

NHP/NHIC-Business Information Protection

Abstract/Purpose:

For the protection of the Company, its beneficiaries, its clients, and its providers, Network Health Plan/Network Health Insurance Corporation (NHP/NHIC) and its employees must prevent the unauthorized dissemination or misuse of confidential or proprietary business information.

I. **POLICY:**

For the protection of the Company, its beneficiaries, its clients, and its providers, Network Health Plan/ Network Health Insurance Corporation (NHP/NHIC) and its employees must prevent the unauthorized dissemination or misuse of confidential or proprietary business information. Improper or unauthorized use, removal or disclosure of confidential or proprietary business information will result in a disciplinary action and will be just cause for immediate dismissal. Persons who use or disclose confidential or proprietary business information may also be subject to civil judicial actions, damages, and penalties enforced by injured parties and state licensing agencies, including in Wisconsin, the Office of the Commissioner of Insurance.

II. **PROCEDURE:**

Confidential Information: In the course of their work, employees may be given access to generate, or otherwise come in contact with confidential and/or proprietary business information relating to the organization, its beneficiaries, its clients, and/or providers. Confidential and proprietary information, for purposes of this policy, does not include "protected health information" as that term is defined under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and the regulations promulgated thereunder (collectively, the "Privacy Rule"). Confidential and proprietary business information may include, but is not limited to information from the following sources:

- A. **"Clients"**. NHP/NHIC has proprietary interest in any and all confidential information relating to clients, including but not limited to, individuals, corporations, institutions, government agencies, and any and all other entities doing business with NHP/NHIC. "Doing business" includes, but is not limited to, all forms and types of insurance, insurance policies, insurance coverage, brokerage and agent services, consulting services, writers, claims, inquiries, leads, bids, and contracts of any nature with NHP/NHIC. Client information may include, but is not limited to, member data and lists that do not contain "protected health information" as that term is defined under the Privacy Rule, reports, any information provided by a client or prospective client, contract expiration dates, contract terms, conditions and rates, the customer risk characteristics and any other information provided by the client about their business and/or employees.
- B. **"Business Methods"**. NHP/NHIC has sole proprietary interest in all of its business methods and of the work product of its employees. "Business methods" include but are not limited to, the administrative policies and procedures, information about NHP/NHIC's insurance markets, marketing strategies, or marketing plans; information relating to NHP/NHIC's utilization management and quality assurance programs, and any other object, document, or process developed by NHP/NHIC's business.
- C. **"Copyrights and Trade Secrets"**. NHP/NHIC has sole proprietary interest in any and all copyrights, trade secrets and other improvements, processes or innovations developed or owned by the company.

- D. **"Employee's Work Product"**. NHP/NHIC has sole proprietary interest in the work product of its employees. NHP/NHIC's interest include any work product, developed either solely or jointly with others, whose development utilizes NHP/NHIC time, materials, facilities or confidential or proprietary information, and which relates to any current, planned, or prior business activity of NHP/NHIC. As a condition of employment, NHP/NHIC requires its employees to notify NHP/NHIC of, and assign to NHP/NHIC or its designee all rights to and title and interest in, any and all copyrights, trade secrets, improvements, processes, innovations and any other work product as defined above, whenever developed.

Unless instructed otherwise, NHP/NHIC employees should assume that any business information is confidential and proprietary unless they possess a copy of the identical information published by a third party or the information has been prepared, printed, and authorized by the President or COO for public distribution by NHP/NHIC or its marketing or public relations departments.

Protection of Confidential and Proprietary Business Information: Except as expressly provided in this policy, NHP/NHIC employees must never release confidential or proprietary business information to others. Except as so authorized, no record of any confidential or proprietary business information in any form (e.g., original, reproduced documents, or documents or electronic records containing information derived from confidential or proprietary sources) may be removed from NHP/NHIC offices.

NHP/NHIC employees must never release confidential or proprietary business information to the media, consumer groups, or associations (such as the Better Business Bureau) who release information to the public.

Exceptions to Non-Disclosure: Subject to the terms of this policy, confidential and proprietary business information may be shared with:

1. NHP/NHIC employees when it is necessary for the performance of the duties of all employees involved.
2. Members of NHP/NHIC Utilization Management, Credentialing, Peer Review, Medical Policy, Pharmacy & Therapeutics, and Grievance Committees to the extent that the information relates specifically to that individual's current utilization management and quality assurance responsibilities.
3. Beneficiaries or Their Legal Guardians as required by Ins 3.60 et. seq. To provide an explanation of benefits.
4. Other Insurance Companies or Legal Counsel as required for coordination of benefits or subrogation to the extent required by Ins 3.40 et.seq.
5. Insurance Support Organizations (e.g., Equifax) to the extent required to prevent fraud, waste and abuse or to assist the organization in performing its functions related to a request from NHP/NHIC. Business information may also be shared with insurance support organizations to cooperate with the requests of other insurance companies, provided NHP/NHIC receives evidence of coverage of the beneficiary is provided.
6. All Others: Only with the prior authorization of NHP/NHIC's president or chief operations officer in response to requests from or submissions required by law for:

- a. Government agencies, the Office of the Commissioner of Insurance.
- b. Network providers.
- c. Subpoenas or court orders for a member or a member's attorney.
- d. An accrediting organization.
- e. Member or Member's attorney.
- f. Any other person or organization.

Information that consists of protected health information may be disclosed only as permitted under the Privacy Rule and in accordance with NHP/NHIC's HIPAA Privacy policies. Prior to releasing any confidential or proprietary business information to third parties, including, but not limited to, beneficiaries clients, providers, persons or organizations contracting with NHP/NHIC, accrediting agencies and/or government agencies information, NHP/NHIC employees **shall**:

- 1. Review the contract(s) language under Confidential Business Information for direction
- 2. Obtain required written authorization or request, and
- 3. Obtain the appropriate department's supervisor and/or manager's review and approval of the authorization or request.

Related Policy [Policies] NHP/NHIC-Privacy & Confidentiality of Member Information & Records, NHP/NHIC's HIPAA Privacy policies