

## **CMS Privacy Policy for Billing Complaints and No Surprises Help Desk - Consumers**

Protecting your privacy is very important to us. This privacy policy describes what information we collect, why we collect it, and what we do with it. This privacy notice covers the surprise billing (“No Surprises”) complaints process and help desk for consumers available through the Salesforce platform, which includes the [consumer complaints form](#). A separate Billing Complaints privacy policy is available for providers covering [provider billing complaints](#). These websites are referred to as the “Complaints site” throughout the rest of this notice and are maintained and operated by the Centers for Medicare & Medicaid Services (CMS). The privacy notice for the main CMS.gov website (separate from Complaints site), which includes the “No Surprises” website section is available at <https://www.cms.gov/privacy>. The privacy notice for other CMS websites not listed above is available at <https://www.cms.gov/About-CMS/Agency-Information/Aboutwebsite/Privacy-Policy>.

The Complaints site doesn’t collect name, contact information, or other similar information through these websites unless you choose to provide it. We do collect other, limited, non-personally identifiable information automatically from visitors who read, browse, and/or download information from our website. We do this so we can understand how the website is being used and how we can make it more helpful. For more information, see “Types of information we collect”.

Personally identifiable information (PII), defined by the Office of Management and Budget (OMB), refers to information that can be used to distinguish or trace an individual's identity, like their name, Social Security Number, biometric records, etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, like date and place of birth, mother’s maiden name, etc. Individually identifiable health information (IIHI), as defined by the Health Insurance Portability and Accountability Act (HIPAA), is a subset of health information including demographic information that refers to information that can be used to distinguish or trace an individual's identity that is created or received by a healthcare provider, health plan, employer or healthcare clearing house. It relates to a past, present or future physical or mental health or condition of an individual, health care, or past, present or future health care payment.

We don’t sell any information you provide when you visit the Complaints site. For information on how we share information, see “How we use information collected on the Complaints Site”.

### **Types of information we collect**

#### **Information which is automatically collected:**

##### **When you browse**

Certain information about your visit can be collected when you browse websites. When you visit pages within the Complaints site, we, and in some cases our third-party service providers, can collect the following types of information about your visit, including:

- Domain from which you accessed the internet (like Verizon.com if you’re using a Verizon account).

- IP address (an IP or internet protocol address is a number that's automatically assigned to a device connected to the internet).
- Approximate geographic location based on the IP address of the user's local system.
- Operating system for the device that you're using and information about the browser you used when visiting the site. The operating system is software that directs a computer's basic functions, like executing programs and managing storage.
- Date and time of your visit.
- Pages you visited.
- Address of the website that connected you to the Complaints site (like Google.com or Bing.com).
- Device type (like desktop computer, tablet, or type of mobile device).
- Screen resolution.
- Browser language.
- Geographic location.
- Time spent on page.
- Scroll depth (measures how much of a web page was viewed).
- Your actions on the Complaints site (like clicking a button).

For more information, see "How CMS uses third-party websites & applications with the Complaints site".

We use this information to:

- Measure the number of visitors to the Complaints site.
- Help make our website more useful for visitors.
- Improve our public education and outreach through digital advertising.

Also, this information is sometimes used to personalize the content we show you on third-party sites. For more information on our practices, see "How CMS uses third-party websites & applications with the Complaints site".

### **Information you may provide:**

#### **When you request information:**

We collect information, including your email address, to deliver alerts or eNewsletters. We use this information to complete the subscription process and provide you with information. You can opt out of these communications at any time by editing your subscription preferences.

#### **When you file a complaint**

When you initiate a complaint using the complaints form (electronically or by phone), CMS collects personally identifiable information and individually identifiable health information about you and is authorized to maintain a record of the information related to your complaint. We collect contact and demographic information such as your first and last name, your email address, your mailing address, your phone number, and your contact preferences. We may also collect first and last name if the person filling out the complaints form is submitting it on behalf of someone else.

