

## COVID Link Privacy Policy

Protecting your private information is our priority. This Statement of Privacy applies to the Maryland Department of Health's ("MDH") COVID Link program ("COVID Link") and governs data collection and usage. For the purposes of this Privacy Policy, unless otherwise noted, all references to MDH include our COVID Link Contact Tracing website ([coronavirus.maryland.com/contact-tracing](https://coronavirus.maryland.com/contact-tracing)), call center, any email or SMS messages you may send to us or receive from us through the COVID Link program, any secure web forms we may use to collect data from you, and any physical mail you may send to or receive from us ("Services"). The data that is collected may be considered protected health information (PHI) or personally identifiable information (PII). This data is protected by federal and state privacy laws, including the federal Health Insurance Portability and Accountability Act (HIPAA), 42 U.S.C. §§ 1320d et seq., and the implementing regulations at 45 C.F.R. Parts 160 and 165, the Maryland Confidentiality of Medical Records Act (MCMRA), Md. Code Ann. Health-General §§ 4-301 et seq., and the Protection of Information by Government Act, Md. Code Ann. State Government §§ 10-1301 et seq.. By using the Services, you consent to the data practices described in this statement. Where necessary under applicable law, we may seek your consent by other means such as by asking you to reply to an SMS or to click on a button or a link in an SMS or email. Where we do so, we will also offer you a way to revoke your consent.

## Why We Collect Your Data

We collect data from you so that we can perform Contact Tracing across the State of Maryland to reduce the spread of the coronavirus and to monitor the condition of individuals who have contracted the virus or been exposed to it. We also collect information that helps us maintain and improve the reliability and performance of our software to better deliver information and to support secure data gathering.

## When and How We Collect Your Data

We collect data for public health surveillance and to provide you with Services when you use our apps and websites offered via COVID Link. This data includes information you provide to us directly, through our contact tracing agents on the phone, websites, SMS, email, feedback, or any other method in which you use, customize, or receive our Services. We collect information in the following ways:

***Information Provided By You.*** You may choose to provide us with information, some of which may be PII or PHI, when you interact with the Services in the following ways:

- Speak with one of our Contact Tracing agents
- Complete a survey or web form
- Opt-in to automated SMS or Email communications
- Send us an e-mail message or complete an inquiry form
- Reply to an SMS message
- Send us a letter or otherwise provide us with information in writing

***Automatic Collection.*** We collect certain information through automated means. Some information we collect through automated means may, alone or combined with other data, be personal data. For example, we may automatically collect:

- Information about your browser
- Your activities on the Services
- IP address
- Mobile or Internet Carrier
- Browser type
- Browser identifier
- Referring URL

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**Location Information.** We may collect location information (such as an address or postal code) to provide location-based Services (such as information about local resources available to provide support you during self-isolation or the identification and support of locations experiencing increased virus activity). We do not ask for, nor do we collect, location information from you through your device.

**Alerts and Notifications.** Certain Services offer you the ability to receive push notifications for reminders, updates and alerts that you have requested. To provide these Services, we may need to collect your e-mail address, phone number, and/or mobile carrier information in addition to the geographic area to which an alert, update, or notification pertains. If you no longer wish to receive these types of notifications, you may opt out by turning them off within the particular Service for which you registered per our Terms of Service (<https://go.md.gov/ct/cv/tos>), or by speaking with our call center (800-559-6410).

**Information from Partners.** Where legally permissible, we may obtain information about you or your use of the Services from other third parties such as Technical and Content Partners (see Our Partners). We may combine the information you provide us and information we automatically collect with information from public or third-party sources. If we combine or associate information from other sources with data that we collect through the Services, we will treat the combined information as PII or PHI in accordance with this Privacy Policy.

## What Data We Store

We store data that you give us (like a phone number, address or information about symptoms you are experiencing) and that we collect from your device (like the version of your operating system). We may also store support tickets, emails and physical mail received from you, and notes about any conversations we have with you on the phone (voice or email) or in our support tracking systems and email servers.

## **How Long We Keep Your Data**

We will retain your information for as long as needed to provide the Services and comply with applicable state and federal law and applicable record retention policies. We will also retain and use your information as necessary to comply with our legal obligations and enforce our agreements. We may retain information that no longer identifies you indefinitely.

## **How We Protect Your Data**

We have put in place physical, electronic, and managerial procedures intended to protect your data. We store your data in a secure environment and encrypt all data transmitted to or from our websites and mobile applications, once you have logged in, using Secure Socket Layers (SSL). We also use SSL for transmissions between us and our partners, and may also apply additional layers of passive and active security to further limit the potential for unlawful accessing of data we collect, store, send, or receive. We also encrypt sensitive data when at rest.

While we take every precaution to prevent your data from being unlawfully accessed, we cannot guarantee that your communications with the Services will never be unlawfully intercepted or that your data will never be unlawfully accessed by third parties. Any transmission of information is at your own risk.

## **What Data We Share**

We share only the minimum data required for the Services to be delivered (like sending you an automated message). In many cases, this does not require sharing personally identifiable data at all. In other cases, personally identifiable data (like your phone number) may be required to deliver the Services to you. Data that we provide to our partners becomes protected by their privacy and data policies.

