

OPENING STATEMENT

Ranking Member Don Beyer (D-VA)
Subcommittee on Oversight
Committee on Science, Space & Technology

Joint Subcommittee Hearing
“Can Americans Trust the Privacy and Security of their Information on HealthCare.gov?”

February 12, 2015

Thank you Madam Chair Comstock and Chairman Loudermilk for holding this hearing today.

Recent news stories on the sharing of Healthcare.gov visitor data with third parties raise legitimate privacy concerns. According to these news reports data including an individual’s income, zip code and pregnancy status were being provided to multiple Third-Party Websites and Applications (TPWAs) tools embedded on the website. According to these stories, no personally identifiable information, known as PII, was provided to third parties. However, news reports also suggest that the information was being provided to third parties without the clear consent of visitors to the site.

There are many questions I think Members on both sides of the aisle have about how Healthcare.gov implemented the use of third party tools on the website. What restrictions were placed on the use of this data by third parties? Why was there a need for multiple third party tools on the website? How did these tools help improve the function of the website and the user’s experience? Could some of this work have been done in-house?

Unfortunately we will not be able to get definitive answers on any of these questions today. Today’s hearing will be largely speculative in nature since we don’t have any government witnesses to explain these issues. I understand the Majority originally invited government witnesses, but provided them with short notice to prepare their testimony. My understanding is we may have a follow-up hearing with the proper set of witnesses to address these issues later this month. In a perfect world, we would have had that hearing first. Instead, I fear we will start with lots of speculation and will then try to uncover the facts at a later date.

The use of third party website tools on Healthcare.gov has drawn the public’s attention to this issue, but I hope our witnesses, particularly Ms. De Mooy, can help us explore the larger privacy issues regarding the use of these and other tools to monitor online activities and their impact on our individual privacy. The use of third party websites is worrisome, but not unusual in the digital online environment. One recent study, for instance, found that the top 100 most popular websites were being monitored by more than 1,300 firms deploying these third party tools. And while I believe we should explore the privacy implications of using third party websites this is simply a small slice of the privacy pie. From the moment we enter the digital domain, whether it is turning on our cell phone, logging onto the Internet or opening up a tablet or other digital device our data is collected, collated and analyzed by corporations, organizations, government agencies and online advertising companies.

In the physical world our identities are often measured by the details on our driver’s licenses: our birth date, our height, our weight and gender.

But in the digital world the metrics used to measure who we are seem to be based on observing the web pages we visit, the purchases we make, the people we “virtually” socialize with, the news items we read

and the movies we watch. I am concerned about the use of these new metrics that constantly track and measure our personal lives online.

On the security side, we must realize that any IT infrastructure is constantly evolving and improving. It is unclear if the use of third party tools had any direct impact on the security of Healthcare.gov, but I also believe this issue needs to be put in perspective. Just last week, reports surfaced that Anthem, Inc., one of the country's largest health care providers, announced that they had a data breach exposing the accounts of 80 million customers. That breach compromised PII that included customer social security numbers and e-mail addresses. The size of that breach is eight times the total number of people who have signed up for the Affordable Care Act through Healthcare.gov.

Since the launch of Healthcare.gov an additional 10 million Americans now have healthcare coverage. I believe that extending market opportunities to 10 million Americans to get health insurance represents a tremendously positive event for millions of families across this country. Despite the dark conjectures about security of the website, they have not suffered any significant loss of personally identifiable information or major security breach to date.

Privacy protections must be addressed and improved throughout the internet, and that includes on Healthcare.gov. I hope this hearing helps us explore these broad privacy issues and I look forward to hearing from our witnesses.

With that I yield.