



PRIVACY IMPACT ASSESSMENT (PIA)

For the

Express Scripts, Incorporated (ESI)

TRICARE Management Activity (TMA)/TRICARE Pharmacy Program Services (TPHARM)

SECTION 1: IS A PIA REQUIRED?

a. Will this Department of Defense (DoD) information system or electronic collection of information (referred to as an "electronic collection" for the purpose of this form) collect, maintain, use, and/or disseminate PII about members of the public, Federal personnel, contractors or foreign nationals employed at U.S. military facilities internationally? Choose one option from the choices below. (Choose (3) for foreign nationals).

- (1) Yes, from members of the general public.
- (2) Yes, from Federal personnel* and/or Federal contractors.
- (3) Yes, from both members of the general public and Federal personnel and/or Federal contractors.
- (4) No

* "Federal personnel" are referred to in the DoD IT Portfolio Repository (DITPR) as "Federal employees."

b. If "No," ensure that DITPR or the authoritative database that updates DITPR is annotated for the reason(s) why a PIA is not required. If the DoD information system or electronic collection is not in DITPR, ensure that the reason(s) are recorded in appropriate documentation.

c. If "Yes," then a PIA is required. Proceed to Section 2.

SECTION 2: PIA SUMMARY INFORMATION

a. Why is this PIA being created or updated? Choose one:

- New DoD Information System
- Existing DoD Information System
- Significantly Modified DoD Information System
- New Electronic Collection
- Existing Electronic Collection

b. Is this DoD information system registered in the DITPR or the DoD Secret Internet Protocol Router Network (SIPRNET) IT Registry?

- Yes, DITPR Enter DITPR System Identification Number
- Yes, SIPRNET Enter SIPRNET Identification Number
- No

c. Does this DoD information system have an IT investment Unique Project Identifier (UPI), required by section 53 of Office of Management and Budget (OMB) Circular A-11?

- Yes
- No

If "Yes," enter UPI

If unsure, consult the Component IT Budget Point of Contact to obtain the UPI.

d. Does this DoD information system or electronic collection require a Privacy Act System of Records Notice (SORN)?

A Privacy Act SORN is required if the information system or electronic collection contains information about U.S. citizens or lawful permanent U.S. residents that is retrieved by name or other unique identifier. PIA and Privacy Act SORN information should be consistent.

- Yes
- No

If "Yes," enter Privacy Act SORN Identifier

DoD Component-assigned designator, not the Federal Register number.
Consult the Component Privacy Office for additional information or
access DoD Privacy Act SORNs at: <http://www.defenselink.mil/privacy/notices/>

or

Date of submission for approval to Defense Privacy Office

Consult the Component Privacy Office for this date.

e. Does this DoD information system or electronic collection have an OMB Control Number?

Contact the Component Information Management Control Officer or DoD Clearance Officer for this information.

This number indicates OMB approval to collect data from 10 or more members of the public in a 12-month period regardless of form or format.

Yes

Enter OMB Control Number

DoD Clearance and OMB Licensing requirements are currently being reviewed by the TMA Information Collection Management Officer. The PIA will be updated accordingly with their decision.

Enter Expiration Date

No

f. Authority to collect information. A Federal law, Executive Order of the President (EO), or DoD requirement must authorize the collection and maintenance of a system of records.

(1) If this system has a Privacy Act SORN, the authorities in this PIA and the existing Privacy Act SORN should be the same.

(2) Cite the authority for this DoD information system or electronic collection to collect, use, maintain and/or disseminate PII. (If multiple authorities are cited, provide all that apply.)

(a) Whenever possible, cite the specific provisions of the statute and/or EO that authorizes the operation of the system and the collection of PII.

(b) If a specific statute or EO does not exist, determine if an indirect statutory authority can be cited. An indirect authority may be cited if the authority requires the operation or administration of a program, the execution of which will require the collection and maintenance of a system of records.

(c) DoD Components can use their general statutory grants of authority ("internal housekeeping") as the primary authority. The requirement, directive, or instruction implementing the statute within the DoD Component should be identified.

5 U.S.C. 301 (Departmental Regulations); 10 U.S.C. §§1095b - 1095c, and §1097 (Medical and Dental Care); 45 C.F.R. Part 160 and Subparts A and E of Part 164 (Health Insurance Portability and Accountability Act); DTMA 04 (Medical/Dental Claim History Files); and, E.O. 9397 (SSN).

g. Summary of DoD information system or electronic collection. Answers to these questions should be consistent with security guidelines for release of information to the public.

(1) Describe the purpose of this DoD information system or electronic collection and briefly describe the types of personal information about individuals collected in the system.

