



PRIVACY IMPACT ASSESSMENT (PIA)

For the

Express Scripts, Incorporated (ESI) Pharmacy Benefit Management System (PBMS)
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TRICARE Pharmacy Program Services (TPHARM)
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SECTION 1: IS A PIA REQUIRED?

a. Will this Department of Defense (DoD) information system or electronic collection of information (referred to as an "electronic collection" for the purpose of this form) collect, maintain, use, and/or disseminate PII about members of the public, Federal personnel, contractors or foreign nationals employed at U.S. military facilities internationally? Choose one option from the choices below. (Choose (3) for foreign nationals).

- (1) Yes, from members of the general public.
- (2) Yes, from Federal personnel* and/or Federal contractors.
- (3) Yes, from both members of the general public and Federal personnel and/or Federal contractors.
- (4) No

* "Federal personnel" are referred to in the DoD IT Portfolio Repository (DITPR) as "Federal employees."

b. If "No," ensure that DITPR or the authoritative database that updates DITPR is annotated for the reason(s) why a PIA is not required. If the DoD information system or electronic collection is not in DITPR, ensure that the reason(s) are recorded in appropriate documentation.

c. If "Yes," then a PIA is required. Proceed to Section 2.

SECTION 2: PIA SUMMARY INFORMATION

a. Why is this PIA being created or updated? Choose one:

- New DoD Information System New Electronic Collection
- Existing DoD Information System Existing Electronic Collection
- Significantly Modified DoD Information System

b. Is this DoD information system registered in the DITPR or the DoD Secret Internet Protocol Router Network (SIPRNET) IT Registry?

- Yes, DITPR Enter DITPR System Identification Number
- Yes, SIPRNET Enter SIPRNET Identification Number
- No

c. Does this DoD information system have an IT investment Unique Project Identifier (UPI), required by section 53 of Office of Management and Budget (OMB) Circular A-11?

- Yes No

If "Yes," enter UPI

If unsure, consult the Component IT Budget Point of Contact to obtain the UPI.

d. Does this DoD information system or electronic collection require a Privacy Act System of Records Notice (SORN)?

A Privacy Act SORN is required if the information system or electronic collection contains information about U.S. citizens or lawful permanent U.S. residents that is retrieved by name or other unique identifier. PIA and Privacy Act SORN information should be consistent.

- Yes No

If "Yes," enter Privacy Act SORN Identifier

EDTMA 04

DoD Component-assigned designator, not the Federal Register number.
Consult the Component Privacy Office for additional information or
access DoD Privacy Act SORNs at: <http://www.defenselink.mil/privacy/notices/>

or

Date of submission for approval to Defense Privacy Office

Consult the Component Privacy Office for this date.

e. Does this DoD information system or electronic collection have an OMB Control Number?

Contact the Component Information Management Control Officer or DoD Clearance Officer for this information.

This number indicates OMB approval to collect data from 10 or more members of the public in a 12-month period regardless of form or format.

Yes

Enter OMB Control Number

Pending

Enter Expiration Date

No

f. Authority to collect information. A Federal law, Executive Order of the President (EO), or DoD requirement must authorize the collection and maintenance of a system of records.

(1) If this system has a Privacy Act SORN, the authorities in this PIA and the existing Privacy Act SORN should be the same.

(2) Cite the authority for this DoD information system or electronic collection to collect, use, maintain and/or disseminate PII. (If multiple authorities are cited, provide all that apply.)

(a) Whenever possible, cite the specific provisions of the statute and/or EO that authorizes the operation of the system and the collection of PII.

(b) If a specific statute or EO does not exist, determine if an indirect statutory authority can be cited. An indirect authority may be cited if the authority requires the operation or administration of a program, the execution of which will require the collection and maintenance of a system of records.

(c) DoD Components can use their general statutory grants of authority ("internal housekeeping") as the primary authority. The requirement, directive, or instruction implementing the statute within the DoD Component should be identified.

10 U.S.C. Chapter 55, Medical and Dental Care; 32 CFR Part 199, Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); and E.O. 9397 (SSN), as amended.

g. Summary of DoD information system or electronic collection. Answers to these questions should be consistent with security guidelines for release of information to the public.

(1) Describe the purpose of this DoD information system or electronic collection and briefly describe the types of personal information about individuals collected in the system.

TRICARE Pharmacy Benefits Program is administered by the Pharmacy Benefits Manager (PBM), Express Scripts, Inc., under contract to the United States (U.S.) Department of Defense TPHARM. TPHARM provides drugs through home delivery, retail, and specialty pharmacy services to more than 9.6 million eligible beneficiaries. ESI will also serve as a fiscal intermediary on behalf of DoD to pay for all authorized pharmaceuticals and supplies dispensed for eligible beneficiaries at retail pharmacies.

TPHARM is available to all TRICARE-eligible beneficiaries registered in the Defense Enrollment Eligibility Reporting System (DEERS), except US Family Health Plan enrollees. Certain patients of the Department of Veterans Affairs (DVA) will also be eligible to have prescriptions filled at TRICARE retail network pharmacies in clearly defined circumstances when the patient requires immediate therapy and there is no DVA pharmacy in close proximity to provide the medication.

