



New York Health Benefit Exchange

THE OFFICIAL HEALTH BENEFIT EXCHANGE FOR NEW YORK STATE

Privacy Policy

[Home](#)

Introduction

Thank you for visiting the New York State Department of Health website. This website is designed to make it easier and more efficient for individuals and businesses to interact with the New York State Department of Health. The New York State Department of Health recognizes that it is critical for individuals and businesses to be confident that their privacy is protected when they visit the New York State Department of Health's website.

Consistent with the provisions of the Internet Security and Privacy Act, the Freedom of Information Law, and the Personal Privacy Protection Law, this policy describes the New York State Department of Health's privacy practices regarding information collected from *users* of this website. This policy describes what information is collected and how that information is used. Because this privacy policy only applies to this website, you should examine the privacy policy of any website, including other *state agency websites*, that you access using this website.

For purposes of this policy, "*personal information*" means any information concerning a natural person which, because of name, number, symbol, mark, or other identifier, can be used to identify that natural person. **The New York State Department of Health does not collect any personal information about you through this website unless you provide that information voluntarily by sending an email, responding to a survey, or completing an online transaction.**

Information Collected Automatically When You Visit this Website

When visiting this website the New York State Department of Health automatically collects and stores the following information about your visit:

- (i) *User* client hostname. The hostname or Internet Protocol address of the *user* requesting access to a *state agency website*.
- (ii) HTTP header, "*user agent*." The *user* agent information includes the type of browser, its version, and the operating system on which that the browser is running.
- (iii) HTTP header, "*referrer*." The referrer specifies the web page from which the *user* accessed the current web page.

- (iv) System date. The date and time of the *user's* request.
- (v) Full request. The exact request the *user* made.
- (vi) Status. The status code the server returned to the *user*.
- (vii) Content length. The content length, in bytes, of any document sent to the *user*.
- (viii) Method. The request method used.
- (ix) Universal Resource Identifier (URI). The location of a resource on the server.
- (x) Query string of the URI. Anything after the question mark in a URI.
- (xi) Protocol. The transport protocol and the version used.

None of the foregoing information is deemed to constitute *personal information*.

The information that is collected automatically is used to improve this website's content and to help the New York State Department of Health understand how *users* are interacting with the website. This information is collected for statistical analysis, to determine what information is of most and least interest to our *users*, and to improve the utility of the material available on the website. The information is not collected for commercial marketing purposes and the New York State Department of Health is not authorized to sell or otherwise disclose the information collected from the website for commercial marketing purposes.

Cookies

Cookies are simple text files stored on your web browser to provide a means of distinguishing among *users* of this website. The use of cookies is a standard practice among Internet websites. To better serve you, we occasionally use "session cookies" to enhance or customize your visit to this website. Session cookies can be created automatically on the device you use to access this *state agency website*. They do not contain *personal information* and do not compromise your privacy or security. We may use the cookie feature to store a randomly generated identifying tag on the device you use to access this website. A session cookie is erased during operation of your browser or when your browser is closed.

If you wish, you may complete a registration to personalize this website and permit a "persistent cookie" to be stored on your computer's hard drive. This persistent cookie will allow the website to recognize you when you visit again and tailor the information presented to you based on your needs and interests. The New York State Department of Health uses persistent cookies only with your permission.

The software and hardware you use to access the website allows you to refuse new cookies or delete existing cookies. Refusing or deleting these cookies may limit your ability to take advantage of some features of this website.

Information Collected When You E-mail this Website or Complete a Transaction

During your visit to this website you may send an e-mail to the New York State Department of Health. Your e-mail address and the contents of your message will be collected. The information collected is not limited to text characters and may include audio, video, and graphic information formats included in the message. Your e-mail address and the information included in your message will be used to respond to you, to address issues you identify, to improve this website, or to forward your message to another State agency for appropriate action. Your e-mail address is not collected for commercial purposes and the New York State Department of Health is not authorized to sell or otherwise disclose your e-mail address for commercial purposes.

During your visit to this website you may complete a transaction such as a survey, registration, or order form. The information, including *personal information*, volunteered by you in completing the

transaction is used by the New York State Department of Health to operate New York State Department of Health programs, which include the provision of goods, services, and information. The information collected by the New York State Department of Health may also be disclosed by the New York State Department of Health for those purposes that may be reasonably ascertained from the nature and terms of the transaction in which the information was submitted.

The New York State Department of Health does not knowingly collect *personal information* from children or create profiles of children through this website. *Users* are cautioned, however, that the collection of *personal information* submitted in an e-mail will be treated as though it was submitted by an adult, and may, unless exempted from access by federal or State law, be subject to public access. The Agency strongly encourages parents and teachers to be involved in children's Internet activities and to provide guidance whenever children are asked to provide *personal information* on-line.

Information and Choice

As noted above, the New York State Department of Health does not collect any *personal information* about you unless you provide that information voluntarily by sending an e-mail, responding to a survey, or completing an on-line form. You may choose not to send us an e-mail, respond to a survey, or complete an on-line form. While your choice not to participate in these activities may limit your ability to receive specific services or products through this website, it will not normally have an impact on your ability to take advantage of other features of the website, including browsing or downloading information.

