



### Alt Text

Welcome to the Privacy Standards and Definitions Module. Beneath this text on the left is the logo for the Department of Health & Human Services (HHS), which is made up of the profiles of people, stacked on top of each other, resulting in the profile of an eagle. The words "Department of Health & Human Services USA" form a circle that extends out and to the left from the profiles. To the right of the logo are the words "Health Insurance Marketplace®." When used in this document, the term "Health Insurance Marketplace®" or "Marketplace" refers to Federally-facilitated Marketplaces (FFMs), including FFMs where states perform plan management functions, and also refers to State-based Marketplaces on the Federal Platform (SBM-FPs). On the right side of the screen are three images from the module representing module-specific concepts. The health caduceus symbol is behind these images.

### Long Description

Animated introduction screen containing the following text at the top and left of the screen: Welcome to the Privacy Standards and Definitions Module Beneath this text on the left is the logo for the Department of Health & Human Services (HHS), which is made up of the profiles of people, stacked on top of each other, resulting in the profile of an eagle. The words "Department of Health & Human Services USA" form a circle that extends out and to the left from the profiles. To the right of the logo are the words "Health Insurance Marketplace®." When used in this document, the term "Health Insurance Marketplace®" or



“Marketplace” refers to Federally-facilitated Marketplaces (FFMs), including FFMs where states perform plan management functions, and also refers to State-based Marketplaces on the Federal Platform (SBM-FPs). On the right side of the screen are three images from the module representing module-specific concepts. The health caduceus symbol is behind these images.

# Privacy Standards and Definitions

## Disclaimer

The information in this training was current at the time it was published or uploaded onto the Web. Eligibility policies and Marketplace requirements may change so links to the source documents have been provided within the document for your reference. This training is not intended to grant rights or impose obligations. It may contain references or links to statutes, regulations, or other policy materials. The information provided is only intended to be a general summary. It is not intended to take the place of either the written law or regulations. We encourage learners to review the specific statutes, regulations, and other interpretive materials for a full and accurate statement of the requirements.

This communication was printed, published, or produced and disseminated at U.S. taxpayer expense.



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### Alt Text

A page of text with horizontal lines across it; a red horizontal box containing the word “Disclaimer” within it

# Privacy Standards and Definitions

## Introduction

In helping consumers obtain eligibility determinations, compare plans, and enroll in qualified health plans (QHP) through the Health Insurance Marketplace®,\* agents and brokers who complete FFM registration may gain access to personally identifiable information (PII).

Consumers are defined to include applicants, qualified individuals, enrollees, qualified employees, qualified employers, or these individuals' legal representatives or authorized representatives.

Obtaining PII that is submitted on a Marketplace application obligates anyone with access to it to ensure that the information remains private and secure. These obligations are defined within both federal and state laws.

In this module, you will learn basic information on specific privacy rules for the FFM and how those rules apply to agents and brokers.

\*When used in this document, the term "Health Insurance Marketplace®" or "Marketplace" refers to Federally-facilitated Marketplaces (FFM), including FFMs where states perform plan management functions, and also refers to State-based Marketplaces on the Federal Platform (SBM-FP).



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## Alt Text

A page torn with the words "Private and Confidential" revealed

# Privacy Standards and Definitions

## Module Objectives

Upon completion of this module, you should be able to:

- Describe the difference between privacy and security
- Define PII
- Explain the “Agreement Between Agent or Broker and the Centers for Medicare & Medicaid Services (CMS) for the Individual Market Federally-facilitated Exchanges and the State-based Exchanges on the Federal Platform” (Individual Marketplace Privacy and Security Agreement) and the “Agreement Between Agent or Broker and CMS for the Small Business Health Options Programs (SHOP) of the Federally-facilitated Exchanges and State-based Exchanges on the Federal Platform” (SHOP Privacy and Security Agreement)
- Explain how individuals may access their PII
- Describe the requirements regarding the Privacy Notice Statement
- Describe the authorized functions for which an agent or broker may create, collect, disclose, access, maintain, store, and use PII in the Marketplace
- Understand the requirement to obtain a consumer's informed consent for any use or disclosure of PII outside of the authorized functions



## Page Text

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- Describe the requirements regarding the Privacy Notice Statement
- Describe the authorized functions for which an agent or broker may create, collect, disclose, access, maintain, store, and use PII in the Marketplace
- Understand the requirement to obtain a consumer's informed consent for any use or disclosure of PII outside of the authorized functions



**Alt Text**

A laptop key with the word "Privacy" on it

# Privacy Standards and Definitions

## Privacy vs. Security

Select each term for examples of Privacy and Security.

Privacy and security are similar. They are both operationally achieved through a blended approach of developing and implementing effective policies and procedures and applying proper controls, and go hand-in-hand to protect PII. However, they mean different things. Privacy is defined as an individual's right to control the use or disclosure of personal information. Security is defined as the mechanisms in place to protect the confidentiality and privacy of personal information.

### Privacy

An individual's right to control the use or disclosure of personal information

### Security

The mechanisms in place to protect the confidentiality and privacy of personal information

### Long Description

Interactive Graphic: A rectangular box with text is displayed on the left half of the screen. To the right of that text box are two rectangular boxes. The first box is labeled "Privacy" and the second box is labeled: "Security". When each label is selected associated text is displayed.

