US Department of Health and Human Services

Third Party Websites and Applications Privacy Impact Assessment

Date Signed:
October 20, 2017

OPDIV:
CMS

Name:
Help On Demand

TPWA Unique Identifier:
T-5941034-965440

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.
N/A

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).
N/A

Describe the plans to obtain OMB clearance.
N/A

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:
Help On Demand is an online application that will allow consumers to request assistance from CMS-registered agents and brokers in real time. Agents and brokers with a valid state license to sell health insurance can opt into the program after completing the annual CMS Agent Broker Exchange training and registration and signing the applicable agreements. After setting up a Help On Demand profile, agents and brokers must accept the Help On Demand Terms of Use for Agents and Brokers. Consumers request assistance via the Help On Demand website and provide basic contact information, including name, phone number or email address (depending on the consumer's preferred mode of communication), city, state, zip code and preferred language). After the consumer enters his or her contact information, Help On Demand matches the consumer with an agent or broker who is available, speaks the consumer's language, licensed in the consumer's state, and registered with the Marketplace. If more than one agent or broker meets these criteria, Help On Demand directs the referral to the agent or broker who is geographically closest to the consumer.

That agent or broker receives a notification from Help On Demand via email, text, and/or app notification, and has 15 minutes to accept or reject the referral before it moves to the next agent or broker who meets the criteria. No consumer personal information is provided to the agent or broker via these notifications.   The agent or broker must log into the Help On Demand application, accept the referral, and then access consumer contact information through Help On Demand's secure platform and provide Exchange enrollment assistance directly to that consumer.

Once the agent or broker connects with a consumer, Help On Demand's role in their interaction ends, and the relationship between the consumer and the agent and broker is governed by CMS's regulation governing agent and brokers (45 C.F.R. 155.220) and CMS's agreement with its registered agents and brokers.

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:
Consumers are able to use the existing Find Local Help tool to locate agents and brokers in their area for enrollment assistance. Consumers are also able to access this comparable information by contacting the Federal Exchange's Call Center or other resources by using the redirect to https://www.healthcare.gov/contact-us/ displayed on the consumer landing page.

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

How does the public navigate to the third party Website or application from the OPIDIV?
An external hyperlink from an HHS Website or Website operated on behalf of HHS.

Please describe how the public navigate to the thirdparty website or application:
The consumer will select a dynamic hyperlink (secure redirect) from the HealthCare.gov website. When a consumer clicks on the hyperlink to Help On Demand, they are presented with a pop-up/interstitial page that informs the consumer that they are about to navigate to a non-government, third-party website, and that their use of the site is subject to the security standards and privacy policies of the Help On Demand website and BigWave Systems. Consumers are also informed that personally identifiable information they enter on the Help On Demand site will not be shared with HealthCare.gov or CMS and that CMS's provision of a link to the site does not constitute an endorsement of the site, BigWave Systems, or the agents and brokers with whom they connect through the site.

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 a nongovernmental Website?
Yes

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.healthcare.gov/privacy

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

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:
The OPDIV will not collect PII from Help On Demand.

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:
Collection of information is limited to information for purposes of connecting the consumer to the available agent or broker. Although Help On Demand will not share PII with CMS, to fulfill its purpose, Help on Demand will share with agents and brokers the following PII: name, phone number or email address (depending on the consumer's preferred mode of communication), city, state, zip code and preferred language. Consumer PII will be shared only with participating Help On Demand agents and brokers who are registered with CMS and have requested to participate in the Help On Demand program. The Help On Demand system will share individual PII with only one agent or broker who accepts the consumer's request via the web application.

If PII is shared, how are the risks of sharing PII mitigated?
PII is only shared with the individual agent or broker who accepted the consumer's request. The

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:
CMS does not collect, store or share consumer PII submitted to Help On Demand. Help On Demand shares consumer PII with the single agent or broker who receives and timely accepts the referral to contact the consumer and assist with an Exchange application and/or enrollment. That agent or broker must log into the Help On Demand application in order to access the consumer PII. The Help on Demand solution is hosted in BigWave System's Amazon AWS cloud using HIPAA/HITECH compliant services. AWS offers a commercial off-the-shelf infrastructure platform with industry recognized certifications and audits such as ISO 27001, FedRAMP, and the Service Organization Control Reports (SOC1, SOC2, and SOC3). AWS services and data centers have multiple layers of operational and physical security to help ensure the integrity and safety of customer data. AWS maintains a standards-based risk management program to ensure that the HIPAA-eligible services specifically support the administrative, technical, and physical safeguards required under HIPAA.

What other privacy risks exist and how will they be mitigated?
Risk:
Submission of PII to websites over the Internet presents the risk that the PII may be accessed, intercepted or used by third parties in a manner that the submitter did not intend. BigWave Systems makes no warranties or representations regarding the security of the data submitted to the Help On Demand application, and use of the Help On Demand website is at the consumer's own risk.

Mitigation:
Help On Demand's terms of use and privacy policy and notices from CMS and HealthCare.gov clearly outline these risks to the privacy and security of consumer information, which maximizes consumers' ability to protect their information and mitigate risks to their privacy. Moreover, because consumers are clearly warned, if consumers are concerned about these risks, they can opt not to submit their information to Help On Demand and seek enrollment assistance directly from a customer service representative of the Marketplace's Call Center and through the 'Find Local Help' functionality on HealthCare.gov.