Disclosure of Information Collected Through This Website

The collection of information through this website and the disclosure of that information are subject to the provisions of the Internet Security and Privacy Act. Except as provided below or as otherwise authorized by law, the New York State Department of Health will only collect *personal information* through this website or disclose *personal information* collected through this website if the *user* has consented to the collection or disclosure of such *personal information*. The voluntary disclosure of *personal information* to the New York State Department of Health by the *user*, whether solicited or unsolicited, constitutes consent to the collection and disclosure of the information by the New York State Department of Health for the purposes for which the *user* disclosed the information to the New York State Department of Health, as was reasonably ascertainable from the nature and terms of the disclosure.

However, the New York State Department of Health may collect or disclose *personal information* without consent if the collection or disclosure is: (1) necessary to perform the statutory duties of the New York State Department of Health, or necessary for the New York State Department of Health to operate a program authorized by law, or authorized by state or federal statute or regulation; (2) made pursuant to a court order or by law; (3) for the purpose of validating the identity of the *user*; or (4) of information to be used solely for statistical purposes that is in a form that cannot be used to identify any particular person.

Further, the disclosure of information, including *personal information*, collected through this website is subject to the provisions of the Freedom of Information Law and the Personal Privacy Protection Law.

The New York State Department of Health may also disclose *personal information* to federal or state law enforcement authorities to enforce its rights against unauthorized access or attempted unauthorized access to the New York State Department of Health's information technology assets.

Retention of Information Collected Through this Website

The information collected through this website is retained by the New York State Department of Health in accordance with the records retention and disposition requirements of the New York State Arts & Cultural Affairs Law. Information on the requirements of the Arts & Cultural Affairs Law may be found at http://www.archives.nysed.gov/a/nysaservices/ns_mgr_retention_records-dis.shtml. In general, the Internet services logs of the New York State Department of Health, comprising electronic files or automated logs created to monitor access and use of Agency services provided through this website, are retained for one (1) year and then destroyed, absent a specific need or obligation to retain it for a longer period. Information, including *personal information*, that you submit in an e-mail or when you complete a survey, registration form, or order form is retained in accordance with the records retention and disposition schedule established for the records of the program unit to which you submitted the information. Information concerning these records retention and disposition schedules may be obtained through the Internet privacy policy contact listed in this policy.

Access to and Correction of Personal Information Collected Through this Website

Except as otherwise provided by law, any *user* may submit a request to the New York State Department of Health privacy compliance officer to determine whether *personal information* pertaining to that *user* has been collected through this website. Any such request shall be made in writing and must be accompanied by reasonable proof of identity of the *user*. Reasonable proof of identity may include verification of a signature, inclusion of an identifier generally known only to the *user*, or similar appropriate identification. The address of the privacy compliance officer is:

*New York State Department of Health
Corning Tower, Room 2348
Albany, New York 12237-0044*

Except as otherwise provided by law, the privacy compliance officer shall, within five (5) business days of the receipt of a proper request, provide access to the *personal information*; deny access in writing, explaining the reasons therefore; or acknowledge the receipt of the request in writing, stating the approximate date when the request will be granted or denied, which date shall not be more than thirty (30) days from the date of the acknowledgment.

In the event that the New York State Department of Health has collected *personal information* pertaining to a *user* through the state agency website and that information is to be provided to the *user* pursuant to the *user's* request, the privacy compliance officer shall inform the *user* of his or her right to request that the *personal information* be amended or corrected under the procedures set forth in section 95 of the Public Officers Law, except as otherwise provided by law.

Confidentiality and Integrity of Personal Information Collected Through this Website

The New York State Department of Health is strongly committed to protecting *personal information* collected through this website against unauthorized access, use or disclosure. Consequently the New York State Department of Health limits employee access to *personal information* collected through this website to only those employees who need access to the information in the performance of their official duties. Employees who have access to this information follow appropriate procedures in connection with any disclosures of *personal information*.

In addition, the New York State Department of Health has implemented procedures to safeguard the integrity of its information technology assets, including, but not limited to, authentication, monitoring, auditing, and encryption. These security procedures have been integrated into the design, implementation, and day-to-day operations of this website as part of our continuing commitment to the security of electronic content as well as the electronic transmission of information.

For website security purposes and to maintain the availability of the website for all *users*, the Agency employs software to monitor traffic to identify unauthorized attempts to upload or change information or otherwise damage this website.

General Disclaimer

The information provided in this privacy policy should not be construed as giving business, legal, or other advice, or warranting as fail proof, the security of information provided through this website.

Links Disclaimer

In order to provide users with certain information, this website may provide links to local, State and federal government agencies, and websites of other organizations. A link does not constitute an endorsement of the content, viewpoint, accuracy, opinions, policies, products, services, or accessibility of that website. Once you link to another website from this website, including one maintained by the State, you are subject to the terms and conditions of that website, including but not limited to its privacy policy.

Information Disclaimer

Information provided on this website is intended to allow the public immediate access to public information. While all attempts are made to provide accurate, current, and reliable information, the Department of Health recognizes the possibility of human and/or mechanical error. Therefore, the Department of Health, its employees, officers and agents make no representations as to the accuracy, completeness, currency, or suitability of the information provided by this website, and deny any expressed or implied warranty as to the same.

Contact Information

For questions regarding this Internet privacy policy, please contact:
(via e-mail)

privacy@health.state.ny.us

(via regular mail)

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