as possible so that we can ensure a timely resolution of these issues.

We have conducted additional testing of the Talkspace/Teenspace website since we received your letter using free privacy audit resources – the Blacklight tool as well as Ghostery. Contrary

¹ <https://studentprivacymatters.org/our-follow-up-letter-to-the-city-reaffirming-our-concerns-with-teenspace-violations-of-student-privacy/>.

to your statement that “Talkspace has removed all social media and advertising trackers from the Teenspace website as of December 11, 2024,” we found many Talkspace/Teenspace webpages still riddled with trackers and third party cookies, including many webpages that NYC teens would likely visit while exploring the Talkspace website and/or before becoming Teenspace clients. We describe our findings, and concerns, below.

Our additional review leads us to question whether any actual privacy impact assessment has been done on the Talkspace/Teenspace website. Frankly, given the fact that Talkspace is being paid \$26 million in City funds, we believe that company should be required to create a free-standing website solely dedicated to their NYC Teenspace services, and that this website should undergo a comprehensive privacy impact assessment to ensure that is in full compliance with existing data privacy laws, good practice, and the DOHMH contract.²

This is important to make certain that no personal user data is disclosed to any third parties from the homepage onward unless that transfer is done solely to provide NYC teens with mental health services after having consented to those services. At the very least, an independent privacy audit should be required for any and all Talkspace/Teenspace webpages that NYC teens might visit.

That being said, we continue to have these serious concerns:

1. You write that you “*are finalizing a number of adjustments to the Teenspace privacy policy, the DOHMH Talkspace Contract, the Talkspace Informed Consent, and the Terms of Use.*” When will these changes be made and can you share these documents before they are finalized?
2. The Talkspace/Teenspace [privacy policy](#) posted is still unacceptable as it allows personal data to be used for marketing purposes, and no changes appear to have yet been made to it since we first alerted you to its unacceptable provisions on September 10, 2024. When the new privacy policy is completed, there should be a weblink to it on the Talkspace/Teenspace homepage, and at the bottom of every page from then on, so that any website visitor and/or potential Teenspace client, and/or their parents, can read it before deciding whether to proceed further into the website.
3. Why does the Teenspace website still ask a host of extremely sensitive questions immediately after a NYC teen enters their age and zip code to find out their eligibility, even before they sign up as a client? *[See a screenshot of this survey in the Appendix below.]*

² We note that Talkspace has expanded its Teenspace offerings to the City of Seattle, whose education department is apparently also now partnering with Talkspace to bring free online therapy for Seattle youth and young adults. See <https://www.talkspace.com/seattle>. Blacklight detected no add trackers on this page, but did report 17 third-party cookies set for Snapchat, ByteDance [TikTok], two other media companies - Collective Roll and Tapad, and Amazon as well.

4. Though some of the most egregious ad trackers and third-party cookies have been removed from a few of the Talkspace/Teenspace webpages, we note that as of January 7, 2025, many of the webpages still contain a large number of invasive trackers.

If a teen, or their parent, navigates to the Teenspace services via the talkspace.com landing page, continues with the location-based prompts, and ends up in the flow for a NYC teen, trackers attach at the talkspace.com landing page and then continue through into the teen flow.

- For example, embedded on [the page offering online mental health services](#) to teens, there are still 15 ad trackers, more than double the average on popular sites, and 34 third-party cookies, more than eleven times the average on popular sites, according to Blacklight. The data is also disclosed to Snapchat, Facebook, Google, Microsoft, and Amazon.
- A similar number of ad trackers and third party cookies can be found embedded on the webpage that asks [what type of services](#) visitors are looking for, as well as on the [Privacy Policy page](#).
- Trackers are on pages linked to from the Teenspace partnership pages, including [“Rules for Using the Talkspace Platform.”](#) These trackers provide data to radio and television streaming platforms, such as MNTN, and serve related advertising content, in addition to TikTok, Meta, Snapchat and more.
- In addition, many of the content-serving pages related to teens, where NYC teens and their families could reasonably land, include numerous advertising trackers over the industry average figure for similar pages. For instance, these pages contain excessive numbers of trackers:

<https://www.talkspace.com/blog/nyc-teenspace/>
<https://www.talkspace.com/online-therapy/teens>
<https://match.talkspace.com/flow/90/step/2>

Since the website is still full of invasive trackers, we believe that an independent privacy audit should be done as soon as possible on the entire Talkspace website, including any and all pages that a NYC teen is likely to visit.

5. We would also like to know what Talkspace has done with the personal data they have already collected from the 19,000 or so NYC teens who have apparently signed up for its services or simply visited the website. This should include reporting on what categories of personal data were collected and disclosed, and to which third parties. This is especially critical as many of the social media companies with which the information appears to have been shared have been sued by the city for undermining teen mental health. We believe that the company should be obligated to make a full accounting of this issue, inform the individuals involved along with their

families, and offer an apology and a promise to immediately delete the data that was illegitimately collected, as well as provide some sort of redress.

6. Finally, if the disclosure of this data was indeed illegal, as you have implied, given that your contract with Talkspace prohibits personal data being used “for any purpose other than providing the services in the contract,” we would like to know whether Talkspace will face any penalty, financial or otherwise, from DOHMH for violating their contract, and if not, why not.

In your latest letter, you offered “to meet to discuss any of these issues at a mutually convenient time.” We would very much like to take you up on this offer as soon as possible.

It has now been nearly four months since we first shared our concerns in our letter to you on September 10, 2024. We hope this matter can be resolved without further delay, so that NYC students can have their privacy protected as rigorously as they deserve.

We look forward to your timely response.

Sincerely,

Leonie Haimson

Co-chair, Parent Coalition for Student
Privacy

Beth Haroules

Senior Staff Attorney
New York Civil Liberties Union

Shannon Edwards

Founder, AI for Families

Stefanie Coyle

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cc: Mayor Eric Adams
Anne Williams-Isom, Deputy Mayor for Health and Human Services
Melissa Aviles-Ramos, Chancellor, NYC Department of Education
Toni Gantz, NYC Department of Education
Dennis Doyle, NYC Department of Education
Muriel Goode-Trufant, Acting Corporation Counsel
Brad Lander, NYC Comptroller
Attorney General Letitia James
Council Member Rita Joseph, chair of Education Committee
Council Member Linda Lee, chair of the Committee on Mental Health, Disability and
Addiction
Members of the NYC Council Education and Mental Health Committees

Appendix: Teenspace mental health survey

Select all that apply

Anxiety or worrying
Sadness or depression
Body image or eating habits
Racial, ethnic, or cultural identity
Gender identity
Becoming my best self
Traumatic experience
Drug or alcohol use
Social media use
Difficulties at school
Difficulties at home or with family
Concentration or focus
Improving my relationships
Grief, loss, or tough transitions
Bullying
I'm not sure
Other