

A Guide for Privacy when choosing third-party apps

We have to offer you access to your health records through a “Patient Access API.” You can get this by downloading an application (app) on your smartphone, tablet, computer, or other device if you are a member. The records that you can get through the Patient Access API involve data we have gathered about you while you have been enrolled with us. This may involve health records gathered since January 1, 2016 if you were enrolled with us during that time. The health records involve the things listed below for as long as we have it in our system:

- Claims and encounter data which describe interactions with health care workers and doctors and visits to the hospital
- Clinical data such as lab results, allergies, and medicines you take

The health records that we send to the app can include private information (such as drug abuse, getting help with mental health, HIV status, and more)

You need to know that the app you get will have all kinds of health data records. This kind of health data might involve things like what is stated above. It could also involve other private data, such as your name, date of birth, and Medi-Cal ID. Be aware that the app may not have to follow certain privacy laws (like the Health Insurance Portability and Accountability Act (HIPAA) rules. Instead, the app may have a privacy rule that tells how the app can use, share, and possibly sell your data. Please know that Partnership no longer controls how the app uses or shares your data once we send your data to the app. Be sure to look at the privacy rules of any app you use to access your data through the Patient Access API. Make sure you are okay with what the app may do with your data.

Partnership asks that any makers of an app planning to use the Partnership Patient Access API state that it follows basic privacy and security rules. You also have to agree to let the app use your data.

Things you may want to think about when picking an app:

It is important that you look at the app’s privacy rules if you want to use an app to get your health data.

Here are some questions you may want to think about if you are picking an app to use. Partnership can not answer these questions for you. You will need to decide if you are okay with the app’s privacy rules and how the app will use your data.

- Will this app sell my data for any reason?
- Will this app share my data to third parties for something like research or advertising?

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- How will this app use my data and why?
- Will the app allow me to tell them how it can use, share, or sell my data?
- Can I end the app's use of my data if don't want to use this app? What about if I don't want this app to have my health data? Is it hard to get the app to stop using my data?
- Does the app's rules say that they delete my data once I tell it to stop looking at my data? Do I have to do more than just delete the app from my phone, tablet, or computer?
- How will this app tell me about changes in its privacy rules?
- Will the app get any non-health data from my phone, tablet, or computer, such as where I am and where I go?
- What does this app do to protect my data?
- Can the app see or share information about contacts on my phone, such as their phone numbers?
- Will the app allow me to fix something in the data if it is wrong? (Note: fixing something in the data that the app gets will not fix any problems with the source of the data)
- Does the app have a way to respond to people who complain?

You may not want to use the app to see your health data if the app's privacy rules do not answer the questions above. Your health data may involve things that are very private. You should be careful when picking an app. Make sure it has good privacy and security rules to help keep it safe.

Covered groups and HIPAA

The U.S. Department of Health and Human Services' Office for Civil Rights (OCR) is in charge of making sure the HIPAA Privacy, Security, and Breach Notification Rules are followed.

Third-party apps may not have to follow HIPAA. Partnership and most health plans and health care experts, such as hospitals, doctors, and clinics do have to follow HIPAA.

You can do these things:

- Learn more about [your rights under HIPAA and who has to follow HIPAA](#)
- Learn about [filing a HIPAA complaint with OCR](#)
- You can call **(800) 863-4155** or visit [Partnership Grievance and Appeals webpage](#) to learn more about filing a complaint (grievance) with Partnership

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Apps and privacy

An app does not always have to follow HIPAA. Apps that have a privacy notice do have to follow the rules of that notice. They often do not have to follow other privacy laws. The Federal Trade Commission Act protects against actions that might try to trick you. For example, an app could try to share your data in a way that goes against its own privacy rules. An app that does not follow the rules of its privacy notice may get into trouble with the Federal Trade Commission (FTC). The FTC can tell you more about [mobile app privacy and security for the public](#).

You should reach out to the FTC and file a complaint if you think an app used, shared, or sold your data in a way that it said it would not.