### Prompt Text

Select each term for examples of Privacy and Security.

### Page Text

Privacy and security are similar. They are both operationally achieved through a blended approach of developing and implementing effective policies and procedures and applying proper controls, and go hand-in-hand to protect PII. However, they mean different things. Privacy is defined as an individual's right to control the use or disclosure of personal information. Security is defined as the mechanisms in place to protect the confidentiality and privacy of personal information.



**Pop Up Text**

Privacy: Example. Setting the privacy settings on a Facebook account so that only certain people may view, comment, or post on your Facebook page

Security: Example. The microchip embedded into a charge or debit card




# Privacy Standards and Definitions

6 / 20 | Exit >

## Definition of Personally Identifiable Information

Select each item to the left to learn more about PII.

- Marketplace Definition
- PII Examples
- Linkable Information



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Text Description of Image or Animation

### Long Description

Interactive graphic of three rectangles with text stacked top to bottom on the left side of the screen. To the right is a Personal Information form with a pen on it. When each rectangle is clicked, associated text and image appears to the right. When the white box is closed an image of a Personal Information form with a pen on it is displayed.

### Prompt Text

Select each item to the left to learn more about PII.

### Pop Up Text

The text in the rectangles on the left from top to bottom: Marketplace Definition, PII Examples, Linkable Information. The images for each popup are:

Marketplace Definition: Image of a magnifying glass magnifying the letters PII in green text.

PII is defined to have the meaning contained in Office of Management and Budget (OMB) Memoranda M-17-12 (January 3, 2017) and refers to information that can be used to distinguish or trace an individual's identity, either alone or when combined with other information that is linked or linkable to a specific individual. Section II(b) of the Individual Marketplace Privacy and



Security Agreement and the SHOP Privacy and Security Agreement specifies the types of PII that an individual may encounter in performing the role of an agent or broker in the Individual Marketplace or SHOP. It is important that you are familiar with this federal definition and how it applies to Marketplace information.

PII Examples: Three overlapping cards, a Florida Driver's License, the front of a credit card, and a Social Security card.

Examples of PII include name, Social Security number, address, email address, and date of birth.

Linkable Information: Two blue keys on a computer keyboard displaying a privacy shield and the word "Security"

A key component to the definition is that PII involves information that is linked or linkable to a specific individual. Therefore, if it is possible to link information to an individual, this information would be considered PII, even if it has not yet been linked to that individual.

# Privacy Standards and Definitions

## Knowledge Check

Your colleague Hank hands you a list with email addresses of potential clients who expressed interest in enrolling in a QHP through the Marketplace, and asks you to contact each of them to set up appointments. Since the list does not contain individual names, you can store and share this list as you wish because it does not contain the clients' PII.

Select the best answer and then click **Check Your Answer**.

- A. True
- B. False

 **Check Your Answer**

**Reset**

### Prompt

Select the best answer and then click Check Your Answer.

### Question

Your colleague Hank hands you a list with email addresses of potential clients who expressed interest in enrolling in a QHP through the Marketplace, and asks you to contact each of them to set up appointments. Since the list does not contain individual names, you can store and share this list as you wish because it does not contain the clients' PII.

### Options

- A. True
- B. False

### Correct Answer

B



**Positive Feedback**

Correct! This list does contain PII because it is possible to link the email address to an individual client. If it is possible to link information to an individual, this information would be considered PII, even if it has not yet been linked to that individual.

**Negative Feedback**

Incorrect. The statement is false. This list does contain PII because it is possible to link the email address to an individual client. If it is possible to link information to an individual, this information would be considered PII, even if it has not yet been linked to that individual.

# Privacy Standards and Definitions

## Marketplace-Specific Rules

The Marketplace needs to create and collect PII to determine eligibility for enrollment in QHPs and insurance affordability programs. Per the Affordable Care Act and 45 CFR § 155.260, the Marketplace; entities that gain access to PII submitted to the Marketplace; or entities that collect, use, or disclose PII gathered directly from Marketplace applicants (like agents and brokers) must also comply with appropriate privacy and security standards that are generally consistent with nine principles.

Select the Job Aids button for a copy of the principles for the FFM privacy and security standards.



### Page Text

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Select the Job Aids button for a copy of the principles for the FFM privacy and security standards.

### Alt Text

A black chalkboard with the words "KNOW THE RULES!" written in white chalk

# Privacy Standards and Definitions

## FFM Privacy and Security Standards

Select each of the nine boxes for more information related to these principles.

Individual Access

Correction

Openness and Transparency

Individual Choice

Collection, Use, and Disclosure Limitations

Data Quality and Integrity

Safeguards

Accountability

Other State and Federal Laws

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Help



Glossary



Job Aids

[Text Description of Image or Animation](#)



### Long Description

Interactive graphic of nine boxes stacked from top to bottom on the left side. The right side is an image of a desk top with a laptop, mug, piece of paper, and pen. The nine boxes display a textbox when selected.

### Prompt Text

Select each of the nine boxes on the left for more information related to these principles.

### Pop Up Text

Label/Title #1: Individual Access Text #1: Individuals should be provided with a simple and timely means to access and obtain their PII in a readable form and format.

