



**NEW MEXICO HEALTH INSURANCE EXCHANGE  
PRIVACY POLICY**

## 1. PURPOSE AND SCOPE

Protecting your privacy is very important to us. This Privacy Policy tells you what information we collect, why we collect it, what we do with it, and how we protect it. It applies to [www.beWellnm.com](http://www.beWellnm.com), [www.getcovered.beWellnm.com](http://www.getcovered.beWellnm.com), and any other website that we control.

As used in this policy, “we,” “us,” and “our” refers to the New Mexico Health Insurance Exchange, also known as beWellnm (sometimes referred to in this Privacy Policy as “NMHIX” or the “Marketplace”).

## 2. WHY WE COLLECT INFORMATION

We collect Personally Identifiable Information (PII), during your application for health-related benefits and will confirm information that may affect initial or ongoing eligibility for all individuals listed on your application. The information you provide is needed for the purposes of determining health insurance eligibility or other purposes permitted by law and to give you the best services possible if you choose to apply for coverage.

We will not create, collect, use or disclose PII for any purposes that are not authorized under this regulation.

## 3. AUTHORITY TO COLLECT

45 CFR § 155.260 authorizes NMHIX to collect PII to determine eligibility for enrollment in qualified health plans, to assess potential eligibility for Medicaid, and to determine eligibility for financial assistance. NMHIX will fully comply with this federal regulation.

The following principles are outlined in the regulation:

- **Individual Access:** Individuals will be provided with a simple and timely means to access and obtain their personally identifiable health information.
- **Correction:** Individuals will be provided with a timely means to dispute the accuracy of their personally identifiable health information and to have erroneous information corrected.
- **Openness and transparency:** All policies, procedures, and technologies that affect individuals and their personally identifiable information are fully disclosed to the public.
- **Individual choice:** Individuals will be provided a reasonable opportunity and capability to make informed decisions about the collection, use, and disclosure of their personally identifiable health information.
- **Collection, use, and disclosure limitations:** Personally identifiable health information will be created, collected, used, and/or disclosed only to the extent necessary to accomplish the goals of NMHIX.

- **Data quality and integrity:** Persons and entities will take reasonable steps to ensure that personally identifiable health information is complete, accurate, and up- to-date to the extent necessary to provide services to the members of NMHIX.
- **Safeguards:** Personally identifiable health information is protected with reasonable operational, administrative, technical, and physical safeguards to ensure its confidentiality, integrity, and availability and to prevent unauthorized access, use, or disclosure.
- **Accountability:** These principles are implemented, and adherence assured, through independent security audits by a third party.

#### 4. TYPES OF INFORMATION WE COLLECT

##### A. Information you give us.

In order to determine eligibility for health coverage and/or insurance affordability programs, and to facilitate enrollment in such coverage or programs, we collect information necessary to verify identity, citizenship status, residency, income, and incarceration status. This data includes, but is not limited to:

- Demographic Data:  
Name, Address, Telephone Number, Email, Age
- Income Data:  
Tax Filing Status, Marriage Status, Tax Dependents, Employer, Annual or Monthly Income
- Citizenship and Immigration Data:  
Social Security Number, Resident Alien Number, Native American Tribe ID Number, Incarceration Status
- Disability Information:  
Whether the applicant/household member is blind, disabled, or requires assistance with daily living (this information cannot be used to deny coverage, but may help an individual to become eligible for Medicaid)
- Medical Insurance Coverage Information:  
Past and current health insurance coverage, tobacco use, customer plan selections, and other information necessary to facilitate enrollment

##### B. Information we get when you use our website.

Our websites don't collect any personal information about you unless you choose to share it. However, we may collect other limited information about your visit to our website, including, but not necessarily limited to:

- Domain from which you access the Internet
- IP address
- Operating system on your computer and information about the browser you used when visiting the site
- Date and time of your visit

- Pages you visited
- Time spent on pages
- Address of the website that connected you to www.bewellnm.com
- Approximate geographic location
- Browser language

We may also use various types of standard website technologies, such as cookies, persistent cookies, and web beacons in order to improve the functions of our website. If you disable cookies in your browser or use anonymous browsing this may affect the way that our website performs, but should not affect your ability to shop for or enroll in health insurance coverage.

