



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Privacy Act of 1974; Matching Program

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS) is providing notice of the re-establishment of a matching program between CMS and the Office of Personnel Management, “Verification of Eligibility for Minimum Essential Coverage Under the Patient Protection and Affordable Care Act through an Office of Personnel Management Health Benefit Plan”. The matching program provides CMS and State Administering Entities with the Office of Personnel Management (OPM) data to use in determining individuals’ eligibility to enroll in a qualified health plan through an exchange established under the ACA; for insurance affordability programs, certifications of exemption, and to make eligibility redeterminations and renewals, including appeal determinations.

DATES: Comments on the matching program must be received by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]. The matching program will be effective, and matching activity may commence, 30 days after this notice is published in the Federal Register. The matching program conducted for an initial term of 18 months, and within 3 months of expiration may be renewed for up to one additional year if the

parties make no change to the matching program and certify that the program has been conducted in compliance with the matching agreement.

ADDRESSES: Interested parties may submit comments on this notice to the CMS Privacy Act Officer by mail at: Division of Security, Privacy Policy & Governance, Information Security & Privacy Group, Office of Information Technology, Centers for Medicare & Medicaid Services, Location: N1-14-56, 7500 Security Blvd., Baltimore, MD 21244-1850 or by email at Barbara.Demopoulos@cms.hhs.gov

FOR FURTHER INFORMATION CONTACT: If you have questions about the matching program, you may contact Terrence Kane, Director, Division of Automated Verifications and SEP Policy, Marketplace Eligibility and Enrollment Group, Center for Consumer Information and Insurance Oversight, Centers for Medicare & Medicaid Services, at (301) 492-4449, by email at Terrence.kane@cms.hhs.gov, or by mail at 7501 Wisconsin Avenue, Bethesda, MD 20814.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974, as amended (5 U.S.C. § 552a) provides certain protections for individuals applying for and receiving federal benefits. The law governs the use of computer matching by federal agencies when records in a system of records (meaning, federal agency records about individuals retrieved by name or other personal identifier) are matched with records of other federal or non-federal agencies. The Privacy Act requires agencies involved in a matching program to:

1. Enter into a written agreement, which must be prepared in accordance with the Privacy Act, approved by the Data Integrity Board of each source and recipient Federal agency, provided to Congress and the Office of Management and Budget (OMB), and made available to the public, as required by 5 U.S.C. 552a(o), (u)(3)(A), and (u)(4).

2. Notify the individuals whose information will be used in the matching program that the information they provide is subject to verification through matching, as required by 5 U.S.C. 552a(o)(1)(D).
3. Verify match findings before suspending, terminating, reducing, or making a final denial of an individual's benefits or payments or taking other adverse action against the individual, as required by 5 U.S.C. 552a(p).
4. Report the matching program to Congress and the OMB, in advance and annually, as required by 5 U.S.C. 552a(o) (2)(A)(i), (r), and (u)(3)(D).
5. Publish advance notice of the matching program in the *Federal Register* as required by 5 U.S.C. 552a(e)(12).

This matching program meets these requirements.

Barbara Demopulos,

*Privacy Act Officer,
Division of Security, Privacy Policy and Governance,
Office of Information Technology,
Centers for Medicare & Medicaid Services.*

PARTICIPATING AGENCIES: Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS), and the Office of Personnel Management (OPM).

AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM: The principal authority for the matching program is 42 U.S.C. 18001, et seq.

PURPOSE(S): The matching program will enable CMS to make initial Eligibility Determinations for eligibility to enroll in a Qualified Health Plan (QHP) through an Exchange established under ACA; eligibility for Insurance Affordability Programs and for certifications of Exemption; and eligibility Redeterminations and Renewal decisions, including appeal determinations, for enrollment in a QHP through an Exchange and Insurance Affordability Programs and for certifications of Exemption.

CATEGORIES OF INDIVIDUALS: The categories of individuals whose information is involved in the matching program are: (1) active Federal Employees, identified in data CMS receives from OPM, and (2) consumers who apply for or are enrolled in private insurance coverage under a qualified health plan through a federally-facilitated or state-based health insurance exchange (and other relevant individuals, such as applicants' and enrollees' household members), whose records are matched against the data CMS receives from OPM.

CATEGORIES OF RECORDS: OPM will send a monthly, full refreshed Status File that contains a list of and data for active Federal employees. The Status File will include the following specified data elements: Record type; Record number; Unique person ID; Social Security Number; Last name; Middle name; First name; Last name suffix; Sex; Date of birth; and Health Plan Code.

OPM will send to CMS, on an annual basis, a Premium Spread Index File that identifies the lowest premium available to a Federal employee in each of the 32 premium localities.

SYSTEM(S) OF RECORDS:

A. System of Records Maintained by CMS

The CMS SOR that supports this matching program is the “CMS Health Insurance Exchanges System (HIX)”, CMS System No. 09-70-0560, last published in full at 78 Fed. Reg. 63211 (October 23, 2013), as amended at 83 Fed. Reg. 6591 (February 14, 2018).

B. System of Records Maintained by the Office of Personnel Management

The OPM SOR for this matching program is titled “General Personnel Records” (OPM/GOVT-1), published at 77 Fed. Reg., 73694 (December 11, 2012).