Label/Title #2: Correction: Text #2: Individuals should be provided with a timely means to dispute the accuracy or integrity of their PII and to have erroneous information corrected or to have a dispute documented if their requests are denied.

Label/Title #3: Openness and Transparency: Text #3: There should be openness and transparency about policies, procedures, and technologies that directly affect individuals and/or their PII.



Label/Title #4: Individual Choice: Text #4: Individuals should be provided reasonable opportunity and capability to make informed decisions about the collection, use, and disclosure of their PII.

Label/Title #5: Collection, Use, and Disclosure Limitations: Text #5: PII should be created, collected, used, and/or disclosed only to the extent necessary to accomplish a specified purpose(s) and never to discriminate inappropriately.

Label/Title #6: Data Quality and Integrity: Text #6: Persons and entities should take reasonable steps to ensure that PII is complete, accurate, and up-to-date to the extent necessary for the person's or entity's intended purposes, and has not been altered or destroyed in an unauthorized manner.

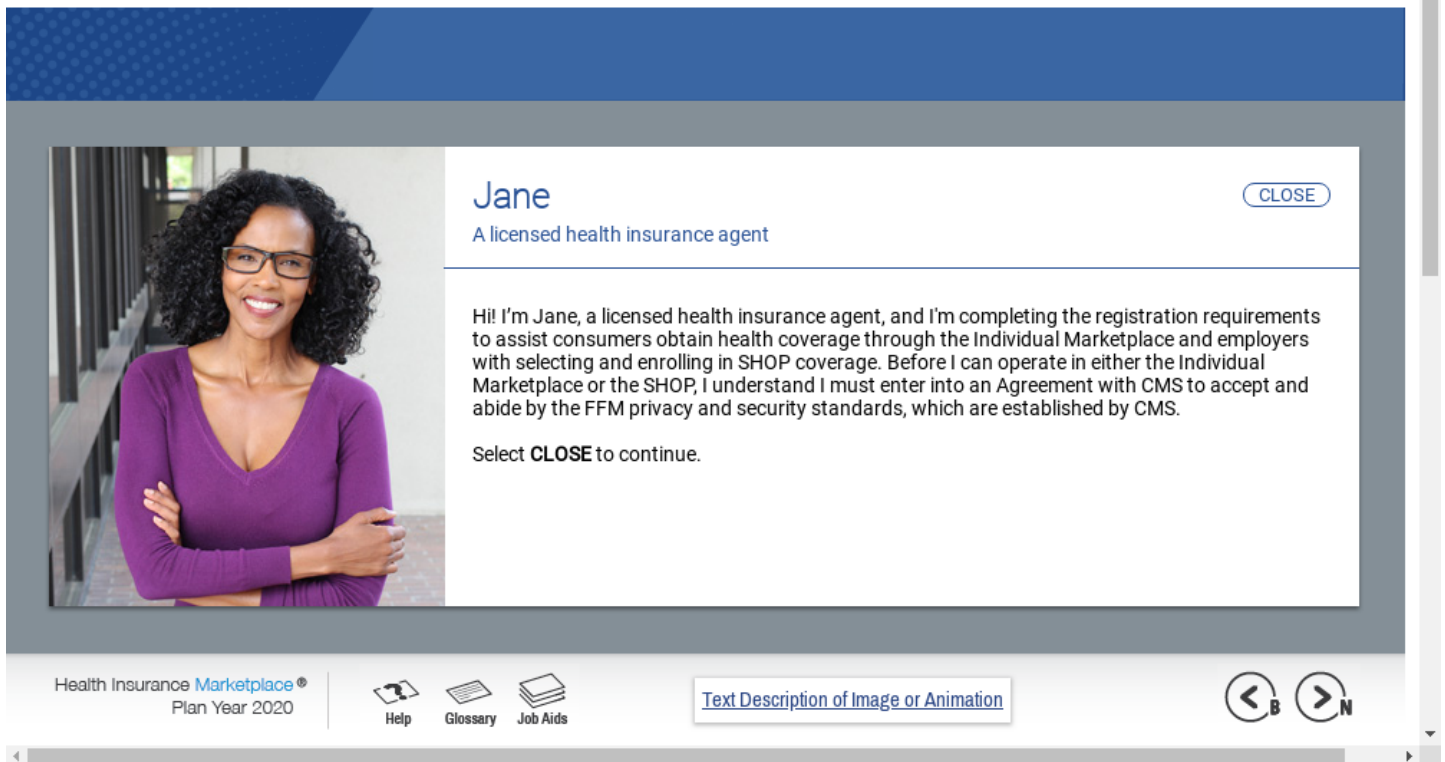
Label/Title #7: Safeguards Text #7: PII should be protected with reasonable operational, administrative, technical, and physical safeguards to ensure its confidentiality, integrity, and availability, and to prevent unauthorized or inappropriate access, use, or disclosure.

Label/Title #8: Accountability Text #8: These principles should be implemented, and adherence assured, through appropriate monitoring and other means and methods should be in place to report and mitigate non-adherence and breaches

Label/Title #9: Other State and Federal Laws: Text #9: An agent or broker must comply with all other applicable state and federal laws related to the privacy and confidentiality of PII. Certain functions of agents and brokers may be subject to the privacy standards of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). It is always up to each agent or broker to understand which privacy laws and regulations his or her functions are subject to, and to fully comply with those laws.