DoD administers an integrated TRICARE Pharmacy Benefits Program which offers pharmacy services to eligible beneficiaries through direct care pharmacies located at Military Treatment Facilities (MTFs) and through the purchased care points of service which include a mail order pharmacy and retail network pharmacies or otherwise authorized retail non-network pharmacies under the TPharm contract. Under the TPharm contract, Express Scripts will be the contractor which functions as a Pharmacy Benefits Manager (PBM) providing the Mail Order Pharmacy (MOP) (including specialty pharmacy) services and TRICARE retail pharmacy network. Express Scripts will also serve as a fiscal intermediary on behalf of DoD to pay for all authorized pharmaceuticals and supplies dispensed for eligible beneficiaries at retail pharmacies. The pharmacy programs supported by TPharm will be open to all eligible beneficiaries under TRICARE, the Continued Health Care Benefit Program (CHCBP), certain Senior Pharmacy beneficiaries, and TRICARE Reserve Select. Certain patients of the Department of Veterans Affairs (DVA) will also be eligible to have prescriptions filled at TRICARE retail network pharmacies in clearly defined circumstances when the patient requires immediate therapy and there is no DVA pharmacy in close proximity to provide the medication. Authorized Express Scripts, Inc. (ESI) personnel will access the Defense Enrollment Eligibility Reporting System (DEERS) to validate and process benefits claims on behalf of DoD beneficiaries.

Beneficiaries will have access to a web site for prescription orders/refills, order verification/status, prescription forms, benefit information, drug/health information, and prescription transfer from retail pharmacy to mail order system. The web site is located at: <http://member.express-scripts.com/dodCustom/welcome.do>

Personal information collected will include social security number, gender, race, name, address, birth date, citizenship, payment information (i.e., credit card number), account number, health coverage plan, prescription information, and health condition. Pharmacy Information will include name, location, billed amount, and co-pay. Prescription information will include prescription and date.

Beneficiaries include active and non-active DoD personnel and their dependents. Information collection is required for transaction processing, beneficiary verification, eligibility, and payment processing.

(2) Briefly describe the privacy risks associated with the PII collected and how these risks are addressed to safeguard privacy.

The potential privacy risks associated with the collected PII/Protected Health Information (PHI) includes: mishandling of sensitive data, reports, or storage media; user ID and passwords being used by unauthorized personnel; virus attacks and other malicious incidents. User ID and password security is managed and enforced by policies. ESI personnel are trained on password management principles. Periodic assessment of access rights and privileges are performed. System controls are predicated on preventing unauthorized user access. In addition, any other potential privacy risks regarding the collection, use and sharing of PII in the system have been minimized through system design and implementation of various administrative, technical, and physical security controls.

SORN amendments are in progress and will be submitted to the Defense Privacy Office for transmittal to the Federal Register upon completion.

h. With whom will the PII be shared through data exchange, both within your DoD Component and outside your Component (e.g., other DoD Components, Federal Agencies)? Indicate all that apply.

Within the DoD Component.

Specify. The DoD TPharm contract requires ESI to share information with Emdeon's Pharmacy Data Transaction Service (PDTs) for Drug Utilization Review (DUR).

Other DoD Components.

Specify.

Other Federal Agencies.

Specify.

State and Local Agencies.

Specify.

ESI may also be required to provide information to federal and state entities, as necessary, on matters relating to utilization review, professional quality assurance, program integrity, civil and criminal litigation, and access to federal government and contractor facilities, computer systems, networks and controlled areas.

Contractor (Enter name and describe the language in the contract that safeguards PII.)

Specify.

Other (e.g., commercial providers, colleges).

Specify.

In all other cases, information will be shared with entities on a need to know basis only as it relates to the transaction of services for the beneficiary. ESI provides disclosures (permitted under HIPAA) for mail order pharmacy only. All other disclosures and information sharing practices will be the responsibility of the DoD components and participating retail pharmacies.

i. Do individuals have the opportunity to object to the collection of their PII?

Yes

No

(1) If "Yes," describe method by which individuals can object to the collection of PII.

Although the submission of PII/PHI is voluntary, failure to provide the requested information may result in delayed processing of pharmacy services. Additionally, beneficiaries have the ability to opt out of clinical programs by simply contacting the ESI Call Center using the phone number on the back of the benefit card.

Express Scripts will not disclose PHI to third parties without written authorization of the beneficiary or as required by law.

(2) If "No," state the reason why individuals cannot object.

j. Do individuals have the opportunity to consent to the specific uses of their PII?

Yes **No**

(1) If "Yes," describe the method by which individuals can give or withhold their consent.

Although submission of PII/PHI is voluntary, failure to provide the requested information may result in delayed processing of pharmacy services. Additionally, beneficiaries have the ability to opt out of clinical programs by simply contacting the ESI Call Center using the phone number on the back of the benefit card.

Express Scripts will not disclose PHI to third parties without written authorization of the beneficiary or as required by law.

(2) If "No," state the reason why individuals cannot give or withhold their consent.

k. What information is provided to an individual when asked to provide PII data? Indicate all that apply.

Privacy Act Statement **Privacy Advisory**
 Other **None**

Describe each applicable format. A PAS appears on the Express-Scripts web site before the point of collection of the individual's PII. Additionally, privacy statements are published on the Express-Scripts web site for beneficiaries, clients, pharmacists and physicians. Express Scripts also sends beneficiaries of home delivery prescriptions a Notice of Privacy Practices (NOPP) statement via postal mail.

Additional notices of privacy (e.g., Privacy Act Statement) are provided to beneficiaries by participating pharmacies as designated by their company procedures. The Department of Defense also submits a general privacy statement to all associated beneficiaries.

The web site also gives individuals an online form for submitting additional questions or comments regarding the privacy policy.