

US Department of Health and Human Services

Third Party Websites and Applications Privacy Impact Assessment

Date: **11/03/2015**

OPDIV: **CMS**

TPWA Unique Identifier (UID): **T-4730149-151107**

Tool(s) covered by this TPWA: **AOL**

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.**

If yes, 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).**

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.**

If yes, 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: **CMS uses AOL advertising services for the placement of digital advertising on third-party and AOL sites in order to reach new users and provide information to previous visitors to HealthCare.gov. AOL will be used for retargeting consumers who have previously visited Healthcare.gov with desktop display advertising on websites and mobile device advertising. Conversion tracking will be in place to enable AOL to measure the activity of consumers on Healthcare.gov who were driven to the website as a result of clicking on a HealthCare.gov digital ad that was delivered by AOL. Retargeting will be in use to enable AOL to present ads to persons who previously visited HealthCare.gov, such as ads that remind persons about upcoming enrollment deadlines.**

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 users do not want to interact with ads delivered by AOL advertising services but still want to learn about or obtain health insurance through HealthCare.gov, they can (1) navigate directly to HealthCare.gov by typing the site address into their browser, (2) use CMS' paper application, (3) call into CMS' call center, or (4) 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 AOL advertising services are not a separate site or application where branding could be placed. CMS uses AOL advertising services for the placement of digital advertising on third-party and AOL sites in order to reach new users and provide information to previous visitors to HealthCare.gov.**

How does the public navigate to the third party Website or application from the OPDIV? **Not applicable because AOL advertising services are not a separate site or application. CMS uses AOL advertising services for the placement of digital advertising on third-party and AOL sites in order to reach new users and provide information to previous visitors to HealthCare.gov.**

Please describe how the public navigates to the third party website or application: **Not applicable because AOL advertising services are not a separate site or application. CMS uses AOL advertising services for the placement of digital advertising on third-party and AOL sites in order to reach new users and provide information to previous visitors to HealthCare.gov.**

If the public navigates 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.**

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 AOL advertising services are not a separate site or application. CMS uses AOL advertising services for the placement of digital**

advertising on third-party and AOL sites in order to reach new users and provide information to previous visitors to HealthCare.gov.

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 AOL.**

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 shared.**

If PII is shared, how are the risks of sharing PII mitigated? **Not applicable, PII is not shared.**

Will the PII from the third-party Website or application be maintained by the OPDIV? **Not applicable.**

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 AOL in a manner that will support CMS' 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 AOL'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 AOL advertising services 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. AOL advertising cookies used to provide CMS with the AOL advertising services are set to expire after twelve months. The use of persistent cookies presents the risk that a user's activity on the internet may be tracked across multiple sites and over time, compromising user privacy. The use of persistent cookies for an extended period of time presents the risk that more information will be collected about users than is necessary to fulfill the purpose of the collection, further compromising user privacy.

Mitigation:

Both HealthCare.gov and AOL 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.

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

For AOL advertising cookies outside of HealthCare.gov, AOL offers users the ability to opt-out of having AOL advertising services target them using cookies by opting out through:

- submitting the opt-out form available at <http://advertising.aol.com/privacy/opt-out>; and
- opt-out options on websites of industry self-regulation programs respected by AOL, including the Digital Advertising Alliance and the Network Advertising Initiative.

AOL also respects mobile operating system advertising choices, allowing users to opt out of mobile interest based advertising.

Potential Risk:

CMS uses AOL advertising services 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 AOL to enable/and or improve its provision of advertising services to other AOL 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 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/>.

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

- submitting the opt-out form available at <http://advertising.aol.com/privacy/opt-out>; and
- opt-out options on websites of industry self-regulation programs respected by AOL, including the Digital Advertising Alliance and the Network Advertising Initiative.

AOL also respects mobile operating system advertising choices, allowing users to opt out of mobile interest based advertising.

Potential Risk:

The ability of AOL to record, analyze, track, and profile the activities of internet users with data that is both personally identifiable and data that is not personally identifiable presents risk that data about HealthCare.gov users could be used to personally identify HealthCare.gov users or could otherwise be misused. AOL is

also now owned by Verizon, which may lead to data co-mingling by AOL and Verizon.

Mitigation:

CMS does not receive any personally identifiable information from AOL, and other aggregated report data received from AOL is available only to CMS managers, teams who implement Marketplace 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.

AOL provides information on the types of information collected about users in its privacy policy, as well as choices with respect to such information collection or how it is used. For example, users can:

- If they are a registered AOL user, they can visit the AOL Marketing Preferences page to review their marketing preferences and make choices about how their information may be used to provide marketing offers to you.
- Opt out of receiving targeted ads from AOL by visiting Digital Advertising Alliance's consumer choice page and selecting AOL Advertising.
- Opt out of receiving targeted ads from AOL on mobile devices by following the instructions at AOL's Mobile Device Choices page.

Potential Risk:

CMS uses AOL's location based data when it targets media bought through AOL. Specifically, CMS receives information from AOL regarding advertising viewers' locations. For example, if CMS is running an Employee Assistance Program campaign where it drives people into storefront locations to meet with facilitators to help them sign up for insurance, CMS would like to "Geo-fence" its display media impressions within a certain distance of the storefronts to insure that its media impressions are being served to people in the right proximity. By allowing companies to access user location data, consumers may expose themselves to privacy risks. These risks include, but are not limited to, disclosure of user locations to unknown third parties for unspecified uses, consumer tracking, identity theft, threats to physical safety, and surveillance.

Mitigation:

CMS does not receive any personally identifiable information from AOL, and other data received from AOL is available only to CMS managers, teams who implement Marketplace 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.

AOL does not share precise location information or personal information with third parties for their independent use without consumer consent. Additionally, a consumer can opt-out of providing precise location information to AOL at any time by adjusting the settings on their device.