# Privacy Standards and Definitions

## Applicability to Agents and Brokers



**Jane** CLOSE

A licensed health insurance agent

Hi! I'm Jane, a licensed health insurance agent, and I'm completing the registration requirements to assist consumers obtain health coverage through the Individual Marketplace and employers with selecting and enrolling in SHOP coverage. Before I can operate in either the Individual Marketplace or the SHOP, I understand I must enter into an Agreement with CMS to accept and abide by the FFM privacy and security standards, which are established by CMS.

Select **CLOSE** to continue.

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[Text Description of Image or Animation](#)

### Long Description

Image of a woman and prompt text to her right. Interactive graphic of 3 columns with images: a printed agreement, a woman signing her name on an agreement, and a padlock. When each image/column is selected, associated text appears. Images: Left Column Image: 1st page of printed Agreement Middle Column Image: Woman signing her name on an agreement Right Column Image: Padlock Labels from Left to Right: Agreement, Signing the Agreement, Authorized Functions

### Page Text

Hi! I am Jane, a licensed health insurance agent, and I am completing the registration requirements to assist consumers obtain health coverage through the Individual Marketplace and employers with selecting and enrolling in SHOP coverage. Before I can operate in either the Individual Marketplace or the SHOP, I understand I must enter into an Agreement with CMS to accept and abide by the FFM privacy and security standards, which are established by CMS.

### Prompt Text

Select each panel to learn more about the Agreement, Signing the Agreement, and the Authorized Functions. Select the CLOSE button to continue.





## Pop Up Text

Agreement Column Text: The Agreement Jane referred to is the Individual Marketplace Privacy and Security Agreement or the SHOP Privacy and Security Agreement, depending on the Marketplace to which it applies.

Signing the Agreement Column Text: By signing the applicable version of this Agreement, each agent and broker agrees to comply with the FFM's privacy and security standards, established by CMS, which are defined in the Agreements' Appendix A, titled "Privacy and Security Standards and Implementation Specifications for Non-Exchange Entities." Each agent and broker must also ensure that its workforce that creates, collects, accesses, stores, maintains, discloses, or uses PII in the Marketplace strictly adheres to the same. The Agreement specifies the types of PII that may be collected or received, the authorized uses of such PII, and requirements for its destruction. The Agreement also outlines when and how termination of the Agreement may occur.

Authorized Functions Column Text: Section II(a) of the applicable Privacy and Security Agreement identifies the authorized functions for which an agent or broker may create, collect, disclose, access, maintain, store, and use PII in the Marketplace. The authorized functions will be described later in this module.

# Privacy Standards and Definitions


## Knowledge Check

### True or False:

**An agent or broker may only collect, use, or disclose PII to the extent necessary to carry out the functions authorized in the Individual Marketplace Privacy and Security Agreement and the SHOP Privacy and Security Agreement.**

Select **the best answer** and then click **Check Your Answer**.

- A. True
- B. False

 Check Your Answer

Reset

### Prompt

Select the best answer and then click Check Your Answer.

### Question

True or False: An agent or broker may only collect, use, or disclose PII to the extent necessary to carry out the functions authorized in the Individual Marketplace Privacy and Security Agreement and the SHOP Privacy and Security Agreement.

### Options

- A. True
- B. False

### Correct Answer

A



**Positive Feedback**

Correct! An agent or broker needs to collect and use PII in the context of assisting with the completion of Marketplace applications to determine eligibility for enrollment in a QHP and eligibility for insurance affordability programs. In doing so, an agent or broker may only collect, use, or disclose PII as necessary to carry out the functions authorized by CMS.

**Negative Feedback**

Incorrect. The statement is true. An agent or broker needs to collect and use PII in the context of assisting with the completion of Marketplace applications to determine eligibility for enrollment in a QHP and eligibility for insurance affordability programs. In doing so, an agent or broker may only collect, use, or disclose PII as necessary to carry out the functions authorized by CMS.

# Privacy Standards and Definitions

## Specific Privacy Standards for Agents and Brokers

Select each circle in the image to learn what the privacy standards include.



### Long Description

Interactive graphic of agents and brokers standing in front of a desk. Each agent or broker has a colored circle in front of his or her chest. When each circle is selected, the associated text appears, along with which standard from the Agreement it pertains to.

### Page Text

The privacy standards for agents and brokers are described in Appendix A of the Individual Marketplace Privacy and Security Agreement and the SHOP Privacy and Security Agreement. Select each circle in the image to learn what the privacy standards include. The first three circles represent the privacy standards covered in this module. The last four circles are standards that are covered in the Protecting and Handling PII module. The first three circles represent the privacy standards covered in this module. The last four circles are standards that are covered in the Protecting and Handling PII module.

### Pop Up Text

- Implementing policies and procedures that provide access to PII upon request (Standard 1a)
- Providing a Privacy Notice Statement (Standard 2a)
- Providing opportunity to give informed consent (Standard 3a)

**CLOSE HOLD – DO NOT SHARE. INFORMATION NOT RELEASABLE TO THE PUBLIC UNLESS AUTHORIZED BY LAW.**



- Adhering to specifications for prohibited uses and disclosures of PII (Standard 4c)
- Recognizing the right to amend, correct, substitute, or delete PII (Standard 5a)
- Accounting for disclosures (Standard 5c)
- Reporting any incident or breach of PII (Standard 6a)

# Privacy Standards and Definitions

## Access to PII

Agents or brokers must implement policies and procedures that provide access to PII upon request.