As a part of your complaint, we may also collect information about your health insurance, if you have health coverage, the entity(s) you're reporting (like a provider, facility, or health plan), their contact information, and relevant account information (such as insurance plan policy information), along with a description of the specific problem you're having and relevant location, dates of events and any resolution actions that may have occurred prior to your complaint. We may also collect information about the type of complaint such as emergency vs. non-emergency services, or disclosure of patient protections, concerns about continuity of care or mental health parity and addiction equity protections, advanced cost estimates, or patient provider dispute resolution process concerns. We may also collect additional documentation to help research and resolve your complaint.

After you complete your complaints form, some of your information may be disclosed outside of CMS so that your complaint can be researched and resolved. These organizations may include federal contractors engaged to support the surprise billing ("No Surprises") complaints process and help desk program; providers, facilities, health plans and their authorized representatives that are part of your complaint; other federal agencies such as Department of Health and Human Services (HHS), Department of Labor, and Department of the Treasury; state insurance and oversight agencies; federal, state and local law enforcement to combat fraud; and any other entities authorized by law and the relevant Complaints site privacy policy and Privacy Act Statement to support billing and other health care complaints and enforcement of surprise medical billing protections.

In accordance with the Privacy Act of 1974, CMS maintains a system of records for the collection of personally identifiable information you submit on the Form and other information you may submit in relation to your complaint. The system of records notice relevant to Personal Information collected on the Form and within the Complaints/NSHD process is entitled, "Complaints Against Health Insurance Issuers and Health Plans (CAHII)," System No. 09-70-9005, and was published in the Federal Register on February 12, 2001 (66 FR 9858), and was amended on February 14, 2018 (83 FR 6591). The original system of records notice can be found at:

<https://www.federalregister.gov/documents/2007/05/08/E7-8757/privacy-act-of-1974-report-of-a-modified-or-altered-system-of-records>; the amendment can be found at

<https://www.federalregister.gov/documents/2018/02/14/2018-03014/privacy-act-of-1974-system-of-records>.

For specific details on the data collected by the systems that make up the Complaints site and NSHD ([consumer forms](#) and [provider forms](#)), please view the Privacy Impact Assessments (PIAs) located at: <https://www.hhs.gov/pia/>.

## **How we use information collected on the Complaints site**

### **When processing your complaint:**

We use the complaints form information you choose to provide to research, take action and resolve issues as a part of the Complaints process, contact you when we need additional information, communicate about with you and other entities to conduct enforcement actions related to surprise billing and other health care protections. We also use some of the information you provide to review your complaint and gather additional information to facilitate taking action to research and resolve your

complaint. We may also communicate with the relevant provider, facility or health plan or other entity named in the complaint, share details about the complaint and gather documents and information from entities involved in the complaint. We may also share your complaint with other federal and state agencies who may contact you to assist with resolving your complaint or taking enforcement action against entities named in your complaint if it's determined that a provider, facility, health plan or other entity has been found not to be in compliance with relevant surprise billing and other health protections. You can find more information about how we use the information you provide on the complaints form in the Privacy Act Statement displayed at the beginning of the complaints form.

**When sending you CMS messages:**

We use the email address you provide us to send emails related to Complaints. CMS also may use the phone number you provide to call you about your complaint.

**When calling about your complaint:**

CMS uses the phone number you provided us to communicate important information about your complaint. A CMS representative on the Complaints team may call you if there is an issue with your form, including if:

- A technical error occurred when you submitted your complaints form or additional documents,
- The Complaints team needs more information to research or resolve your complaint,
- To follow up on the status of your complaint

**Conducting surveys to improve services:**

We use online surveys to collect opinions and feedback. You don't have to answer these questions. If you do answer these questions, don't include any personally identifiable or health information in your answers. We analyze and use the information from these surveys to improve the site's operation and content. The information is available only to CMS managers, members of the CMS communications and web teams, and other designated federal staff and contractors who require this information to perform their duties.

