

US Department of Health and Human Services

Third Party Websites and Applications Privacy Impact Assessment

Date Signed:

September 07, 2018

OPDIV:

CMS

Name:

SPONGECELL

TPWA Unique Identifier:

T-1809212-197879

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:

CMS will use SpongeCell to deliver behaviorally targeted advertising on third party websites to encourage consumers to visit CMS websites. SpongeCell is a creative management and ad-serving platform that serves targeted digital advertising campaigns. SpongeCell determines the relevant audience and applicable creative advertising content through use of non-personally identifiable information collected through cookies and/or pixels associated with SpongeCell Ad Units and similar user data acquired from third-party vendors. Furthermore, SpongeCell allows CMS to close caption video-based advertisements.

SpongeCell also uses retargeting and behavioral targeting. Retargeting is used to attract previous visitors to CMS websites. Behavioral targeting is a technique used to determine relevant recipients for ads, by inferring a consumer's interests based on information collected about a particular consumer's online web browsing behaviors, on various websites, over time.

Behavioral targeting may also use data about consumers, such as demographic data, from third parties to supplement web browsing information. Retargeting is a form of behavioral targeting used by online advertisers to present ads to users who have previously visited a particular website. SpongeCell will use both behavioral targeting and retargeting to serve ads on third party sites. SpongeCell also measures the performance of advertisements and consumer interactions by using cookies and/or pixels (also known as web beacons) placed on HealthCare.gov for retargeting and conversion tracking.

Conversion tracking allows SpongeCell to measure the activity of a consumer who reached a CMS website by clicking on a digital advertisement (e.g., what webpages within the website they clicked on, whether they completed a transaction). SpongeCell will provide aggregate reports to CMS showing ad performance and activity. SpongeCell collects no PII in the course of delivering CMS advertisements.

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 to interact with advertisements from SpongeCell, consumers can learn about CMS campaigns through other advertising channels such as TV, radio, CMS websites and in-person events.

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 OPDIV?

Not Applicable. The CMS websites do not link to SpongeCell. SpongeCell is a tool used to place and track advertising on third-party sites.

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

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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:

This is the privacy policy for all CMS website <https://www.cms.gov/privacy/> unless one of the following is noted <https://www.healthcare.gov/privacy/> and <https://www.medicare.gov/privacy-policy/index.html>.

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:

Not Applicable. SpongeCell collects no PII in the course of delivering CMS advertisements, and thus, does not pass PII to CMS.

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:

Not Applicable. SpongeCell collects no PII in the course of delivering CMS advertisements, and thus, does not pass PII to CMS.

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

Not Applicable.

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. SpongeCell collects no PII in the course of delivering CMS advertisements, and thus, does not pass PII to CMS.

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

CMS will conduct periodic reviews of SpongeCell's privacy policy to ensure its policies continue to align with agency objectives and privacy policies and do not present unreasonable or unmitigated risks to users' privacy interests. CMS uses SpongeCell solely for the purposes of improving consumer engagement with CMS websites by directing consumers to the CMS website through the use of targeted advertising.

Use of Cookies, Pixels and Web Beacons for Targeted Advertising Based on Sensitive Information

Potential Risk:

The use of cookies, pixels, and web beacons generally presents the risk a website could collect information about a user's activity on the Internet for purposes that the user did not intend. These purposes include providing users with behaviorally targeted advertising, based on information the individual user may consider sensitive. The highly personalized creative content may exacerbate this risk, as consumers may come to realize that the creative content is highly targeted towards them.

Additional Background:

SpongeCell collects non-personally identifiable information (non-PII) by placing a cookie or pixel (also known as a web beacon) on a CMS website and on advertisements sponsored by CMS on third party websites. A pixel (or web beacon) is a transparent graphic image (usually 1 pixel x 1 pixel) placed on a web page that collects information regarding the use of the web page. A cookie is a small text file stored on a website visitor's computer that allows the site to recognize the user and keep track of preferences. These technologies provide information when a visitor clicks on or views an advertisement. SpongeCell also acquires non-PII user information from third-party vendors. This information is also used to personalize the content of the advertisement.

CMS advertising served through SpongeCell will carry persistent cookies that enable CMS to display advertising to individuals who have previously visited a CMS website. In this instance, the persistent cookie will be stored on the user's computer for up to 30 months, unless removed by the user.