## **Our Partners and How We Share or Disclose Your Information with Them**

We have both Content Partners and Technical Partners. Content Partners, for example CRISP, may provide us with case and contact information to support the Contact Tracing process. Technical Partners enhance functionality in our software (like sending an SMS) and help us to improve our Services (like alerting our team when an error occurs or providing analytics that help us identify issues that may not have been reported). As necessary, Content Partners and Technical Partners will be required to execute privacy agreements to ensure that the confidentiality of your data is maintained.

We may also share any information collected from the Services – including aggregated or statistical data that we may generate from such information – in the following ways:

***Technical and Content Partners.*** When your data is collected on the Services, it may be shared with selected third parties who assist us with our business operations, with the provision of the Services, or in delivering you the features and functionality that you have requested (“Third-Party Service Providers”, “Technical Partners”). These Third-Party Service Providers include, without limitation, companies that provide data storage, support customer service, and facilitate or deliver materials to you via e-mail, other electronic communications platforms, or postal service. Third-Party Service Providers are authorized to use the data that we provide to them only to carry out the service they are providing for us.

***Other Websites, Other Services, and Links.*** Like many websites on the Internet and other Internet-based services, the Services may link to webpages located on websites or services maintained by various other entities. In some cases, you may navigate to pages of other websites that are framed with elements of the Services such as in the header or footer. In other cases, such as where we point you to additional information about a specific topic, you will be

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connecting to another site or service when you click on or otherwise activate a link. These other sites and services are not bound by our Privacy Policy, and we are not responsible for their information collection practices. The privacy policies of other organizations may differ from ours, for example, with respect to the level of security, use of cookies, and collection, use and disclosure of personal data.

Some of the Services use third-party operating systems, platforms, communication services, devices, and software elements (such as mobile device operating systems, wireless services, mobile phone, and tablet devices), and some of the Services are provided by third-party distributors, device makers, device operators, platform operators, and communication services. We do not control these third-party entities, products, and services, and they may collect, use, process, transmit, and disclose your information. As we do not control these third-parties' data handling practices, we recommend that you review their privacy policies, terms of use, and license agreements (if any).

## Limitations on Privacy

Subject to applicable local law, we, our affiliates, or our Third-Party Service Providers may disclose your data without your permission (i) pursuant to judicial or other government subpoenas, warrants, or orders or otherwise to comply with law; (ii) where we believe an individual's rights, safety, or security is at risk; (iii) if we find that your actions violate any of our legal rights; or (iv) where otherwise required or permitted by applicable law (which may include a lawful access request by U.S. or foreign courts, governments, or law enforcement agencies).

## Your Consent

Our Services require that you create an account secured by a password that allows you to opt-in to the Services you want. Subject to applicable law, by using our Services, you accept the terms of this Privacy Policy and consent to the data collection, use, and sharing described herein. Where necessary under applicable law, we may seek your consent by other means such as by asking you to rely to

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an SMS, click on a button or to change a setting. Where we do so, we will also offer you a way to revoke your consent.

At any time you may change your preferences and settings by using the Services to update your contact methods and delivery options by contacting our call center (800-559-6410). (We may require additional information from you prior to updating your account to confirm your ownership of the account.)

### **Data Rights**

You can request to access, obtain a portable copy of, correct, or delete data related to your use of the Services. Email [mdh.mdcovidalert@maryland.gov](mailto:mdh.mdcovidalert@maryland.gov). or call 800- 559-6410 to initiate this process.

In the event that you consider our processing of data related your use of the Services not to be compliant with the applicable data protection laws, you can contact us at [mdh.mdcovidalert@maryland.gov](mailto:mdh.mdcovidalert@maryland.gov).

### **Minors' Privacy**

We are committed to protecting the safety and privacy of young people using the Internet. We do not knowingly collect personal data from children under age 18. We believe that children should get their parents' or guardians' consent before giving out any personal data. If you become aware that we have collected personal data from a child without parental consent, please notify us promptly at [mdh.mdcovidalert@maryland.gov](mailto:mdh.mdcovidalert@maryland.gov). If we become aware that a child under age 18 has provided us with personal data without parental consent, we will take steps to remove such personal data.

### **International Transfer**

The Services are hosted on servers inside the United States. If you are located in the European Union or elsewhere outside of the United States, information that we collect will be processed and stored in the United States, a jurisdiction in which the data protection and privacy laws may not offer the same level of

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protection as those in the country where you reside or are a citizen. Subject to applicable law, by using our Services and providing information to use, you consent to the transfer to and processing of information in the United States and other jurisdictions. Where necessary under applicable law, we may employ appropriate cross-border transfer methods governing personal data.

### **Changes to our Privacy Policy**

We reserve the right to change our Privacy Policy as business needs require. If we decide to change our Privacy Policy, we will post those changes here prior to the time they take effect. If we make material changes to the way we use personal data, we will notify affected users through the Services.

### **Questions and Support**

It's important to us that you fully understand how our commitment to keeping our community safe includes protecting your privacy, and what that means for you and your data. If you have a question related to this Privacy Policy, please contact at us at [mdh.mdcovidalert@maryland.gov](mailto:mdh.mdcovidalert@maryland.gov).