**Using third-party tools for website analytics:**

We use a variety of third-party web tools for web analytics. We don't collect any PII/PHI with these tools. We use these tools to collect basic information about visits to the Complaints site. This information is then used to maintain the website, including:

- Monitoring website stability
- Measuring website traffic
- Optimizing website content
- Helping make the website more useful to visitors

CMS staff analyzes the data collected from these tools. Reports are available only to CMS managers, teams who implement programs represented on the Complaints site, members of the CMS communications and web teams, and other designated federal staff and contractors who need this information to perform their jobs.

## How we use cookies & other technologies on the Complaints site

The Office of Management and Budget Memo [M-10-22](#), Guidance for Online Use of Web Measurement and Customization Technologies, allows federal agencies to use session and persistent cookies to improve the delivery of services.

When you visit a website, its server may generate a piece of text known as a “cookie” to place on your device. The cookie, which is unique to your browser, allows the server to “remember” specific information about your visit while you’re connected. The cookie makes it easier for you to use the dynamic features of web pages. Information that you enter into the Complaints site isn’t associated with cookies on the Complaints site. Depending on the third-party tool’s business practices, privacy policies, terms of service, and/or the privacy settings you selected, information you’ve provided to third parties could be used to identify you when you visit the Complaints site. These third parties don’t/won’t share your identity with CMS or the Department of Health and Human Services (HHS).

There are 2 types of cookies - single session (temporary) and multi-session (persistent). Single session cookies last only as long as your internet browser is open. Once you close your browser, the session cookie disappears. Persistent cookies are stored on your device for longer periods. Both types of cookies create an ID that’s unique to your device.

- **Session cookies:** We use session cookies for technical purposes, like to allow better navigation through our website. These cookies let our server know that you’re continuing a visit to our website. The OMB Memo M-10-22 Guidance defines our use of session cookies as “Usage Tier 1—Single Session.” The policy says, “This tier encompasses any use of single session web measurement and customization technologies.” We don’t use persistent cookies on this site.
- **Persistent cookies:** We use persistent cookies to understand the differences between new and returning visitors to Complaints site. Persistent cookies remain on your device between visits to our website until they expire or are removed by the user. The OMB Memorandum M-10-22 Guidance defines our use of persistent cookies as “Usage Tier 2—Multi-session without personally identifiable information.” The policy says, “This tier encompasses any use of multi-session web measurement and customization technologies when no PII is collected.” We don’t use persistent cookies to collect PII. We don’t identify a user by using cookies.

CMS also uses these technologies on the Complaints site:

- **Website log files:** These are used as an analysis tool and to tell how visitors use the Complaints site, how often they return, and how they navigate through the website.
- **Flash:** Flash is used to assess the performance of the site and as a player for selected videos depending on the browser a device is using.
- **Local Storage Objects:** We use Flash Local Storage Objects (“LSOs”) to store your preferences and to personalize your visit.

## Your choices about tracking & data collection on the Complaints site

Users must manually control what tracking and data collection takes place during your visit. Third-party tools are enabled by default to provide a quality consumer experience.

You must manually adjust your privacy settings with the choice to opt in or to opt out of the different categories of third-party tools used by CMS: Advertising, Analytics, or Social Media. Manually opting out prevents cookies, web beacons, and Local Storage Objects from being placed on your device. Adjusting your privacy settings manually also prevents third-party tools from loading regardless of your cookie settings, which provides you with an additional layer of privacy that prevents the tool from loading at all.

### **Modify Privacy Options**

If you disable cookies in your browser, you must do so manually. If you don't wish to manually opt out of the tools used by the Complaints site, you can opt out of tools individually, or via the Digital Advertising Alliance ("DAA") AdChoices icon, discussed in the next subsection. For help manually adjusting your settings and opting out of different services, visit: <https://www.usa.gov/optout-instructions>.

