

OPENING STATEMENT

Ranking Member Daniel Lipinski (D-IL)
Subcommittee on Research & Technology
Committee on Science, Space, and Technology

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

February 12, 2015

Thank you Madam Chairwoman. I want to welcome the witnesses to this morning's hearing on privacy and security on the healthcare.gov website.

I am troubled by some of the things we know and some of the things we don't know about privacy and security on healthcare.gov. We have some very good witnesses today who I look forward to hearing from. Unfortunately none of these experts had any role in developing healthcare.gov or in the decisions regarding privacy and security. I do hope the testimony will help shape some of the questions we should be asking those who did have a role in those decisions.

Given the problematic rollout of healthcare.gov and problems with some state exchange websites such as those with the DC marketplace, it's clear that the implementation of the technical side of the Affordable Care Act merits Congressional review and oversight. While healthcare.gov functionality has improved since last year and CMS has been responsive to reports of potential security or privacy weaknesses as they have been identified, we should continue to conduct oversight because the type of personal data that is input into the site raises the potential for serious problems.

Yet we must also make sure that we are clear on the context. We are here today because of recent news reports about the use of third-party analytics tools on healthcare.gov. Data analytics tools can be valuable for tracking how websites are being used and optimizing the website for the consumer. While I am on the record about my own reservations about the Affordable Care Act, I also understand the motivation of increasing traffic to the healthcare.gov website in an effort to get more people signed up for health insurance.

However, we must hold the government to the highest standards for privacy and security. This is especially true for a website like healthcare.gov in which people enter highly private and sensitive information. I have concerns, based on the initial news reports, that the highest standards may not have been applied to privacy on healthcare.gov. However, the news reports, like today's testimony, provide more questions than answers. We must also be careful to distinguish between privacy and security, and where the true vulnerabilities may be for each. In short, we have a responsibility to gather all of the facts before coming to any conclusions. But we need those facts.

I understand, Madam Chairwoman, that you are trying to schedule a second hearing with Administration officials who have direct knowledge of the issues before us today. I think such a hearing, in addition to more staff homework, will be necessary before we can draw any clear conclusions or proposals for moving forward.

In addition, I would note that privacy is a big issue across the internet. Data analytics tools can help improve customer experience. But their ubiquity and integration into the workings of so many websites means that Americans concerned about their privacy may have little real choice when it comes to how they can manage the release of their information. Ms. De Mooy addresses some of that in her testimony

and I look forward to a discussion on the broader issues. While we may hold the government to a higher standard, it is incumbent upon us to consider steps we can take to ensure that Americans are able to safeguard their personal data across the online environment as a whole.

Finally, while this hearing will focus on online data privacy, I think it is critical to recognize that using the internet is far from the only way for Americans' private information to be lost. In his testimony, Mr. Wright addresses the difficulty of anonymizing data and the ease with which individuals can be identified through just a few pieces of information about their day-to-day activities, such as purchases charged to a credit card. Given this testimony, this Committee may want to be careful about efforts to publicly disclose study data related to the health impacts of air pollutants used in EPA regulations.

I look forward to hearing from the experts before us today and with that I yield back.