

HIPAA PRIVACY NOTICE

Consistent with the provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), this Notice describes the Flex Spending Account's Privacy Policy regarding the protection and use of personal information collected from enrollees of this Plan. The Flex Spending Account takes your privacy very seriously, and protecting the confidentiality of the personal information you provide to the Plan has been, and will continue to be, a top priority. Please note that the information that is collected and the extent to which it is used will vary depending on the service involved. In some cases, the Plan may not collect all of the types of information noted below.

For purposes of this Privacy Policy, the words "you" and "enrollee" are used to mean any individual who has been or is currently enrolled in the Flex Spending Account for personal or family purposes.

The Flex Spending Account's Privacy Policy is as follows:

I. We collect only the enrollee information necessary to consistently deliver responsive services.

The Flex Spending Account collects information that helps to serve your needs, provide a high standard of customer service, and fulfill legal and regulatory requirements. The sources and types of information collected may include:

- Information provided on enrollment and related forms -- for example, name, address, NYS EMPLID, and email address.
- Responses from you and others such as information relating to your employment and insurance coverage.
- Information about your relationship with us, such as transaction history, claims history, and premiums.
- Information from hospitals, doctors, laboratories and other companies about your health condition, used to process claims and prevent fraud.

II. Under HIPAA you have certain rights with respect to your protected health information.

You have the right to see and copy the information, receive an accounting of certain disclosures of the information and, under certain circumstances, amend the information. You also have the right to file a complaint with the Plan in care of WageWorks' Privacy Officer or with the Secretary of the U.S. Department of Health and Human Services if you believe your rights under HIPAA have been violated.

III. We maintain safeguards to ensure information security.

We are committed to preventing unauthorized access to personal information. We maintain physical, electronic, and procedural safeguards for protecting personal information. We restrict access to personal information to those employees and contractors who need to know that information to provide services to you. Any employee or contractor who violates the Flex Spending Account Privacy Policy is subject to disciplinary action or administrative sanctions, respectively.

IV. We limit how and with whom we share enrollee information.

We do not sell lists of our enrollees, and under no circumstances do we share personal health information for marketing purposes. With the following exceptions, we will not disclose your personal information without your written authorization. We may share your personal information with the

contractor that administers the Flex Spending Account Plan. We may also disclose personal information as permitted or required by law or regulation. For example, we may disclose information to comply with an inquiry by a government agency or regulator, in response to a subpoena, or to prevent fraud. We will provide our Privacy Notice to current enrollees annually and whenever it is amended. If you no longer have a relationship with us, we will still treat your information under our Privacy Policy, but we will no longer send notices to you.

Contact Information

For questions regarding this HIPAA Privacy Policy, please email us at:

fsa@oer.ny.gov

If you believe your privacy rights have been violated and you wish to file a complaint with the Plan, send your complaint in writing to:

WageWorks, Inc.
Attention: Legal Counsel/Privacy
1100 Park Place #400
San Mateo, CA 94403