Mitigation:

CMS websites and SpongeCell provide consumers with information about the use of persistent cookies and related technologies. This information includes, what data is collected and the data gathering choices they have in their website privacy policies, including choices related to behaviorally targeted advertising.

Tealium iQ Privacy Manager is a tool that keeps track of users' preferences in reference to tracking and will prevent web beacons from firing when a user has opted out of tracking for advertising purposes. When a user is routed to a CMS website by clicking on a CMS advertisement displayed through SpongeCell, and the Tealium iQ Privacy Manager is present on the CMS website, users are able to control which cookies they want to accept from the CMS website. A large green "Modify Privacy Options" button that turns off sharing of data for advertising purposes is located on the CMS website's privacy policy.

The ability to control which cookies users want to accept is only valid when Tealium iQ Privacy Manager is installed on the website. Another alternative is for users to disable cookies through their web browser. Separately, CMS includes the Digital Advertising Alliance AdChoices icon on all targeted digital advertising. The AdChoices icon is an industry standard tool that allow users to opt out of being tracked for advertising purposes, like the Tealium iQ Privacy Manager.

SpongeCell offers users the ability to opt-out of SpongeCell advertising cookies through the following processes:

Opt-out of advertising cookies at: <http://www.spongecell.com/privacy-policy>

Click on the "Ad Choices" logo in the corner of an ad served by SpongeCell; and

SpongeCell participates in the Digital Advertising Alliance (DAA), which provides consumers with the ability to opt-out of data collection for behavioral advertising by all companies who participate in the DAA, including SpongeCell.

Targeting, Retargeting and Conversion Tracking and the Ability for Other Advertisers to Improve Targeting Based on Data from this Advertising Campaign

Potential Risk:

Advertising technologies used by SpongeCell allow it to target advertising behaviorally, by tracking users across multiple sites and over time, and the resulting combined information could reveal patterns in behavior that the user may not want to disclose to SpongeCell. The consumer may consider their web behavior to be sensitive. These patterns in behavior could also enable and improve targeting by other advertisers who are SpongeCell customers, who may wish to target consumers for purposes related to the health insurance sector.

Additional Information:

SpongeCell advertising services targets consumers based on information collected through technologies, such as cookies and pixels. Behavioral targeting deploys ads to consumers whose on-site actions match specific attributes considered desirable by online advertisers. Behavioral targeting is a technique used to determine relevant recipients for ads, by inferring these interests based on information collected about a particular consumer's online web browsing behaviors, on various websites, over time. Retargeting is a form of behavioral targeting used by online advertisers to present ads to users who have previously visited a particular site. In addition, ads served by SpongeCell will use conversion tracking, which allows advertisers to measure the impact of their advertisements by reporting on whether users who view or interact with an ad later visit a particular site or perform desired actions on that site, such as signing up for a program or requesting further information.

Behavioral targeting, retargeting and conversion tracking enable CMS to improve the performance of ads by delivering them to relevant audiences and measuring their effect. CMS uses retargeting to send advertisements to consumers who have previously visited a CMS website, for example, advertisements reminding consumers of relevant deadlines.

Mitigation:

SpongeCell does not share data solely about consumers who visit a CMS website with other advertisers. SpongeCell does not collect or share data that is specific solely to a CMS campaign for the purposes of creating or refining audience targeting. SpongeCell collects aggregated level “interaction” data to identify consumers that are most likely to interact with an ad from a specific industry (for example, health insurance) for the purposes of improving the ability for advertisers to reach consumers who are more likely to find that ad relevant. SpongeCell does not allow for the sole targeting of consumers who have specifically interacted with an ad from CMS by other SpongeCell customers.

When a user is routed to a CMS website by clicking on a CMS advertisement displayed through SpongeCell, and the Tealium iQ Privacy Manager is present on the CMS website, users are able to control which cookies they want to accept from the CMS website. Tealium iQ Privacy Manager can be accessed through information provided on the privacy policy on the CMS website. There is a large green “Modify Privacy Options” button that turns off the sharing of data for advertising purposes that can be accessed through the CMS website’s privacy policy.

The ability to control which cookies users want to accept is only valid when Tealium iQ Privacy Manager is installed on the website. Another alternative is for users to disable cookies through their web browser. Separately, CMS includes the Digital Advertising Alliance AdChoices icon on all targeted digital advertising. The AdChoices icon is an industry standard tool that allow users to opt out of being tracked for advertising purposes, like the Tealium iQ Privacy Manager.

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