We collect information about your visit to our website to help us measure the number of visitors to our site, make the site more useful, and improve our public education and outreach efforts.

## **5. HOW WE USE YOUR INFORMATION**

### **A. For Marketplace Functions**

We strictly limit our use of the application information you provide to determine eligibility for enrollment in a Marketplace health plan and/or insurance affordability programs, including Medicaid. We also verify the information you provide on the application, communicate with your authorized representative (if you have one), and provide the information to the health plan you select.

We may use the information you provide in computer matching programs with any of the following entities in order to make eligibility determinations, to verify continued eligibility for enrollment in a Marketplace plan, to verify individual identity, or to process appeals of eligibility determinations:

- Other verification sources, including federal agencies such as the Social Security Administration, Centers for Medicare and Medicaid Services (CMS), and consumer reporting agencies;
- Applicants/enrollees, and authorized representatives or agents/brokers of applicants/enrollees;
- Issuers of Marketplace plans which are certified by the New Mexico Office of Superintendent of Insurance (OSI);
- Financial institutions (banks, credit unions, etc.) regarding ACH/credit card payments;
- Experian, which is contracted by the Marketplace to verify information you disclose as part of the identity proofing process;
- Our contractors engaged to perform Marketplace function; and
- Other entities as required by law.

In addition, we may use the email address or phone number you provide to send you information regarding services related to the Marketplace. You may specify your preferences

for communication in your online account or by contacting our Customer Engagement Center at 1-833- 862-3695 (TTY: 711).

We will not knowingly disclose your personal information to a third party, except as provided in this policy. We do not sell any information that you enter into our website or systems.

## **B. Information Sharing with Enrollment Professionals**

Individuals may choose to share their information with certified enrollment assisters who help consumers learn about, apply for and enroll in health coverage and insurance affordability programs. Enrollment assisters include Navigators, Certified Enrollment Counselors (sometimes referred to as Certified Application Counselors), and agents and brokers. All enrollment professionals are required to comply with the terms of this Privacy Policy. Before information will be shared with an enrollment professional an individual must explicitly designate the professional using our website, or by calling our Customer Engagement Center. Individuals may change or terminate their designation at any time.

## **6. HOW WE PROTECT YOUR INFORMATION**

We are committed to protecting your personal information. We strictly adhere to a wide range of federal and state privacy and information security-related standards required under ACA privacy regulations, the National Institute of Standards and Technology Guidelines, the Health Insurance Portability and Accountability Act (HIPAA). We will keep the information you provide private and secure as required by these laws.

### **A. Operational, Technical, Administrative and Physical Safeguards**

Consistent with all applicable laws and regulations, we will ensure that your information is protected through effective administrative and operational procedures. We will take all reasonable steps to ensure the confidentiality, integrity, and availability of your PII that is created, collected, used, or disclosed by NMHIX.

Your PII will be used by, or disclosed to, only those authorized to receive or view it. Any person who knowingly and willfully uses or discloses information in violation of the ACA may be subject to civil penalties, in addition to other penalties that may be prescribe by law or contract.

You will be asked to provide only the minimum information necessary to determine eligibility for applicable programs or health plans.

We will keep your tax return information confidential in accordance with section 6103 of the Internal Revenue Code. 26 U.S.C. § 6103. The IRS will disclose certain available items of federal tax return information to the Federal Data Services Hub after an individual submits an application for financial assistance in obtaining health coverage through NMHIX or the state agency that administers Medicaid. The items that will be disclosed through the Federal Data Services Hub are described in section 6103(l)(21)(A) of the Internal Revenue Code and the

regulations issued thereunder. Section 6103 of the Internal Revenue Code protects the confidentiality of federal tax return information. Disclosure of federal tax return information to the United States Department of Health and Human Services is allowed in order to implement eligibility determinations for health insurance affordability programs within the confidentiality requirements in section 6103.4 of the Internal Revenue Code.