Authorized ESI personnel will access DEERS to validate and process benefits claims on behalf of DoD beneficiaries. Access to DoD information systems, such as DEERS, requires ADP-II public trust determination.

Beneficiaries will have access to the ESI website (<http://member.express-scripts.com/dodCustom/welcome.do>) for prescription orders / refills, order verification / status, prescription forms, benefit information, drug / health information, and prescription transfer from retail pharmacy to the mail order system.

The Personally Identifiable Information (PII) / Protected Health Information (PHI) about individuals collected in the system are:

The program is owned and operated by TRICARE Pharmacy Program Services (TPHARM).

(2) Briefly describe the privacy risks associated with the PII collected and how these risks are addressed to safeguard privacy.

The potential privacy risks associated with the collected PII / PHI in this system, and most information systems, include the following:

- mishandling of sensitive data, reports, and storage media;
- user ID and passwords being used by unauthorized personnel; and
- virus attacks and other malicious incidents.

User ID and password security is managed and enforced by policies. ESI personnel are trained on password management principles. Periodic assessment of access rights and privileges are performed. System controls are predicated on preventing unauthorized user access. A Common Access Card (CAC), in conjunction with the use of a 2-factor authentication including a pin created by the user, is required for use of the system.

Individuals may express general feedback regarding ESI's privacy policy by sending an e-mail to privacy@expressscripts.com. Specific questions regarding the enforcement of ESI's privacy policy may be directed to ESI's Chief Compliance Officer. Whenever there is any change to ESI's Internet Privacy Policy, beneficiaries receive notice of the changes in the form of a pop-up notice upon the next sign-in to the system.

Some specific privacy risks to the system are noted below:

a.) ESI stores a copy of a beneficiaries ID number when pending a successful registration process. If the beneficiaries healthcare plan uses SSN as the member ID number, then that number will be stored. Generally, less strict access controls are in place for member ID numbers (TRICARE currently uses SSN as a Member ID and is transitioning to a non-SSN based ID. The transition date for full implementation is not known.)

b.) ESI's web site may include features through which a beneficiary may view the prescription history for all covered household members under the age of 18. To view prescription history information or other such PII / PHI for adult dependents, the beneficiary must certify (at the time of registration by following the certification procedures and instructions on the registration pages of the web site) that permission has been obtained from the affected dependents. ESI disclaims all present and future liability for any use by the beneficiary of an adult dependent's PII / PHI which exceeds the scope of that which is agreed to by the adult dependent.

c.) A beneficiary can correct or update PII by contacting ESI Customer Service at any time or by sending an e-mail through ESI's web site. By using the e-mail service, a beneficiary accepts the risk of transmitting information to ESI from a personal e-mail address in an unsecure environment. A beneficiary can also use ESI's web site to send a secure e-mail inquiry to ESI, which may result in a reply being sent to the e-mail address on file. Inquiries sent through ESI's web site are secure and use Secure Socket Layer (SSL) technology. Email replies to the beneficiary are secured through ESI's secure email pick-up service in which the recipient is required to register and connect via SSL to retrieve the email.

If a beneficiary is receiving e-mail correspondence at an employer's e-mail address, please note that, under law, the employer may be permitted to view the contents of any e-mail messages received at this address. If a beneficiary is concerned about the confidentiality of his or her e-mail messages, he or she may wish to use a home e-mail address (though, again, this may not be as secure as sending inquiries directly through the ESI's secure e-mail service).

d.) ESI's web site is neither intended nor designed to attract users who are under the age of 18 and is committed to preventing the unintentional collection of PII / PHI from children under the age of 13. A parent or legal guardian of a child under the age of 13 has the right to request the removal of a child's PII / PHI from the ESI database that he or she believes was added by the child or another unauthorized entity.

e.) ESI utilizes commercial firewalls and router Access Control Lists (ACLs) at all public network access points to appropriately restrict network traffic, along with the Secure Sockets Layer (SSL) protocol with 128-bit encryption. ESI's web site also uses the SSL protocol to ensure the confidentiality of credit card information. To take advantage of this security, a beneficiary must use an Internet browser that supports 128-bit encryption. By neglecting to use an updated browser that supports 128-bit encryption an individual puts the confidentiality of his or her own PII / PHI at risk during collection.

In addition, any other potential privacy risks regarding the collection, use, and sharing of PII / PHI in the system have been minimized through system design and implementation of various administrative, technical, and physical security controls.

Express Scripts, Incorporated has complied with DoDI 8582.01, Security of Unclassified DoD Information on Non-DoD Information Systems, June 6, 2012, and TRICARE Manual requirements. The Contracting Officer and Performance, Analysis, Transitions, and Integration Branch (PAT&I) Information Assurance Program Manager have completed the NIST checklist and submitted a signed a memo as verification of compliance.

h. With whom will the PII be shared through data exchange, both within your DoD Component and outside your Component (e.g., other DoD Components, Federal Agencies)? Indicate all that apply.

Within the DoD Component.

Specify.