**AdChoices:** We include the AdChoices icon on all digital advertising that uses "conversion tracking" or "retargeting." To learn about conversion tracking, targeted advertising, and retargeting, see How CMS uses third-party websites & applications with the Complaints site. The AdChoices icon is usually at or near the corner of digital ads. When you click on the AdChoices icon, it will provide information on what company served the ad and information on how to opt out. [Learn more about AdChoices](#).

**Do Not Track:** While Salesforce attempts to honor do not track ("DNT") instructions we receive from your browser, we cannot guarantee that Salesforce will always respond to such signals. If "Do Not Track" is set before a device visits the Complaints Site, third-party conversion tracking and retargeting tools may not load on the website. To learn more about conversion tracking and retargeting, see How CMS uses third-party websites & applications with the Complaints site. [Learn more about Do Not Track and how to set the Do Not Track setting in your browser](#).

### **How CMS uses third-party websites & applications with the Complaints site**

The Complaints site uses a variety of technologies and social media services to communicate and interact with the public. These third-party websites and applications include popular social networking and media websites, open source software communities, and more.

#### **Third-party websites:**

Your activity on the third-party websites that the Complaints site links to (like Facebook or Twitter) is governed by the security and privacy policies of those websites. You should review the privacy policies of all websites before using them so you understand how your information may be used.

#### **Complaints intake platform:**

To facilitate the intake of your complaint, CMS contracts with and uses a third party vendor platform managed by Salesforce, to provide the complaints form online, and for the help desk to enter in complaints over the phone. Salesforce is a cloud computing platform that is used as a Customer relationship management technology that is used by companies or organizations to manage interactions with users and potential users. The Salesforce platform provides the OMB approved complaints form

to facilitate electronic collection of your complaint and supporting documents and route the information to the appropriate CMS resources and other federal agencies to research and resolve your complaint. For more information on this service, please see the CMS Privacy Impact Assessment for insert name at <https://www.hhs.gov/pia>.

### **Website analytics tools:**

These tools collect basic site usage information, like:

- How many visits the Complaints site gets
- The pages visited
- Time spent on the Complaints site
- The number of return visits to the Complaints site
- The approximate geographic location of the device used to access the Complaints site
- Types of devices used

This information is used to maintain the website, including:

- Monitoring website stability
- Measuring website traffic
- Optimizing website content
- Improving your experience

For help manually adjusting your settings and opting out of different services, visit:

<https://www.usa.gov/optout-instructions>.

We may consider new third-party tools or the use of new third-party websites, but we'll first assess the tool or website before it's used in connection with the Complaints site. We'll provide notice to the public before adding any new tool to the Complaints site. These assessments include a description about how information will be collected, accessed, secured, and stored. See a list of the [third-party tools currently being used](#). [See risk assessments for third-party websites and applications](#).

### **How CMS protects your personal information**

CMS is committed to protecting consumer information entrusted with us at the Complaints site. You don't have to give us personal information when you visit the Complaints site, but if you want to get alerts or e-newsletters, you'll need to give us your email address to subscribe.

If you visit the Complaints site and choose to provide us with personally identifiable or individually identifiable health information through a request for information, paper or electronic form, application, questionnaire, survey, etc., we store your personally identifiable and individually identifiable health information in a record system designed to retrieve information about you by personal identifier (name, personal email address, home mailing address, personal or mobile phone number, etc.). We will safeguard the information you provide in accordance with the requirements of the Public Health Service Act as amended by Consolidated Appropriations Act of 2021, the regulations promulgated under HIPAA as amended (45 CFR 160-164), and the [Privacy Act of 1974](#), as amended ([5 U.S.C. Section 552a](#)).

