US Department of Health and Human Services

Third Party Websites and Applications Privacy Impact Assessment

Date Signed:

September 10, 2018

OPDIV:

CMS

Name:

Mixpanel

TPWA Unique Identifier:

T-6082283-369017

Is this a new TPWA?

Yes

Will the use of a third-party Website or application create a new or modify an existing HHS/OPDIV System of Records Notice (SORN) under the Privacy Act?

No

If SORN is not yet published, identify plans to put one in place.

Not Applicable.

Will the use of a third-party Website or application create an information collection subject to OMB clearance under the Paperwork Reduction Act (PRA)?

No

Indicate the OMB approval number expiration date (or describe the plans to obtain OMB clearance).

Expiration Date: 1/1/01 12:00 AM

Describe the plans to obtain OMB clearance.

Explanation: Not Applicable.

Does the third-party Website or application contain Federal Records?

No

Describe the specific purpose for the OPDIV use of the third-party Website or application:

The Centers for Medicare & Medicaid Services (CMS) uses MixPanel to collect, report, and analyze visitor interactions through event tracking on CMS' websites, including CMS.gov, Medicare.gov, MyMedicare.gov, HealthCare.gov, CuidadoDeSalud.gov, Medicaid.gov, InsureKidsNow.gov, and various subdomains of the above top-level domains (TLDs). These TLDs are hereafter referred to as "CMS' websites."   CMS uses this information to measure the number of visitors to our websites and various sections, analyze visitor interactions and to help make our site more useful to visitors. The analyses that MixPanel performs allows for a different kind of granularity and flexibility compared to other analytics tools CMS uses.

The CMS staff analyze the reports generated by Mixpanel using the data collected from consumer activity on CMS' websites.

The reports are available only to CMS managers, teams who implement Federally Facilitated Marketplaces programs represented on HealthCare.gov, members of the CMS communications and web teams, and other designated federal staff and contractors who need this information to perform their duties.

Have the third-party privacy policies been reviewed to evaluate any risks and to determine whether the Website or application is appropriate for OPDIV use?

Yes

Describe alternative means by which the public can obtain comparable information or services if they choose not to use the third-party Website or application:

If consumers do not want MixPanel to collect information related to their visits to CMS' websites, consumers can use other means of interaction, including but not limited to paper applications, call centers, or in-person assisters. In addition to these options, a consumer can use the Tealium iQ Privacy Manager on each CMS website's privacy page and opt out of having data collected about their visit to Healthcare.gov by MixPanel.

Alternatively, a consumer can disable their cookies if they do not want their information to be collected.

Does the third-party Website or application have appropriate branding to distinguish the OPDIV activities from those of nongovernmental actors?

No

How does the public navigate to the third party Website or application from the OPIDIV?

The public does not navigate to MixPanel. MixPanel works in the background .

Please describe how the public navigate to the thirdparty website or application:

The public does not navigate to MixPanel. MixPanel works in the background.

If the public navigate to the third-party website or application via an external hyperlink, is there an alert to notify the public that they are being directed to anongovernmental Website?

No

Has the OPDIV Privacy Policy been updated to describe the use of a third-party Website or application?

Yes

Provide a hyperlink to the OPDIV Privacy Policy:

https://www.cms.gov/privacy-policy/

Is an OPDIV Privacy Notice posted on the third-part website or application?

No

Is PII collected by the OPDIV from the third-party Website or application?

No

Will the third-party Website or application make PII available to the OPDIV?

No

Describe the PII that will be collected by the OPDIV from the third-party Website or application and/or the PII which the public could make available to the OPDIV through the use of the third-party Website or application and the intended or expected use of the PII:

CMS does not collect any PII through the use of MixPanel.

Describe the type of PII from the third-party Website or application that will be shared, with whom the PII will be shared, and the purpose of the information sharing:

PII is not stored or shared.

If PII is shared, how are the risks of sharing PII mitigated?

No PII is shared with CMS.

Will the PII from the third-party website or application be maintained by the OPDIV?

No

Describe how PII that is used or maintained will be secured:

Not applicable.

What other privacy risks exist and how will they be mitigated?

CMS will use of MixPanel in a manner that protects the privacy of consumers who visit CMS' websites and respects the intent of those visitors. CMS will conduct periodic reviews of MixPanel's privacy practices to ensure its policies continue to align with agency objectives and privacy policies and do not present unreasonable or unmitigated risks to consumer privacy. MixPanel is employed solely for the purposes of improving CMS' services and activities online related to operating CMS' websites.

Information collected by MixPanel is created and maintained by MixPanel.

Potential Risk:

Persistent cookies are used by MixPanel's with third-party tools on CMS' websites and can be stored on a user's local browser. MixPanel cookies are stored for one year.

Mitigation:

MixPanel's privacy policies, notices from CMS' websites, information published by MixPanel about its privacy policies, and the ability for consumers to opt-out of providing their information to MixPanel maximizes consumers' ability to protect their information and mitigate risks to their privacy. A consumer can also use the Tealium IQ Privacy Manager on each CMS website's privacy page and opt out of having data collected about their visit by MixPanel.

CMS will not deploy the Mixpanel tool if the website is not using Tealium iQ.

Potential Risk:

MixPanel collects many data elements which include: the user's IP address, device, device type, screen resolutions, flash version, browser, browser version, OS and OS version. A full list of the standards data elements that MixPanel collects can be found here: https://mixpanel.com/help/questions/articles/what-properties-do-mixpanels-libraries-store-by-default.

Mitigation:

MixPanel collects users' IP addresses to determine city, state and region, but then deletes them after storing location information which adds additional safeguards to ensure that this data cannot be connected with other data to identify individual consumers. In addition to the standard data elements collected, custom data is collected via 'events' and 'custom properties'.

For example, tracking how many people download a PDF file by clicking a link.

Potential Risk:

CMS also recognizes that if MixPanel is not implemented correctly in relation to CMS' websites, personal information could be collected about site visitors.

Mitigation:

Therefore, to mitigate this risk, CMS only allows a limited number of trained and credentialed staff or contractors to implement MixPanel.