



# Terms and Privacy

## Terms of Use

The MNSure system is the property of the State of Minnesota and is subject to the Minnesota Government Data Practices Act.

In order to purchase insurance through the MNSure system, an applicant will have to create an online account. This account access is granted subject to compliance with law and the terms and conditions for use. Users are responsible for maintaining confidentiality of their personal account information. By using the MNSure system, applicants certify that the information provided is true and accurate. MNSure applicants and account holders have a duty to ensure the accuracy, relevance, timeliness, and completeness of personally identifiable information, as is reasonably necessary, to assure fairness in making determinations about an individual. MNSure applicants and account holders may not knowingly or willingly conceal, remove, mutilate, obliterate, falsify, or destroy information.

Providing false information or using information obtained through the MNSure system for unauthorized purposes is a violation of law and may subject you to criminal and/or civil penalties. Fraud, waste, abuse, and any attempt to breach the security of the system are strictly prohibited, and any suspected misuse, fraud, waste, or abuse should be reported to [mnsurecompliancehotline@mnsure.org](mailto:mnsurecompliancehotline@mnsure.org).

MNSure Applicants or individuals who provide and view information on behalf of household members, dependents, employees or others verify that they have the permission of the individual data subject, or are the legal guardian, or are otherwise authorized to access and submit the information, and must agree to safeguard it. Individuals who view or submit information on behalf of another individual also agree to only use personally identifiable information for the purpose of completing the proper application or as otherwise allowed by state or federal law and to safeguard the data from unauthorized access, use, modification, destruction, theft, or disclosure.

### **© copyright notice**

The webpage(s) you just visited are protected by the copyright laws of the United States of America. Pursuant to Title 17 of the United States Code, the author of original visually perceivable work validly provides notice of a copyright by placing the "AF," "©," or the word "Copyright" in a conspicuous location followed by the first year of publication and text identifying the name of the owner of the copyright.

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The fair use of a copyrighted work for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. Any other use is a violation of the laws of the United States of America.

## **Rules of Behavior for MNsure Employees and Contractors**

The MNsure system is the property of the State of Minnesota and is subject to the Minnesota Government Data Practices Act. By using this system, you are representing yourself as an authorized user, and as such, you agree to use the system for authorized purposes only and in compliance with state and federal law. Users of the system who have the ability to see the personal information of participants, including state employees, contractors, community assistance partners, and other system users, must adhere to rules of behavior for protection of private participant information. These rules are consistent with and in addition to state and federal laws and the privacy and security policies and procedures for MNsure, including the Minnesota Department of Human Services (DHS) Information and Technology Policies and Procedures, and the Appropriate Use of Electronic Communication and Technology Policy (applicable only to state employee users). Non-compliance with the rules and associated security policies may be cause for disciplinary actions including suspension and/or termination of access privileges, employment consequences, and/or civil and criminal legal action.

### **1. System Use**

System use must comply with MNsure policies and standards, and with applicable state and federal laws.

### **2. Unauthorized Access Prohibited**

Unauthorized access to the MNsure application system or use of the system for other than official, assigned duties is strictly prohibited. This prohibition includes access in excess of the minimum necessary to perform assigned job duties and training level.

### **3. Monitoring**

System and equipment use are subject to monitoring to ensure proper performance of applicable security features or procedures. Such monitoring may result in the acquisition, recording and analysis of all data being communicated, transmitted, processed or stored in this system by a user. If monitoring reveals possible evidence of criminal activity, such evidence may be provided to Law Enforcement Personnel.

### **4. Users Duty**

Users have a duty to ensure the accuracy, relevance, timeliness, and completeness of personally identifiable information, as is reasonably necessary, to assure fairness in making determinations about an individual.

## **5. Authorized Purposes Only**

Privileged users may only use personally identifiable information for the purpose for which it was authorized to be collected and used.

## **6. Security Obligations**

Users have an obligation to protect the system and information from unauthorized access, use, modification, destruction, theft, or disclosure by maintaining security and control over devices accessing the system, refraining from sharing account information, and using secure methods of access, storage, and transmission of system information.