We will protect your personal information against any reasonably anticipated threats or hazards to the confidentiality, integrity, and availability of such information. We will protect your personal information against any reasonably anticipated uses or disclosures that are not permitted or required by law.

We will keep your information long enough to achieve the specified objective for which it was collected and will then securely destroy or dispose of it in an appropriate and reasonable manner and in accordance with federal and state laws, regulations, and NMHIX retention schedules.

## **B. Security Controls**

NMHIX has the following security controls in place:

- NMHIX will ensure that its workforce complies with all information safeguards and security controls.
- NMHIX will monitor, periodically assess, and update security controls to ensure the continued effectiveness of those controls.
- NMHIX will require, as a condition of contracts and agreements, the same or more stringent privacy and security standards and controls of Navigators, agents, brokers or other contractors authorized to access PII.
- NMHIX will use secure electronic interfaces when sharing PII electronically. Section 1413 of the ACA requires the establishment of secure electronic interfaces with state health subsidy programs allowing NMHIX to be consistent with privacy and security standards in section 1942 of the Social Security Act.
- NMHIX will ensure that all data matching and data sharing arrangements between NMHIX and agencies administering Medicaid meet all requirements applicable to NMHIX as well as all requirements applicable under Medicaid.

## **C. Privacy and Security Standards Applicable to Non-Exchange Entities.**

A Non-Exchange Entity is one that gains access to PII submitted to NMHIX, or collects, uses, or discloses PII while performing functions agreed to with NMHIX.

Pursuant to 45 CFR § 155.260(b), NMHIX contractually binds Non-Exchange Entities to privacy and security standards that are at least as protective as the standards NMHIX has

established and implemented for itself and that are consistent with the principles and requirements of 45 CFR § 155.260(a)(1)-(6).

NMHIX requires Non-Exchange Entities to collect, handle, disclose, access, maintain, store and/or use PII **only** as required to perform the Non-Exchange Entity required duties, including, where applicable, insurance affordability program eligibility determinations and enrollment functions, and the efficient operation of the Exchange. Non-Exchange Entities are contractually prohibited from re-using PII for any other purpose.

Additionally, any person or entity who knowingly and willfully uses or discloses information in violation of section 1411(g) of the Affordable Care Act will be subject to a civil money penalty, in addition to other penalties that may be prescribed by law.

## **7. ACCESS AND CORRECT YOUR INFORMATION**

You have the right to see all of the information that we have about you. You also have the right to correct any information that we have on file that is incorrect. You can do this directly through the user portal or by contacting our Customer Engagement Center at 1-833-862-3695 (TTY: 711). We encourage you to review your application information on a regular basis to make sure it is correct.

\*Please note that per ACA regulations, corrections to information provided on an application for coverage may result in a redetermination of eligibility.

## **8. CONSENT**

By submitting personal information to us or by using our websites, you agree that we may collect, use and disclose any such personal information in accordance with this Privacy Policy or as permitted or required by law. You are allowing NMHIX to use information from your application in order to shop and apply for benefits and you release NMHIX from all liability for sharing this information with other agencies for this purpose. If you do not agree with these terms, please do not provide your personal information.

## **9. LINKS**

Our website and application may link to other sites, including government sites, and to organizations that are involved in Marketplace functions. When you follow a link to an external website, you are leaving [www.beWellnm.com](http://www.beWellnm.com) or [www.getcovered.beWellnm.com](http://www.getcovered.beWellnm.com) and you are subject to the external site's privacy and security policies. We are not responsible for the content of external sites and a link to an external web page does not constitute our endorsement of that page or its content.

## **10. UPDATES TO THIS PRIVACY POLICY**

We reserve the right to update this Privacy Policy at any time. Updates will be posted to our website at [www.beWellnm.com](http://www.beWellnm.com).

## 11. COMPLAINTS REGARDING THE HANDLING OF INFORMATION

If you have questions about this Privacy Policy, or if you want to submit a complaint regarding the improper handling of your personal information, please contact the NMHIX Privacy Officer at:

[PrivacyOfficer@nmhix.com](mailto:PrivacyOfficer@nmhix.com)

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