

Privacy/TPWA Questionnaire

CMS is conducting research on Direct Enrollment Entity Websites. The purpose for this tool is to provide consumers who wish to file Exchange coverage applications with the assistance of a health insurance issuer or web-based agent or broker (web-broker) with the capability to do so directly through the website of the issuer or web-broker, without the need to be redirected to HealthCare.gov to submit their application information for the 2023 plan year.

In order to use this tool, we collect information about what information is collected by the tool, how that information is used, and which tracking technologies are utilized in order to assess any privacy impact to consumers. Please identify any responses that contain information that you consider to be commercial confidential or proprietary.

Please answer in detail the following questions.

1. Please list the specific tracking technologies your website(s) use(s) (e.g., http cookies, pixels, HTML 5, web cache, local shared objects, Flash, device fingerprinting, device identifiers, probabilistic or statistical identifiers)?
2. How can consumers opt-out of this tracking? Please provide the steps on how this is done and confirm that if a consumer chooses to opt-out of tracking that all tracking will cease. Can consumers opt-out of this tracking in the downstream and/or upstream entity website as well?
3. What information is collected by this tool – please list all data elements (e.g., device, browser, OS, IP, screen size)? Also, include the data elements associated with any Personally Identifiable Information (PII) (if collected).
4. Which of these data elements do you aggregate and how is the aggregated data used (e.g., data about individual device, browser, OS, IP, screen size are replaced with summary statistics [e.g., 15.1% of devices had a screen size of 1920 x 1080] and the original data is not stored)?
5. What information is stored by this tool – please list all data elements (including PII)? How long is it stored? Is it stored in the continental US?
6. Do you sell or market consumer information to third parties?
7. Do any other entities (media partners, cookie pools, ad networks, analytics providers, etc.) have access to this information? If yes, what agreements do you have in place governing their use of this information?

PRA DISCLOSURE: According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-NEW, expiration date is XX/XX/20XX. The time required to complete this information collection is estimated to take up to 144,652 hours annually for all direct enrollment entities. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850. ****CMS Disclosure**** Please do not send applications, claims, payments, medical records or any documents containing sensitive information to the PRA Reports Clearance Office. Please note that any correspondence not pertaining to the information collection burden approved under the associated OMB control number listed on this form will not be reviewed, forwarded, or retained. If you have questions or concerns regarding where to submit your documents, please contact Brittany Cain at Brittany.Cain@cms.hhs.gov.

8. Do you or any other entity use this collected information? If yes, for what specific purpose(s)? This includes, but is not limited to, directly or indirectly benefiting other clients.
9. Do you match or link this information with any other data source(s)? If so, what data sources and what is the source or sources of that information? What is the purpose of this matching or linking?
10. What functionality or configuration options does your tool provide that would enhance the privacy protections for users?
11. Does your governing agreement mandate that the privacy notice is consistent with the CMS privacy notice posted on the upstream/downstream entity website? If so, do you verify and validate that all downstream and/or upstream entities privacy notices are consistent with entries in this privacy questionnaire? If so, please attest to this validation with a list of downstream and/or upstream entities that you have verified.
12. Do your websites/applications have appropriate branding to distinguish your EDE website from a website owned and operated by the federal government? Do your upstream and/or downstream entities' websites/applications have appropriate branding to distinguish your EDE website from a website owned and operated by the federal government?
13. 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 redirected to the third-party Website?

Federal law, at 18 U.S.C. §1001, authorizes prosecution and penalties of fine or imprisonment for conviction of "whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry"