US Department of Health and Human Services

Third Party Websites and Applications Privacy Impact Assessment

Date: **10/21/2015**

OPDIV: **CMS**

TPWA Unique Identifier (UID): **T-8576744-722595**

Tool(s) covered by this TPWA: **Rocket Fuel**

Is this a new TPWA? **Yes**

> If an existing TPWA, please provide the reason for revision: **Not applicable.**

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**

> Indicate the SORN number (or identify plans to put one in place.): **Not applicable because CMS is not collecting or storing any personally identifiable information (PII).**

> If not published: **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 and approval number expiration date (or describe the plans to obtain OMB clearance.)
> OMB Approval Number: **Not applicable.**
> Expiration Date: **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: **Rocket Fuel will be used for retargeting consumers who have previously visited Healthcare.gov with display, video and mobile advertising. Conversion tracking will be in place for Rocket Fuel to measure consumer's activity on Healthcare.gov who were driven to the website from advertising.**

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: **The public can**

(1) use CMS's paper application, (2) call into CMS's call center, or (3) visit an agent or broker to enroll in coverage.

Does the third-party Website or application have appropriate branding to distinguish the OPDIV activities from those of nongovernmental actors? **Not applicable because Rocket Fuel is not a separate site or application where branding could be placed. Rocket Fuel is used to place and track advertising on third-party sites.**

How does the public navigate to the third party Website or application from the OPDIV? **Not applicable because Rocket Fuel is not a separate site or application where branding could be placed. Rocket Fuel is used to place and track advertising on third-party sites.**

> Please describe how the public navigate to the third party website or application: **Not applicable because Rocket Fuel is not a separate site or application where branding could be placed. Rocket Fuel is used to place and track advertising on third-party sites.**

> 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? **Not applicable because the public does not navigate to Rocket Fuel advertising services.**

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-party Website or application? **Not applicable because Rocket Fuel is not a separate site or application where branding could be placed. Rocket Fuel is used to place and track advertising on third-party sites.**

> Confirm that the Privacy Notice contains all of the following elements: (i) An explanation that the Website or application is not government-owned or government-operated; (ii) An indication of whether and how the OPDIV will maintain, use, or share PII that becomes available; (iii) An explanation that by using the third-party Website or application to communicate with the OPDIV, individuals may be providing nongovernmental third-parties with access to PII; (iv) A link to the official OPDIV Website; and (v) A link to the OPDIV Privacy Policy: **Not applicable because there is no additional Privacy Notice.**

> Is the OPDIV's Privacy Notice prominently displayed at all locations on the third-party Website or application where the public might make PII available? **Not applicable because there is no additional Privacy Notice.**

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 Rocket Fuel.**

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.**

> If PII will be maintained, indicate how long the PII will be maintained: **Not applicable.**

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 Rocket Fuel in a manner that will support CMS's mission to inform users of the opportunities for health care coverage available under the Affordable Care Act through HealthCare.gov, while respecting the privacy of users. CMS will conduct periodic reviews of Rocket Fuel'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 user privacy. CMS employs Rocket Fuel solely for the purposes of improving CMS' services and activities online related to operating HealthCare.gov.

Potential Risk:

As described in our Privacy Policy, we use persistent cookies on HealthCare.gov to support our digital advertising outreach, and these cookies may be stored on a user's local browser for a limited time. Rocket Fuel cookies used to provide CMS with the Rocket Fuel advertising services are set to expire after 30 months. The use of persistent cookies presents the risk that more information will be collected about users than is necessary to fulfill the purpose of the collection, compromising user privacy.

Mitigation:

Both HealthCare.gov and Rocket Fuel offer users notice about the use of persistent cookies, the information collected about them, and the data gathering

choices that they have in their website privacy policies. The CMS business need for advertising cookie retention longer than one year is to accurately target users over multiple open enrollment periods.

CMS uses a Tealium iQ Privacy Manager to give users control over which tags or cookies they want to accept from HealthCare.gov.

For Rocket Fuel advertising cookies outside of HealthCare.gov, Rocket Fuel offers users the ability to opt-out of having Rocket Fuel target them using cookies by opting out through:
- an opt-out link on http://www.rocketfuel.com/privacy/; and
- opt-out options on websites of industry self-regulation programs respected by Rocket Fuel, including the Digital Advertising Alliance, the Network Advertising Initiative, the European Interactive Digital Advertising Alliance, and the Canadian Self-Regulatory Principles for Online Behavioral Advertising.

Potential Risk:

CMS uses Rocket Fuel for retargeting, as well as conversion tracking. These advertising techniques use cookies to track users across multiple sites and over time, and the resulting combined information could be used to compromise user privacy by revealing patterns in behavior that the user may not want to disclose to CMS or to disclose to Rocket Fuel to enable and/or improve its provision of advertising services to other Rocket Fuel customers who may wish to target the health care sector.

Retargeting is an advertising technique used by online advertisers to present ads to users who have previously visited a particular site. Conversion tracking allows advertisers to measure the impact of their advertisements by tracking whether users who view or interact with an ad later visit a particular site or perform desired actions on such site, such as enrolling in health care coverage on HealthCare.gov.

Retargeting and conversion tracking enables CMS to improve the performance of ads by delivering them to relevant audiences and measuring their effect. CMS uses retargeting to provide information to consumers who have previously visited HealthCare.gov, such as reminders about upcoming enrollment deadlines.

Mitigation:

To mitigate this risk, CMS uses a Tealium iQ Privacy Manager to give users control over which tags or cookies they want to accept from HealthCare.gov, including whether they want to accept advertising cookies. Users can also click on the "AdChoices" icon in the corner of HealthCare.gov ads delivered outside of HealthCare.gov to opt-out of ad targeting.

CMS observes the "Do Not Track" browser setting for digital advertising that uses retargeting. If "Do Not Track" is set before a device visits HealthCare.gov, third party retargeting tools will not load on the site. If you did not have "Do Not Track" on before visiting HealthCare.gov, there are other mitigation strategies, such as the Tealium iQ Privacy Manager mentioned above. For more information on Do Not Track or information on how to set the Do Not Track setting in a browser, go to the Do Not Track website at http://donottrack.us/.

Rocket Fuel offers users the ability to opt-out of having Rocket Fuel target them using cookies by opting out through:

- an opt-out link on http://www.rocketfuel.com/privacy/; and
- opt-out options on websites of industry self-regulation programs respected by Rocket Fuel, including the Digital Advertising Alliance, the Network Advertising Initiative, the European Interactive Digital Advertising Alliance, and the Canadian Self-Regulatory Principles for Online Behavioral Advertising.