## **7. Incident Reporting**

Users must immediately report any lost or stolen equipment, known or suspected security incidents or breaches, known or suspected policy violations, or suspicious activity in accordance with established procedures. Known or suspected security incidents involve the actual or potential loss of control or compromise, whether intentional or unintentional, of authenticator, password, or sensitive information maintained or in possession of MNsure or information processed by contractors and third parties on behalf of MNsure.

## **8. Disclosures**

Users shall not disclose or disseminate personally identifiable information except as authorized by law and consistent with assigned duties or with the consent of the subject of the data, where applicable.

## **9. Data Integrity**

Users may not knowingly or willingly conceal, remove, mutilate, obliterate, falsify, or destroy information outside of appropriate retention periods.

# **Privacy Policy**

MNsure has taken a number of steps to safeguard the integrity of its data and prevent unauthorized access to information that is maintained in agency computer systems. These measures are designed and intended to ensure the integrity of information that is transmitted, to block unknown or unauthorized access, and to provide reasonable protection of private information within the system.

When you visit the MNsure public website and browse or download information, including browsing and comparing insurance plans on the anonymous shopping feature, we automatically collect and store information about your visit, including the Internet Protocol (IP) address and domain name used, the type of browser and operating system used, the date and time you visited this site, the pages or services you accessed, and the website you visited prior to coming to this website. This information is not readily identifiable to an individual and is used to analyze web traffic and improve our web service.

We use “cookies” to customize your browsing experience with the MNsure public website. A cookie contains unique tracking information for lists of pages you have visited and the date

when you last looked at a specific page, to identify your session, distinguishing among visitors. These session cookies are deleted at the conclusion of your internet browsing session.

MNSure also uses pixel tracking through its advertising partners, which is a persistent cookie that remains after your internet browsing session. This type of tracking does not collect personal information about you and is used to customize and personalize services to you. For example, you may see subsequent messages or advertising from MNSure as you visit other websites based on your visit to our website and in an effort to encourage users to revisit MNSure for news and an opportunity to complete enrollment in health insurance coverage. Please visit <https://choozle.com/privacy-policy> for more information about our advertising partners' use of pixel tracking. MNSure never sells or discloses your personal information submitted on an application for health coverage to any advertising vendor.

If you do not wish to have session or pixel tracking cookies placed on your computer, you can disable them using your web browser. If you opt out of cookies, you will still have access to all information and resources at MNSure.org. Instructions for disabling or opting out of cookies in the most popular browsers are located at [http://www.usa.gov/optout\\_instructions.shtml](http://www.usa.gov/optout_instructions.shtml). Please note that by opting out of cookies, you will disable cookies from all sources, not just from MNSure.org.

This website contains links to other sites, and when you link to another site, you are no longer on the MNSure website and subject to this Privacy Policy. The State of Minnesota, MNSure or any agents, officers, or employees do not warrant the accuracy or reliability of the linked site nor endorse any content, products or services from the linked site. Any person or entity that relies on any information obtained from a linked site does so at his or her own risk.

## Notice of Privacy Practices

This notice tells how protected information about you may be used and disclosed and how you can get this information. Please review it carefully.

### **What information does MNSure ask for?**

There are several activities you can do on MNSure, and we collect different information for each of the different reasons you may visit the site. MNSure's privacy warnings (also called Tennessee Warnings) are designed to provide you with information about how your private data may be used and shared in proximity to when that data is being collected. For example, as part of evaluating your eligibility for purchasing coverage through MNSure, we collect information including your name, address, citizenship status, residence, household members (if purchasing coverage for household members), contact information, Social Security number, and other private data. If you are seeking financial assistance to pay for insurance coverage, we also collect income information. These privacy warnings located through the online application will notify you of how the data will be used prior to collection and enable you to make an informed decision about whether or not to provide data about yourself to MNSure. The MNSure privacy warnings in the online application are consolidated and available for downloading and printing here. Please note that not every notice will necessarily apply to your activities on MNSure.

**Why do we ask for this information?**

We need to tell you apart from other people with the same or similar name, to decide what you are eligible for, to help you enroll in health insurance programs, to make reports, conduct audits and research, to evaluate our programs, to investigate fraud, and to collect money from the state or federal government for the services we provide.

