

Privacy Policy
Last Updated: November 9, 2023

1. Introduction

This Privacy Policy (this “**Privacy Policy**”) informs you, whether you are using or accessing the Services (as defined below) for yourself, or on behalf of a minor or person to whom you are a caregiver, what Personal Information The Health Plan of West Virginia, Inc. (“**The Health Plan**,” “**we**,” “**us**,” or “**our**”) may collect, how The Health Plan collects such Personal Information, and how The Health Plan uses such Personal Information in connection with your use or access of our website (“**Website**”), mobile application (“**Application**”), and our products, services, benefit records, and all capabilities included within, and/or made available through the Website or the Application. Our Website, Application, and such products, services, benefit records, and all capabilities therein are collectively referred to as the “**Services**.”

When you use, access, or interact with the Services, you are agreeing to our Terms & Conditions and also consenting to how we collect, share, and otherwise use information about you as described in this Privacy Policy. If you do not agree to the terms of this Privacy Policy, do not use the Services.

This Privacy Policy is not a contract and does not create any contractual rights or obligations. Your use of the Services is governed by the Terms & Conditions.

2. What this Privacy Policy Covers

This Privacy Policy covers how we collect, use, and share information in connection with your access and use of the Services. This Privacy Policy does not cover the privacy practices of third parties that we do not own or control. We may provide third-party content or links to third-party websites or applications. If you interact with a third-party service or feature, you should read the applicable third party’s privacy policy and terms and conditions to make sure you understand how the third party may collect and share your information.

3. Information We Collect

When you access and use the Services, we may collect the following types of information:

- “**Personal Information**” which is information that identifies an individual or relates to an identifiable individual or household, such as your name, address, email address, or phone number. Personal Information includes Protected Health Information (“**PHI**”), which is individually identifiable health information that is protected by the Health Insurance Portability and Accountability Act of 1996, as amended, and its implementing regulations (“**HIPAA**”). “**Non-Personal Information**” is information about you or your household that, on its own, does not identify you personally. When we combine information that is Non-Personal Information with Personal Information, we treat it like Personal Information for as long as it is combined.
- “**Usage Data**” which is information that we automatically collect about your use of the Services, such as how you access and interact with the Services. Usage Data may include information about your location. Usage Data does not directly identify an individual but may constitute Personal Information in some instances. Usage Data is a critical part of how we improve your experience using the Services.

4. How We Collect Your Personal Information

The Health Plan uses information collected from users of the Services to personalize and improve your experience with the Services, and to provide the Services to you, and for other purposes set out below. When you use the Services, The Health Plan may collect Personal Information in the ways described below.

Information You Provide to Us

You may provide information to us in various ways, such as through forms or other means offered through the Services, such as when you communicate with The Health Plan about our Services or complete and submit forms to us through the Services.

Note that if you fill out any online form in the Services to request services or to send us comments, you are voluntarily providing your information to us electronically through the Services. If you submit Personal Information, it will be kept confidential and will not be shared, given, or sold to any third parties unless those third parties are business partners of The Health Plan whose services are required to provide the Services to you. Personal Information provided to us will be used to respond to any request for services and will be stored on secure computer systems that have technical and physical safeguards in place to protect your information. By providing us with your email address in an online form, you are indicating that you wish to be contacted by us by return email.

Information We Automatically Collect

When you use the Services, we collect Usage Data subject to the settings of your device that you use to access the Services. We may use various technologies to collect and store Usage Data in connection with your use of the Services. The Usage Data we may collect include:

- Device information. We collect information about your device, such as unique identifiers associated with your device.
- Log information. We automatically collect information in system logs or similar files about how you interact with the Services, such as which buttons you click. This log information may also include things like date and time of access.
- Information Used to Reidentify. We may collect information in order to reidentify you across multiple use sessions.
- Location information. We may use certain information to estimate your location through use of location-enabled services on your device (which typically provide GPS or Wi-Fi access point details), which are used to enhance the Services offered to you. You may adjust your privacy settings to control whether we can access your location, but if you make such changes, some parts of the Application may not function properly.

Information from Other Sources

The Health Plan may collect Personal Information from other sources such as third parties from which you authorize us to obtain Personal Information about you or on your behalf.