Access rights must apply to any PII that is created, collected, disclosed, accessed, maintained, stored, and used by the agent or broker to perform any of the authorized functions outlined in the Individual Marketplace Privacy and Security Agreement and the SHOP Privacy and Security Agreement.

If the consumer or entity...	Then the agent or broker...
requests access to PII pertaining to the consumer and/or the person the entity represents	<ul style="list-style-type: none"> <li>must review the request and grant or deny access within 30 days of receipt of the request</li> </ul>
has not been specific in which PII he or she would like to access	<ul style="list-style-type: none"> <li>should send the request back to the consumer or entity and may offer to assist the consumer in determining his/her information needs</li> </ul>
requests a paper or electronic copy of PII, and/or requests that it be mailed	<ul style="list-style-type: none"> <li>may charge a fee only to recoup costs for labor for copying the PII, supplies for creating a paper copy or a copy on the electronic media, and/or postage if the PII is mailed and may charge for any costs for preparing an explanation or summary of the PII if the recipient has requested and/or agreed to receive such summary</li> </ul>

## Page Text

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Access rights must apply to any PII that is created, collected, disclosed, accessed, maintained, stored, and used by the agent or broker to perform any of the authorized functions outlined in the Individual Marketplace Privacy and Security Agreement and the SHOP Privacy and Security Agreement.

If the consumer or entity...Then the agent or broker...requests access to PII pertaining to the consumer and/or the person the entity represents

- must review the request and grant or deny access within 30 days of receipt of the request
- has not been specific in which PII he or she would like to access
- should send the request back to the consumer or entity and may offer to assist the consumer in determining his/her information needs
- requests a paper or electronic copy of PII, and/or requests that it be mailed



- may charge a fee only to recoup costs for labor for copying the PII, supplies for creating a paper copy or a copy on the electronic media, and/or postage if the PII is mailed and may charge for any costs for preparing an explanation or summary of the PII if the recipient has requested and/or agreed to receive such summary

# Privacy Standards and Definitions

## Privacy Notice Statement

Prior to collecting PII, agents and brokers must provide a Privacy Notice Statement that is prominently and conspicuously displayed on a public-facing website, if applicable, or on the electronic and/or paper form the agent or broker uses to gather and/or request the PII.

The statement must be written in plain language and provided in a manner that is accessible and timely to people living with disabilities and with limited English proficiency.

Appendix A Standard 2a in the Individual Marketplace Privacy and Security Agreement and the SHOP Privacy and Security Agreement contain more information on the requirements for a Privacy Notice Statement.



### Page Text

Prior to collecting PII, agents and brokers must provide a Privacy Notice Statement that is prominently and conspicuously displayed on a public-facing website, if applicable, or on the electronic and/or paper form the agent or broker uses to gather and/or request the PII.

The statement must be written in plain language and provided in a manner that is accessible and timely to people living with disabilities and with limited English proficiency.

Appendix A Standard 2a in the Individual Marketplace Privacy and Security Agreement and the SHOP Privacy and Security Agreement contain more information on the requirements for a Privacy Notice Statement.

### Alt Text

A laptop screen with a magnifying glass over it



# Privacy Standards and Definitions

## Privacy Notice Statement (Continued)

The statement must contain, at a minimum, the following information (agents and brokers should substitute the content in brackets with content that is specific to their operations):

### Privacy Notice Statement

We are authorized to collect personally identifiable information (PII) from you by **[legal authority to collect PII]**. Any PII we collect is used to **[purpose of the information collection]**.

If you choose to give us PII, we may share this information with **[to whom PII might be disclosed, and for what purposes]**. PII is used or disclosed only under the following circumstances: **[authorized uses and disclosures of any collected information]**.

**[Indicate whether the request to collect PII is voluntary or mandatory under the applicable law]**. If you choose not to provide us with the PII requested, or not to respond to certain questions, **[effects of non-disclosure if an individual chooses not to provide the requested information]**.

### Alt Text

One column table containing a Privacy Notice Statement. Above the table the text reads: The statement must contain, at a minimum, the following information (agents and brokers should substitute the content in brackets with content that is specific to their operations). The title of the table appears at the top of the table: Privacy Notice Statement.

### Page Text

We are authorized to collect personally identifiable information (PII) from you by **[legal authority to collect PII]**. Any PII we collect is used to **[purpose of the information collection]**.

If you choose to give us PII, we may share this information with **[to whom PII might be disclosed, and for what purposes]**. PII is used or disclosed only under the following circumstances: **[authorized uses and disclosures of any collected information]**.

**[Indicate whether the request to collect PII is voluntary or mandatory under the applicable law]**. If you choose not to provide us with the PII requested, or not to respond to certain questions, **[effects of non-disclosure if an individual chooses not to provide the requested information]**.