To further protect consumer PII, as a condition of offering the Help On Demand service to Marketplace consumers, the Help On Demand website may only be made available for participation by agents and brokers who are licensed in the state in which the consumer requests assistance; have successfully completed annual CMS agent/broker training; are registered with the Marketplace; and have signed an agreement with CMS under which they bound to keep consumer information secure and to use consumer data only for the purpose of assisting consumers to apply for and enroll in Marketplace coverage. They are also prohibited from using consumer data for any reason not authorized by the agreement, unless they obtain the consumer's specific informed consent to use their data for another purpose. These agents and brokers, as a condition of participating in the Help On Demand service, must also be bound by terms of service specific to participation in the Help On Demand service that further bind them to use consumer information supplied by Help On Demand only for the purpose of contacting requesting consumers to provide Marketplace application and enrollment assistance.

Although there is no 100% guarantee that consumer PII will not be intercepted by third parties when it is transmitted over the Internet, BigWave Systems, the owner and operator of Help On Demand, will implement privacy and security controls that will limit the number of persons in its organization who have access to production data (data that is essential to completing day-to-day business task and processes) have had background checks and undergo ongoing security and privacy training.

To further protect consumer PII submitted to Help On Demand, all remote access to the BigWave Systems' Development and QA (testing) environments is secured via a multi-factor authentication system offered by DUO, an expert IT security provider. All remote access to the Production and Staging environments is secured via Amazon Web Services (AWS) multi-factor authentication and is granted following the principals of least-privilege. Access within BigWave Systems' development/ engineering facilities is secured via multi-level key fob access control coupled with user authentication. At the primary datacenter in AWS, physical access is strictly controlled both at the perimeter and at building ingress points by professional security staff utilizing video surveillance, intrusion detection systems, and other electronic means. Authorized staff must pass two-factor authentication a minimum of two times to access data center floors. All visitors and contractors are required to present identification and are signed in and continually escorted by authorized staff.

As part of BigWave System's agreement with CMS governing the Help On Demand service, BigWave is prohibited from sharing any consumer information submitted to the Help On Demand service with any third party other than the agent or broker who is designated to contact the consumer and assist with an Exchange application and/or enrollment. Moreover, the Help On Demand website will prominently display a Privacy Notice that will explain how consumer information will be used; and consumers may use this information to make an informed decision about whether or not they want to submit their personal information.

Help On Demand does not utilize any third party tracking tools such as cookies. Help On Demand also does not contain any third-party advertising.

Risk:
Consumers may misunderstand how their information will be used by the Help On Demand service and BigWave Systems. Also, should any policies posted in Help On Demands Terms of Use and Privacy Policy be held invalid, unlawful, or for any reason unenforceable, then that respective provision shall be severable.   CMS and BigWave Systems may change or restrict use of the Help On Demand website and/or make changes to the services provided through the site at any time without notice.

Mitigation:
In an effort to help consumers understand how their information will be used and other terms affecting their use of the Help on Demand website and service, the Help On Demand website displays Help On Demand's Terms of Use and Privacy Policy, as well as a CMS Privacy Notice. Help On Demand's Terms of Use and Privacy Policy clearly explains that consumer PII submitted to the Help On Demand website will be used only to connect the consumer with an agent or broker who is available to provide Marketplace application and enrollment assistance. It further explains under what circumstances the website's policies may change, and that submission of consumers' PII is not a precondition to enrolling in health insurance coverage. The CMS Privacy Notice also explains that none of the consumer information will be shared with or used by CMS nor the Marketplace. Consumers may review each of these documents and make an informed decision regarding the use of the Help On Demand website and service.

Risk:
By virtue of CMS's partnership with the Help On Demand service and provision of a link to the Help On Demand website on HealthCare.gov, consumers may erroneously conclude that the government is operating the website and that all of the federal government's privacy rules apply to the service.

Mitigation:
The Help On Demand website will display Help On Demand's Terms of Use and Privacy Policy, as well as a CMS Privacy Notice, both of which will explain that Help On Demand is not a government-owned or government-operated website and that consumer PII will not be shared with CMS or the Marketplace." The Help On Demand site will also provide links back to the official HealthCare.gov website and HealthCare.gov Privacy Policy in case consumers opt not to use the Help On Demand service. Additionally, HealthCare.gov displays a 'Linking Policy' in the footer of HealthCare.gov pages that explains that when a consumer follows a link to an external site, the consumer is leaving HealthCare.gov and is subject to the external site's privacy and security policies.

Risk:
Due to CMS's partnership with the Help On Demand service and provision of a link to the Help On Demand website on HealthCare.gov, consumers may erroneously conclude that the government endorses and/or directly oversees the day-to-day activities of agents and brokers who may receive consumer contact information from Help On Demand.

Mitigation:
CMS has taken action to ensure that consumers are aware of the limited relationship between CMS and Marketplace-registered agents and brokers, as well as between Help On Demand and Marketplace-registered agents and brokers. First, HealthCare.gov and the HealthCare.gov Privacy Policy specifically refer to Help On Demand as a "service" that is offered by a third party not owned or controlled by a government entity. When a consumer clicks on the link to access the Help On Demand website, a page is displayed that explains that Help On Demand is not operated by the government, that information submitted to the website is not shared with the government, and that CMS does not endorse any specific agent or broker. Similar information is presented on the face of the Help On Demand website and in its Terms of Use and Privacy Policy.