5. Use of Information Collected

We may use the information we collect from you and third parties except as is restricted by this Privacy Policy or applicable law. For instance, we use this information to operate the Services and provide the Services to you. In addition, The Health Plan may use your Personal Information:

- To respond to user service requests, user questions, and concerns, and administer user accounts. We may use your information to verify your identity, register you, administer your account and benefits, or provide you with information, products, and services.
- To provide the Services to you. We use the information we collect to provide the Services to you in a personalized way.
- To communicate with you. We use the information to respond to inquiries or other communications from you. Messages sent by or to members who choose to use these online services will be recorded in transaction logs, which may be reviewed to monitor the overall effectiveness of the Services.
- For payment and billing administration. We may use information to update your account and/or contact you to address open items that may be related to payment, claims, and/or billing administration.
- To ensure the security and integrity of the Services.
- To verify and maintain the quality of the Services, improve the Services, or develop new Services.
- As part of a business transaction. In the event of a business transaction, such as a merger, acquisition, divestiture, restructuring, reorganization, dissolution, bankruptcy or sale of all or a portion of our assets, we may use your information in connection with such transaction.
- For legal reasons. We may disclose your information to comply with any applicable laws and/or regulations, such as to comply with valid legal processes such as a search warrant, subpoena, or order from a court or tribunal of competent jurisdiction.

6. Sharing of Information Collected

We share information with third parties in order to provide the Services to you and for our internal business purposes, including for the following purposes:

- Sharing information with business partners to provide and improve the Services. We may share information about you with third-party partners with whom we collaborate to provide you with the Services.
- Sharing information with service providers acting on our behalf. We may share information with service providers we use to assist us in providing the Services to you and/or to perform on our behalf any of the activities we are permitted to conduct under this Privacy Policy and our Terms & Conditions. We may also share with third parties deidentified or aggregated data that we collect. We share such information for a variety of purposes, including to monitor and understand your use of the Services and to improve the Services.
- Sharing with other third parties. Personal Information may be transmitted if there is a specific need to complete a transaction requested by you. We may share information with health care providers or other service providers that assist us in meeting the needs of our members.
- Sharing with The Health Plan subsidiaries and affiliates for internal business purposes. Such parties are subject to our corporate policies regarding privacy and confidentiality and are required to employ at least the same strict standards of confidentiality and security that we employ.
- Sharing with our employees in order to respond to your requests or inquiries. Certain employees will also be provided with information to administer group benefit programs and/or to monitor the effectiveness of the Services. Our employees are required, by written confidentiality agreements, corporate policies, and state and federal laws and

regulations to maintain the confidentiality of Personal Information and to use strict standards of care in handling Personal Information.

- Sharing with third parties as part of a business transaction. We may disclose and transfer information to a third party as part of a business transaction as described in Section 5.
- Sharing with third parties for legal reasons. We reserve the right to transfer or disclose information about you to third parties for certain legal purposes as described in Section 5.

We do not sell information collected through the Services to third parties.

7. Protecting the Information Collected

We use commercially reasonable administrative, technical, and physical safeguards, and other appropriate security measures to protect Personal Information. Unfortunately, no data transmission over the Internet or other data system can be guaranteed to be 100% secure. If you wish to keep your communications to us private, you should not communicate with us using the Services. If you have reason to believe that your interaction with us is no longer secure, immediately notify us in accordance with the contact methods provided at the end of this Privacy Policy.

You can also take steps to promote the confidentiality and security of your Personal Information. For instance, when you establish your account, you can create strong passwords that you do not use for other accounts that require log-ins. You can keep your password secret and do not store it in places or ways that make it vulnerable to being stolen. Also, you can use the settings on your computer or electronic devices so that those devices automatically log off or lock your screen when you are not actively using them.

Additionally, if you want to, you can “opt out” of having your information collected, used, and/or shared as described above in this document by not accessing or using the Services. You “opt in” each time you choose to access and/or use the Services. To “opt out,” you should discontinue to access and/or use the Services.

8. Retention of Information Collected

We will retain your Personal Information as needed to fulfill the purposes for which it was collected. The Health Plan will retain and use your Personal Information as necessary to comply with our business requirements and/or legal obligations, resolve disputes, protect our assets, and enforce our agreements.

9. Children’s Privacy

The Website and Application are not designed for children, and we do not knowingly collect information from any person under the age of thirteen (13).

If a parent or guardian wishes to create an account for, and provide information related to, their child who is under the age of eighteen (18), the parent or guardian may do so, but assumes full responsibility for ensuring that the information is kept secure and that the information submitted is accurate. In creating such an account, the parent or guardian accepts that this Privacy Policy will apply to the child’s information.

10. Updates to this Privacy Policy

We reserve the right to update or change this Privacy Policy at any time by posting the most current version of the Privacy Policy on the Application and Website with a new Effective Date shown. You are responsible for checking this Privacy Policy periodically for changes. All such changes in the Privacy Policy shall be effective from the stated Effective Date. Your continued use of the Services after we post any changes to this Privacy Policy signifies your agreement to any such changes. If you do not agree to this Privacy Policy, including any updates or changes, you must discontinue using the Services.

11. Contact Information

If you have questions about this Privacy Policy or concerns regarding your Personal Information, please contact us. You may contact us by clicking Contact Us from any of our web pages, or you may contact us by calling 1-800-624-6961 (TTY/TDD 711) or by sending a letter to us at The Health Plan of West Virginia, Inc., 1110 Main Street, Wheeling, WV 26003.