# Privacy Standards and Definitions


## Knowledge Check

### True or False:

**Agents and brokers must provide a Privacy Notice Statement to consumers in the Marketplace regarding the use and disclosure of PII.**

Select **the best answer** and then click **Check Your Answer**.

- A. True
- B. False

 Check Your Answer

Reset

### Prompt

Select the best answer and then click Check Your Answer.

### Question

True or False: Agents and brokers must provide a Privacy Notice Statement to consumers in the Marketplace regarding the use and disclosure of PII.

### Options

- A. True
- B. False

### Correct Answer

A



**Positive Feedback**

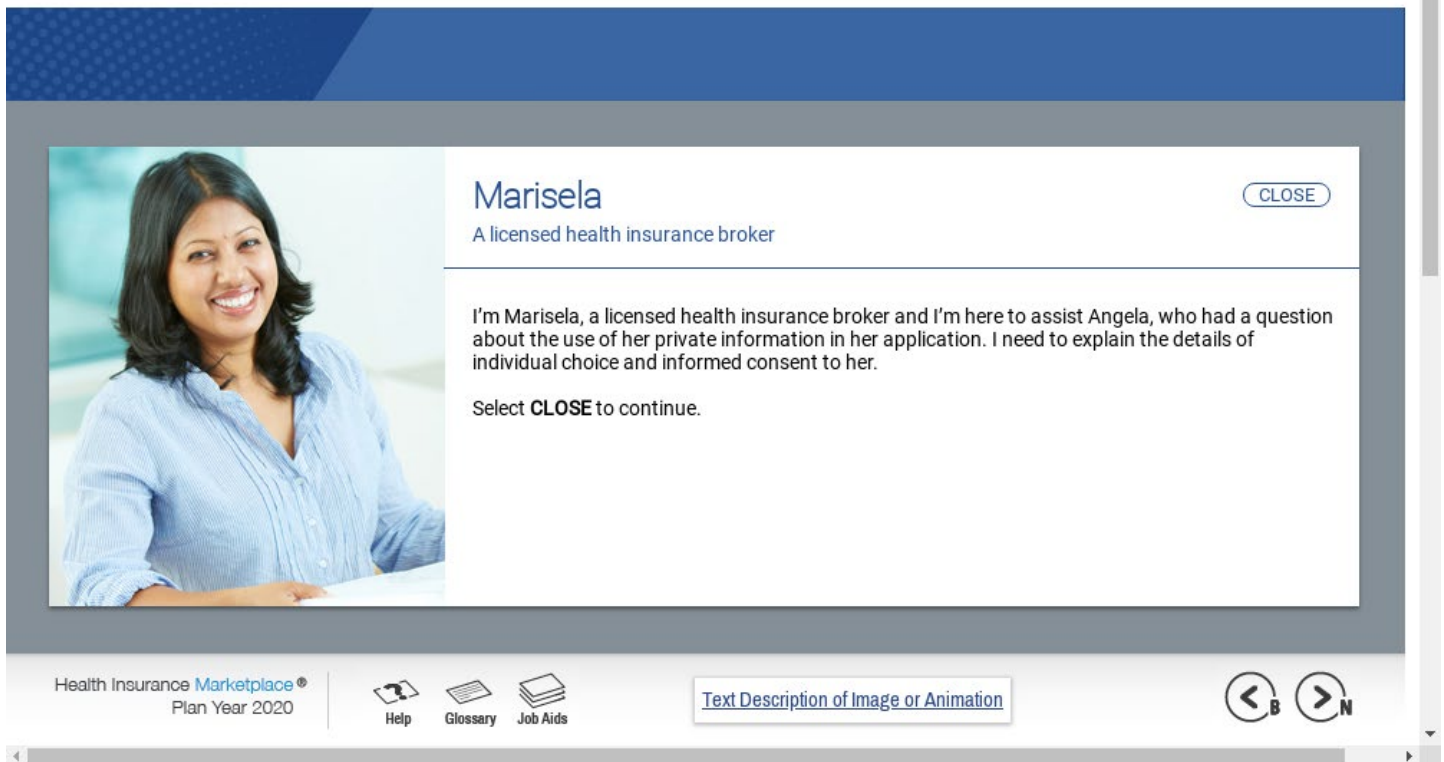
Correct! Agents and brokers must provide a Privacy Notice Statement to consumers in the Marketplace regarding the use and disclosure of PII. The Individual Marketplace Privacy and Security Agreement and the SHOP Privacy and Security Agreement include more information about the Privacy Notice Statement.

**Negative Feedback**

Incorrect. The statement is true. Agents and brokers must provide a Privacy Notice Statement to consumers in the Marketplace regarding the use and disclosure of PII. The Individual Marketplace Privacy and Security Agreement and the SHOP Privacy and Security Agreement include more information about the Privacy Notice Statement.

# Privacy Standards and Definitions

## Individual Choice: Informed Consent



**Marisela** CLOSE

A licensed health insurance broker

I'm Marisela, a licensed health insurance broker and I'm here to assist Angela, who had a question about the use of her private information in her application. I need to explain the details of individual choice and informed consent to her.

Select **CLOSE** to continue.

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[Text Description of Image or Animation](#)

Navigation icons: back, forward, search, and refresh.