Emdeon's Pharmacy Data Transaction Service (PDTS) (per DoD TPHARM contract for Drug Utilization Review (DUR) and prescription data).

Express Scripts is obligated to report to TRICARE Program Integrity (TPI) any unusual activity that may constitute fraud or abuse of benefits.

Nurses and pharmacists employed by ESI are available to beneficiaries for as long as the individual is taking the specialty medication.

MDR (newly eligible TPHARM beneficiary list).

Other DoD Components.

Specify.

Other Federal Agencies.

Specify.

State and Local Agencies.

Specify.

Contractor (Enter name and describe the language in the contract that safeguards PII.)

Specify.

Other (e.g., commercial providers, colleges).

Specify.

i. Do individuals have the opportunity to object to the collection of their PII?

Yes **No**

(1) If "Yes," describe method by which individuals can object to the collection of PII.

(2) If "No," state the reason why individuals cannot object.

j. Do individuals have the opportunity to consent to the specific uses of their PII?

Yes **No**

(1) If "Yes," describe the method by which individuals can give or withhold their consent.

Although submission of PII / PHI is voluntary, failure to provide the requested information may result in delayed processing of pharmacy services. Additionally, beneficiaries have the ability to opt out of clinical programs by simply contacting the ESI Call Center using the phone number on the back of the benefit card.

ESI will not disclose PHI to third parties without written authorization of the beneficiary or as permissible under applicable law.

Consent to the specific uses of PII is obtained as necessary in accordance with DoD 5400.11-R, Department of Defense Privacy Program, C.4.1.3.

PHI is collected for permitted uses and disclosures as set forth in DoD 6025.18-R, DoD Health Information Privacy Regulation. Individuals are informed of these uses and are given the opportunity to authorize or restrict the use of their PHI based on the procedures in place at the local facility where the data is collected and maintained, in accordance with DoD 6025.18-R.

(2) If "No," state the reason why individuals cannot give or withhold their consent.

k. What information is provided to an individual when asked to provide PII data? Indicate all that apply.

Privacy Act Statement **Privacy Advisory**
 Other **None**

Describe each applicable format.

A Privacy Act Statement (PAS) appears on the ESI web site before the point of collection of the individual's PII / PHI. Additionally, the ESI Privacy Policy is published on the ESI web site for beneficiaries, clients, pharmacists, and physicians. ESI also sends beneficiaries of home delivery prescriptions a Notice of Privacy Practices (NOPP) statement via postal mail.

Additional notices of privacy (e.g., PASs) are provided to beneficiaries by participating pharmacies as

designated by their company procedures. The DoD also submits a PAS to all associated beneficiaries.

AUTHORITY: 10 U.S.C. Chapter 55, Medical and Dental Care; 32 CFR Part 199, Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); and E.O. 9397 (SSN), as amended.

PURPOSE: To collect information from you in order to process, and handle payment for, pharmaceuticals and supplies you receive through the TRICARE Pharmacy Program Services.

ROUTINE USES: Your information may be provided to federal and state entities for health oversight, utilization review, quality assurance, program integrity, and civil or criminal litigation matters when related to the operation of TRICARE. Use and disclosure of your records outside of DoD may also occur in accordance with the DoD Blanket Route Uses published at http://dpcllo.defense.gov/privacy/SORNs/blanket_routine_uses.html and as permitted by the Privacy Act of 1974, as amended (5 U.S.C. 552a(b)).

Any protected health information (PHI) in your records may be used and disclosed generally as permitted by the HIPAA Privacy Rule (45 CFR Parts 160 and 164). Permitted uses and disclosures of PHI include, but are not limited to, treatment, payment, and healthcare operations.

DISCLOSURE: Voluntary: however, failure to provide the requested information may delay the processing of your pharmaceuticals and supplies.

Privacy Act Statement from the Department of Defense

To activate your account, please complete the fields below. Before doing so, you must read this Privacy Statement from the Department of Defense.

Authority: 5 U.S.C. 301 (Departmental Regulations); 10 U.S.C. §§1095b-1095c, and §1097 (Medical and Dental Care); 45 C.F.R. Part 160 and Subparts A and E of Part 164 (Health Insurance Portability and Accountability Act); DTMA 04 (Medical/Dental Claim History Files); and, E.O. 9397, as amended (SSN).

Purpose: Information is being collected to provide pharmacy services to all TRICARE beneficiaries

Routine Uses: In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, this information may specifically be used to verify beneficiary eligibility, to provide contracted pharmacy benefits services, to authenticate and identify DoD affiliated personnel, and to register new DoD civilian and military personnel and their authorized dependents for the purpose of obtaining medical benefits or other benefits for which they are qualified.

Disclosure: Submission of this information is voluntary. However, failure to provide the requested information may result in delayed processing of pharmacy services.

NOTE:

Sections 1 and 2 above are to be posted to the Component's Web site. Posting of these Sections indicates that the PIA has been reviewed to ensure that appropriate safeguards are in place to protect privacy.

A Component may restrict the publication of Sections 1 and/or 2 if they contain information that would reveal sensitive information or raise security concerns.