If we have a record system to retrieve information about you so we can carry out our mission, a Privacy Act Notification Statement should be prominently displayed out in the open on the public-facing website or form asking you for PII. The statement has to address these 5 criteria:

1. The legal authorization we have to collect information about you
2. Why we're collecting information
3. Routine ways we disclose information outside of our websites
4. Whether or not you legally have to give us the information we're asking for
5. What happens if you choose to not us the information we're asking for

CMS, the operator of the Complaints site, publishes System of Record Notices in the Federal Register for these record systems. The original system of records notice relevant to Personal Information collected on the Form and within the Complaints process is entitled, "Complaints Against Health Insurance Issuers and Health Plans (CAHII)," System No. 09-70-9005, and was published in the Federal Register on February 12, 2001 (66 FR 9858), and was amended on February 14, 2018 (83 FR 6591). The original system of records notice can be found at:

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<https://www.federalregister.gov/documents/2018/02/14/2018-03014/privacy-act-of-1974-system-of-records>.

For more information about the Complaints site privacy policy, email [Privacy@cms.hhs.gov](mailto:Privacy@cms.hhs.gov).

Third-party services are web-based technologies that aren't exclusively operated or controlled by a government entity, or that involve significant participation of a nongovernment entity. These services may be separate websites or may be applications embedded within our websites. The list of third-party services includes links to relevant third-party privacy policies.

### **How long CMS keeps data & how it's accessed**

We'll keep data collected long enough to achieve the specified objective for which they were collected. Once the specified objective is achieved, the data will be retired or destroyed in accordance with published draft records schedules of CMS as approved by the National Archives and Records Administration.

We don't store information from cookies on our systems. The persistent cookies used with third-party tools on the Complaints site can be stored on a user's local system and are set to expire at varying time periods depending upon the cookie. We assess whether the expiration date of a cookie exceeds one year and [provides an explanation](#) as to why cookies with a longer life are used on the site in the associated Third-Party Website or Application Privacy Impact Assessment.

### **Children & privacy on the Complaints site**

We believe it's important to protect the privacy of children online. The Children's Online Privacy Protection Act (COPPA) governs information gathered online from or about children under the age of 13. The Complaints site isn't intended to solicit information of any kind from children under age 13.



## **Links to other sites**

The Complaints site may link to other CMS and HHS websites, other government websites, and/or private organizations (like health care providers). We link to other websites solely for your convenience and education. When you follow a link to an external site, you're leaving the Complaints site and the external site's privacy and security policies will apply. Non-federal websites don't necessarily operate under the same laws, regulations, and policies as federal websites. Other than third-party websites highlighted in this privacy notice, we aren't responsible for the contents of external web pages and a link to a page doesn't constitute an endorsement.

## **Social media & other sites that require registration**

We use social media websites (listed below) to:

- Increase government transparency
- Improve information sharing
- Promote public participation
- Encourage partnership with CMS

Social media websites aren't government websites or applications. They're controlled or operated by the social media website. We don't own, manage, or control social media websites. In addition, we don't collect, maintain, or disseminate information posted by visitors to those social media websites. If you choose to provide information to a social media website through registration or other interaction with the website, the use of any information you provide is controlled by your relationship with the social media website. For example, any information that you provide to register on Facebook is voluntarily contributed and isn't maintained by us. This information may be available to our social media page administrators in whole or part, based on a user's privacy settings on the social media website. However, we won't use PII, if provided by you to a social media website or other website that requires registration, for targeted advertising or retargeting. Although you may voluntarily contribute to a social media website with the intent to share the information with others on a CMS social media page, to protect your privacy, don't disclose PII about yourself or others.

We don't keep separate records or accounting of any social media website users or their interaction with the Complaints site pages on social media websites. We don't store or share this information. User information is retained by social media websites in accordance with the website's policies. See each social media website's privacy policy to see how long user information is retained after an account has been deleted. To learn more about how each social media website uses and maintains information visit their privacy policy, as follows:

- [Facebook](#)
- [Twitter](#)
- [YouTube](#)
- [LinkedIn](#)

**Additional privacy information**

[Get more information about CMS privacy policies.](#)