### Long Description

A woman smiling with a prompt text to the right of her. Interactive graphic of 3 columns with images: Privacy Notice Statement and a pen, a doctor holding a folder labeled Informed Consent, shield with two toned blue lock inside the shield. When each image/column is selected, associated text appears. Images: Left Column Image: Privacy Notice Statement and a pen Middle Column Image: Folder with Informed Consent label held by a doctor Right Column Image: Graphic with a lock and a shield

### Page Text

I'm Marisela, a licensed health insurance broker and I'm here to assist Angela, who had a question about the use of her private information in her application. I need to explain the details of individual choice and informed consent to her. Select CLOSE to continue.

### Pop Up Text

Privacy Notice Statement: Agents or brokers may create, collect, disclose, access, maintain, store, and use PII from individuals or entities only for the functions and purposes listed in the Privacy Notice Statement and any relevant agreements in effect at the time the information is collected, unless the Marketplace or the agent or broker obtains informed consent from such individuals.



Informed Consent: Any such consent that an individual gives for disclosure of his or her PII serves as the basis of a use or disclosure and must:

- Be provided in specific terms and in plain language
- Identify the entity collecting or using the PII, and/or making the disclosure
- Identify the specific collections, use(s), and disclosure(s) of specified PII with respect to a specific recipient(s)
- Provide notice of an individual's ability to revoke the consent at any time

Secured: Consent documents must be appropriately secured and retained for 10 years. Individuals have the opportunity to rescind consent and terminate their relationship with an agent or broker at any time. The Individual Marketplace Privacy and Security Agreement and the SHOP Privacy and Security Agreement describe authorized functions for [Individual Marketplace](#) and for the [SHOP](#).

### **Individual Marketplace pop-up:**

Section II(a) of the Individual Marketplace Privacy and Security Agreement identifies the following authorized functions for which an agent or broker may create, collect, disclose, access, maintain, store, and use PII in the Federally-facilitated Individual Marketplace and an SBM-FP Individual Marketplace.

1. Assisting with applications for QHP eligibility
2. Supporting QHP selection and enrollment by assisting with plan selection and plan comparisons
3. Assisting with applications for the receipt of advance payments of the premium tax credit (APTC) or cost-sharing reduction (CSR), and selecting an APTC amount
4. Facilitating the collection of standardized attestations acknowledging the receipt of the APTC or CSR determination, if applicable
5. Assisting with the application for and determination of certificates of exemption
6. Assisting with filing appeals of eligibility determinations in connection with the Marketplace
7. Transmitting information about the consumer's, applicant's, qualified individual's, or enrollee's decisions regarding QHP enrollment and/or CSR and APTC information to the Marketplace
8. Facilitating payment of the initial premium amount for the appropriate QHP
9. Facilitating an enrollee's ability to disenroll from a QHP
10. Educating consumers, applicants, or enrollees on insurance affordability programs and, if applicable, informing such individuals of eligibility for Medicaid or the Children's Health Insurance Program
11. Assisting an enrollee's ability to report changes in eligibility status to the Marketplace throughout the plan year, including changes that may impact eligibility (e.g., adding a dependent)
12. Correcting errors in the application for QHP enrollment
13. Informing or reminding enrollees when QHP coverage should be renewed or when enrollees may no longer be eligible to maintain their current QHP coverage because of age, or to inform enrollees of QHP coverage options at renewal
14. Providing appropriate information, materials, and programs to inform and educate consumers, applicants, qualified individuals, and enrollees about the use and management of their health information and services and options offered through the selected QHP and among the available QHP options
15. Contacting consumers, applicants, qualified individuals, and enrollees to assess their satisfaction or resolve complaints with services provided by the agent or broker in connection with the Marketplace or QHPs
16. Providing assistance in communicating with QHP Issuers
17. Carrying out the agent's or broker's legal responsibilities related to QHP issuer functions in the Marketplace, as permitted or required by the agent's or broker's contractual relationships with QHP issuers



18. Other functions substantially similar to those enumerated above and such other functions that may be approved by CMS in writing from time to time

**Text for SHOP pop-up:**

Section II(a) of the SHOP Privacy and Security Agreement identifies the following authorized functions for which an agent or broker may create, collect, disclose, access, maintain, store, and use PII in the SHOP. The references below to the “SHOP Marketplace” include both FFMs and SBM-FPs.

1. Assisting with application, eligibility, and enrollment processes for QHPs offered through the SHOP Marketplace
2. Supporting SHOP Marketplace QHP selection and enrollment by assisting with plan comparisons and plan selection
3. Facilitating employer premium contribution amount selections through the SHOP Marketplace
4. Facilitating payment of the initial and subsequent group premium amount for SHOP Marketplace coverage
5. Facilitating employee and dependent enrollment and disenrollment in QHPs offered through the SHOP Marketplace
6. Handling SHOP Marketplace coverage changes throughout the plan year that may impact eligibility, including adding a new hire, removing an employee no longer employed at a company, removing an employee no longer employed full-time, and adding a newborn or spouse during a special enrollment period
7. Assisting with filing appeals of SHOP Marketplace eligibility determinations
8. Providing customer service activities related to SHOP Marketplace coverage if permitted under state and federal law, including correction of errors on SHOP Marketplace applications and policies, handling complaints and appeals regarding SHOP Marketplace coverage, responding to questions about SHOP Marketplace insurance policies, assisting in communicating with SHOP Marketplace issuers, assisting with communicating with state regulatory authorities regarding SHOP Marketplace issues, and assistance in communicating with CMS and SHOP Marketplace Workforces
9. Conducting quality assurance activities, including assessment of consumer satisfaction related to the agent’s or broker’s assistance with SHOP Marketplace coverage
10. Providing information, materials, and programs to educate consumers, applicants, employers, employees, qualified employers, qualified employees, and enrollees about the use and maintenance of their SHOP Marketplace health coverage and policies
11. Carrying out the agent’s or broker’s legal responsibilities related to QHP issuer functions in the SHOP Marketplace as permitted or required by the agent’s or broker’s contractual relationships with QHP issuers
12. Other functions substantially similar to those enumerated above and such other functions that may be approved by CMS in writing from time to time