**Why do we ask you for your Social Security number and immigration information?**

We need your Social Security number to tell you apart from other people, to prevent duplication of state and federal benefits, and to verify income, resources or other information that may affect your eligibility and benefits. This information is voluntary, but you will not be able to receive an eligibility determination without it. You do not have to give us a Social Security number for persons in your home who are not applying for coverage or if you have religious objections. If you are permanently living in the U.S. without permission or approval from the U.S. Citizenship and Immigration Services, you do not need to provide your Social Security number, but you may not be eligible to enroll in benefits or plans offered on MNsure. Immigration information you give to us is used to see if you are eligible to get coverage. Pub. Law 111-148, Section 1312(f)(3). We only share it when the law allows it or requires it, and this includes verification against state and federal agencies such as the Department of Homeland Security, Internal Revenue Service and Social Security Administration. Pub. Law 111-148, Section 1411(b)(2). You do not have to give us immigration information about yourself if you are helping someone else apply or about anyone in your household who is not applying for coverage. For Medicaid, you do not have to provide immigration information if you are applying for emergency medical care only or are a pregnant woman living in the U.S.

**Why do we ask for income information?**

We ask for income information to determine eligibility for public assistance programs and tax credits, and we verify this income information against state and federal sources including the IRS and SSA. You are not required to provide income information. Income information is necessary in order to seek a subsidy or tax credit, but you can proceed with purchasing a plan without subsidies or tax credits. We do not share income information outside of the eligibility process except as authorized by law. It may be shared with state and local government entities to determine eligibility for other assistance programs, with our own staff to provide customer service, as part of the appeals process if you are challenging an eligibility determination, or with state and federal revenue agencies to reconcile tax credits. You are solely responsible for any tax consequences that result from your report of income or acceptance of subsidies and tax credits.

**Do you have to answer the questions we ask?**

You do not have to give us your personal information. Without the information, we may not be able to help you. If you give us wrong information on purpose, you can be investigated and charged with fraud.

**With whom may we share information?**

We will only share information about you as needed and as allowed or required by law. We may share your information with agencies or persons who need the information to do their jobs, such

as MNSure employees, investigators and auditors, community assistance partners you are working with, law enforcement officials, other state, federal and local governmental agencies, your health care insurer, agency, managed care organization or others who pay for your care, and anyone else authorized by law to receive the information. Please see the applicable privacy warnings for specific information with whom your data may be shared.

### **How long will MNSure retain your private data?**

Information provided in an application for coverage through MNSure is subject to the False Claims Act and may be retained for up to ten years. Depending on the nature of the data, state and agency records retention schedules may also provide for an alternate retention period. MNSure follows the State and DHS records retention schedules:

- Statewide Financial General Records Retention Schedule (<http://www.mmb.state.mn.us/doc/hr/retention/retention-fin.pdf>)
- Statewide Fixed Assets Inventory General Records Retention Schedule ([http://www.mn.gov/admin/images/Surplus\\_PropertyManagementGuide\\_Complete.pdf](http://www.mn.gov/admin/images/Surplus_PropertyManagementGuide_Complete.pdf))
- Statewide Human Resources General Records Retention Schedule (<http://www.mmb.state.mn.us/doc/hr/retention/retention.pdf>)
- State Property Management General Records Retention Schedule (<http://mn.gov/admin/>)
- DHS Records Retention Schedules ([http://dhsinfo.dhsintra.net/InfoLink/Policies\\_Procedures/TechnologyInformationPolicy/Informationpolicy/infolink\\_id\\_012215?ssSourceNodeId=146&ssSourceSiteId=InfoLink](http://dhsinfo.dhsintra.net/InfoLink/Policies_Procedures/TechnologyInformationPolicy/Informationpolicy/infolink_id_012215?ssSourceNodeId=146&ssSourceSiteId=InfoLink))

### **What are your rights regarding the information we have about you?**

You and people you have given informed consent to may inspect and copy public and private information we have about you. This is called a data practices request. If you request data held by MNSure, you may view and inspect at no charge, or if you request copies, you may have to pay copy costs as outlined below.

