United States Senate
WASHINGTON, DC 20510

January 20, 2015

VIA ELECTRONIC TRANSMISSION

The Honorable Marilyn Tavenner
Administrator
Centers for Medicare & Medicaid Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Administrator Tavenner:

On January 20, 2015, it was reported that the Administration is sharing personal information from HealthCare.gov,[1] the website created to implement the federal insurance exchange under the Affordable Care Act (ACA). We have been raising issues about HealthCare.gov's problems since its inception, including IT management, cost overruns, and security weaknesses. As the agency tasked with creating and managing HealthCare.gov, the Centers for Medicare & Medicaid Services (CMS) has an obligation to protect sensitive data and protect the website from security breaches. This new information is extremely concerning, not only because it violates the privacy of millions of Americans, but because it may potentially compromise their security.

HealthCare.gov contains very sensitive information about millions of Americans, including their names, addresses, social security numbers, employment status, and health history. Individuals should know that when they use HealthCare.gov their information is being properly protected.

Unfortunately, information uncovered by the Associated Press reveals that the website is sharing this data with third parties. Vendors involved in HealthCare.gov not only have access to this sensitive information, but they may be linking peoples' information from the website to all of their internet activity.[2] This practice may also weaken the security of the website,[3] making it easier for hackers to access information.

The security of HealthCare.gov is an ongoing problem, and one that we have written to you about on numerous occasions. On September 17, 2014, we wrote to you expressing our concerns about a Government Accountability Office report finding that HealthCare.gov had numerous security vulnerabilities.[4] The letter came only days after CMS reported that someone had successfully hacked HealthCare.gov and the hack went undetected for almost two months. We asked numerous questions about CMS's security precautions. However, we never received a response.

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[1] Associated Press, "New Privacy Concerns Over Government's Health Care Website," Jan. 20, 2015.
[2] *Id.*
[3] *Id.*
[4] *See attachment.*

HealthCare.gov receives extremely sensitive personal information from individuals. Sharing that information for unofficial purposes is completely unacceptable. We remain concerned that CMS has not taken the necessary actions to protect personal information from cyber-attacks. Therefore, we request the following:

1) Please provide a full response to our September 17, 2014 letter on the security of HealthCare.gov.
2) Is any personally identifiable information from HealthCare.gov being shared by third parties? If yes, please list all third parties that have access to the information. For each entity, please specify the type of information it has access to, for what purpose, and any restrictions on the use of such information.
3) Does CMS conduct oversight to ensure that no personally identifiable information is improperly used or shared? If no, please explain why not. If yes, please describe CMS's oversight and the results.

The Committee on Finance is the primary committee overseeing CMS and HealthCare.gov. The Committee on the Judiciary has jurisdiction over government information. We expect a response to our letter by February 3, 2015. If you have any questions, please contact Kim Brandt with the Committee on Finance at (202)-224-4515 and Tegan Millspaw with the Committee on the Judiciary at (202)-224-5225. Thank you for your attention to this matter.

Sincerely,

Orrin G. Hatch
Chairman
Committee on Finance

Charles E. Grassley
Chairman
Committee on Judiciary

Attachment