# Privacy Standards and Definitions

## Knowledge Check

**For which of the following purposes can an agent or broker share PII about an individual?**

Select **all that apply** and then click **Check Your Answer**.

- A.** Help an individual obtain an assessment of his/her Medicaid eligibility
- B.** Assist an individual in obtaining a determination as to whether he/she qualifies for the premium tax credit through his/her state's Marketplace
- C.** Select a QHP
- D.** Inform a trusted physician about the upcoming availability of a new patient under a QHP

 **Check Your Answer**

**Reset**

### Prompt

Select all that apply and then click Check Your Answer.

### Question

For which of the following purposes can an agent or broker share PII about an individual?



**Options:**

- A. Help an individual obtain an assessment of his/her Medicaid eligibility
- B. Assist an individual in obtaining a determination as to whether he/she qualifies for the premium tax credit through his/her state's Marketplace
- C. Select a QHP
- D. Inform a trusted physician about the upcoming availability of a new patient under a QHP

**Correct Answer**

A

**Positive Feedback**

Correct! An agent or broker may use PII, such as information about an individual's residency or income, only to the extent necessary to accomplish a specific authorized purpose in the Marketplace. PII may not be used for marketing or other unauthorized purposes. Additional guidance on PII is contained in the Individual Marketplace Privacy and Security Agreement or the SHOP Privacy and Security Agreement you must sign before assisting consumers with application and selection of a QHP through the Marketplace.

**Negative Feedback**

Incorrect. The correct answers are A, B, and C. An agent or broker may use PII, such as information about an individual's residency or income, only to the extent necessary to accomplish a specific authorized purpose in the Marketplace. PII may not be used for marketing or other unauthorized purposes. Additional guidance on PII is contained in the Individual Marketplace Privacy and Security Agreement or the SHOP Privacy and Security Agreement you must sign before assisting consumers with application and selection of a QHP through the Marketplace.



# Privacy Standards and Definitions

## Module Summary

Select each button and review the key points of this lesson.

PII and Informed Consent

Privacy Notice and Access

Privacy and Security Agreement

### Long Description

Interactive graphic: A collage of icons representing module-specific concepts is displayed; three equally-sized rectangular buttons are shown from left to right across the bottom of the page. Each rectangular button has a label that corresponds to a key module topic or concept. When each button is selected a popup box appears and displays accompanying text.

### Prompt text

Select each button and review the key points of this lesson.

### Pop Up Text

PII and Informed Consent:

- PII is defined as information that can be used to distinguish or trace an individual's identity, either alone or when combined with other information that is linked or linkable to a specific individual.
- Consumers must provide an agent or broker their informed consent for any use or disclosure of the consumer's PII outside of the authorized functions for PII in the Marketplace.



## Privacy Notice and Access

- Agents and brokers must provide a Privacy Notice Statement to any individual prior to collecting that individual's PII.
- Agents or brokers must implement policies and procedures that provide individuals or entities access to PII pertaining to them and/or the person they represent upon request.

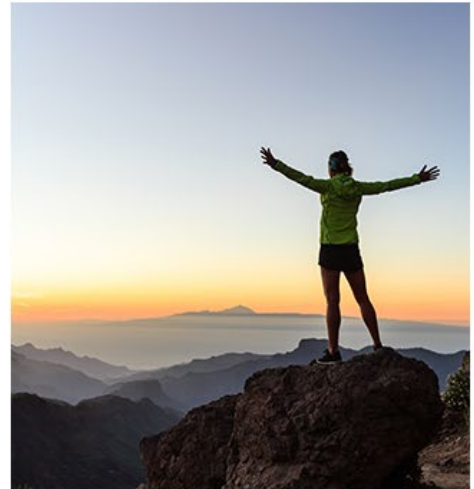
## Privacy and Security Agreement Agents and brokers operating in the Marketplace:

- May only use or disclose PII to the extent necessary to carry out the functions authorized in their Privacy and Security Agreement(s) with CMS; and
- Must comply with the privacy and security standards established by CMS and defined in the Agreements' Appendix A, titled "Privacy and Security Standards and Implementation Specifications for Non-Exchange Entities."

# Privacy Standards and Definitions

## Module Completion

Congratulations! You have completed the module on Privacy Standards and Definitions.



### Page Text

Congratulations! You have completed the module on Privacy Standards and Definitions.

### Alt Text

A person standing on a mountain peak with arms outstretched