If you believe the public or private information we have about you is not accurate or complete, please send your concerns in writing along with an explanation of the information you do not agree with to the MNSure Privacy and Security Manager. Within 30 days, MNSure will either (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data; or (2) notify you that MNSure believes the data to be correct. If there is a request to disclose data in dispute, MNSure will attach your statement of disagreement to the disclosed data. You can appeal MNSure's determination to the Commissioner of Administration according to Minn. Stat. § 13.04, subd. 4.

You also have the right to see a record of the people or organizations with which we have shared your information. You must ask for a copy of this record in writing to our Privacy and Security Manager.

As a parent, you have the right to look at and get copies of public and private data about your minor children (under the age of 18). As a legally appointed guardian, you have the right to look

at and get copies of public and private data about an individual for whom you are the appointed guardian.

Minors have the right to ask MNSure not to give data about them to their parent or guardian. We may ask you to put your request in writing and to include the reasons that we should deny your parents access to the data. We will make the final decision about your request based on your best interests.

### **How can you request public information?**

The MNSure website provides a large variety of public information about MNSure, its contracts and funding, and commonly-asked questions related to enrolling in health insurance coverage through MNSure. You may request to inspect or obtain copies of additional data held by MNSure pursuant to the Minnesota Government Data Practices Act (Minnesota Statutes Chapter 13). Your request should be in writing using this form and submitted to:

MNSure Privacy and Security Manager  
81 East Seventh Street, Suite 300  
St. Paul, MN 55101

### **Costs for copies and data collection:**

You may have to pay for copies of information that you request. MNSure may charge for time spent searching and retrieving when the request is by someone other than the subject of the data. Searching and retrieving is time spent identifying files, databases, or other storage devices (paper or electronic) to locate data or to determine whether data exist to respond to a request, and retrieving the relevant data. There is no charge to view or inspect data.

(1) Requests for paper copies are charged at \$.25 per page for requests involving fewer than 100 pages. A two-sided paper copy counts as two copies.

(2) For data requests involving more than 100 pages or requests for electronic data, MNSure may charge the actual costs. Actual costs may include employee time (including time for searching and retrieving data and making copies), mailing costs, and costs for materials (paper, CDs, DVDs). There is no charge for separating private data from public data, and there is no requirement to create summary data from existing public data. For calculation of staff time costs in responding to the request, MNSure uses the following rates::

- Administrative staff: \$15.88 per hour
- Professional staff: \$24.59 per hour
- Technical staff: \$32.42 per hour
- Managerial staff: \$34.21 per hour

(3) MNSure does not charge for viewing or inspecting public records or private records by the data subject, searching and retrieving costs when the requestor is the data subject, or when providing data to another government agency or for law enforcement purposes. A MNSure participant who requests copies of his or her own eligibility or enrollment information for

purposes of pursuing an appeal should work with the MNSure Appeals Office. MNSure has discretion to waive copy costs.

**How long will it take to receive or inspect the information requested?**

If you are the subject of the data requesting data about yourself, MNSure will respond immediately, if possible, or within 10 business days. For public data requests, MNSure generally responds to requests in the order received and within a reasonable time depending on the need for staff time to search and retrieve responsive public information as well as the size of the request.

**What are our responsibilities?**

We must protect the privacy of your private and confidential information according to the terms of this notice and under state and federal law. We may not use your information for reasons other than what is authorized by law and what is listed on this form. We will put changes to our privacy rules on our website at [www.mnsure.org](http://www.mnsure.org).

**What if you believe your privacy rights have been violated?**

You may complain if you believe your privacy rights have been violated. You cannot be denied service or treated badly because you have made a complaint. If you believe that your medical privacy was violated by your doctor or clinic, a health insurer, a health plan, or a pharmacy, you may send a written complaint either to the county agency, the organization or to the federal civil rights office at: U.S. Department of Health and Human Services, Office for Civil Rights, Region V, 233 N. Michigan Avenue, Suite 240 - Chicago, IL 60601. If you think that MNSure has violated your privacy rights related to health information, you may send a written complaint to the U.S. Department of Health and Human Services at the address above or to: MNSure Privacy and Security Manager, 81 Seventh Street East, St. Paul, MN 55101-2211.

EFFECTIVE DATE: October 1, 2015