

April 12, 2024

VIA EMAIL

Office of the Attorney General
Attn: Security Breach Notification
200 St. Paul Place
Baltimore, Maryland 21202
Email: idtheft@oag.state.md.us

Re: Notification of Unauthorized Access

To whom it may concern:

We are writing on behalf of our client, Kaiser Foundation Health Plan, Inc. (Kaiser), to provide your office with notification of a privacy breach involving the unauthorized access to certain limited personal information stemming from Kaiser's prior use of certain third-party online technologies on its website and mobile application.

As part of an in-depth and ongoing investigation, on October 25, 2023, Kaiser confirmed that certain third-party online technologies previously installed on some portions of its website and mobile application were configured to transmit limited information about Kaiser members and patients to the vendor-developer as part of the technology's standard functionality. These online technologies (sometimes called "cookies" or "pixels") were provided by Google, Microsoft Bing, and Twitter, third-party vendors engaged by Kaiser to support the performance and use of the Kaiser website and mobile application.

Kaiser members and patients consent to the collection of their information by these online technologies. Nevertheless, in the abundance of caution, Kaiser is issuing notices for its prior use of these third-party online technologies because the limited information collected by these technologies about Kaiser members may be considered Protected Health Information (PHI) under the Health Insurance Portability and Accountability Act (HIPAA), pursuant to recent guidance from the Department of Health and Human Services (HHS).

These online technologies have been discontinued since November 13, 2023. However, Kaiser's investigation into their prior use revealed the following limited information may have been transmitted to the third-party vendor-developer of the online technology: IP address, name, information that could indicate a member was signed into a Kaiser Permanente account or service, information showing how the member interacted with and navigated through the website or mobile applications, and search terms used in the health encyclopedia. Importantly, Kaiser

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Permanente account credentials (username and password), Social Security numbers, financial account information, and credit card numbers were **not included** in the information transmitted.

Kaiser's investigation has not revealed any evidence to suggest that the information collected and transmitted by these online technologies to their respective vendors was utilized by those vendors for any purposes beyond those authorized by Kaiser. Additionally, Kaiser is not aware of any fraudulent use or misuse of any member or patient information transmitted via these online technologies.

Kaiser's investigation into the scope of prior use is ongoing, and Kaiser is still working to determine: (i) the total number of Kaiser members whose information was previously transmitted to the three third-party online technology vendors identified above; (ii) the identity and contact information of impacted Kaiser members; and (iii) the full scope of information collected about Kaiser members via these online technologies. Once that investigation and data analysis has concluded, Kaiser intends to directly notify all impacted Kaiser members and patients in your state and also issue substitute notice via conspicuous posting on its website. However, to ensure Kaiser members and patients are alerted to this incident now, Kaiser is concurrently issuing media notice (via major media outlets) in your state.

We assure you that Kaiser takes this issue and the privacy and security of member PHI and personal information very seriously. If you have any questions or require further information, please contact us: Kari M. Rollins at krollins@sheppardmullin.com or (212) 634-3077, and/or Wynter Deagle at wdeagle@sheppardmullin.com or (858) 720-8947.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kari M. Rollins".

Kari M. Rollins & Wynter Deagle
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP