

**Summary of Presentation by the  
Center for Information Policy Leadership (CIPL)**  
GLB Interagency Meeting on the ANPR on Privacy Notices  
January 20, 2004  
Federal Trade Commission Conference Center

Participants:

Martin Abrams, Director, CIPL  
Carolyn Brehm, Procter & Gamble (P&G)  
Bill Brooks, MBNA  
Steven Durkee, Citigroup  
Matt Leonard, IBM Corporation  
Jay Soloway, Chase  
Leigh Williams, Fidelity Investments

Comments:

The Center for Information Policy Leadership (CIPL) presented the research and experiences of its “Highlights Notices Project.” CIPL distributed “Preliminary Research on Short/Highlights Privacy Notices,” a guide to its presentation as well as examples of notices designed by its members. The guide and the notices are attached to this summary. This summary omits the information provided in the written guide.

The CIPL Project began after the first round of Gramm-Leach-Bliley Act (GLB) notices, which were “too legalistic, too complex, and too contractual.” CIPL held three focus groups at P&G’s Cincinnati’s offices in 2002 and again in 2003 to try to ensure that the six elements contained on each notice conform with consumer interests. There were consistent findings in both rounds of testing: 6 elements matched what consumers wanted to learn and consumers preferred the template format over the long form. In 2002, participants said they did not want the long notice at all; in 2003, 10% of consumers liked also getting the long notice, while others wanted companies to make it available. In 2002, participants did not care about security and did not like the introductory preamble about the company’s policy; in 2003, participants did care about security and they also liked the short statement summarizing the company’s privacy policy.

Through the focus group research, the Project developed a template form that has been used by a number of leading companies. The CIPL is not advocating that the GLB Agencies should create a notice or that it has to be done a particular way, but rather the presentation is to inform the Agencies of their research and experiences with a short notice. CIPL will file written comments in response to the ANPR as well.

The Project first contemplated that a short notice must be layered over a full notice in order to comply with GLB. The Project participants looked at available research, including development of the food label, and consulted with Professor Mary Culnan of Bentley College.

They recommend that the Agencies speak with her regarding her research. The Project participants concluded from their research, which they describe as “preliminary” that: (1) the notice should be short: consumers can process no more than 7 elements with 4 statements in each, or a total of 28 communications; (2) language used in notices must be understood by consumers, not require translation, and should be consistent across notices; (3) format and consistency in the way information is presented is important and helps in understanding a notice; (4) consumers want consistency in format across geography and types of commerce; and (5) notices that are consistent will help to drive markets by enabling comparison. The specific findings of the focus group research are reported in the presentation guide.

In response to questions, the Project participants discussed the need to use appropriate vocabulary, noting that consumers do not understand terms such as “affiliate” and “third party.” Focus group participants seemed to prefer terms such as “uses,” “how to contact us,” and “personal information.” Several of CIPL’s members are continuing a “glossary project” to provide additional guidance on vocabulary. Some consumers expressed a preference for the term “privacy choice” over “opt-out.” Mr. Abrams noted that consumers do not like words that imply the company is dictating terms to the consumer. Several presenters emphasized that consumers are still learning the context for these notices, and that most consumers do not understand information flows and how their information is used. This limits their ability to understand the notices. Presenters also noted that the demographics of the focus groups were not representative or large enough to generalize, but consumers’ reactions were strong ones. Individual companies, however, said their research did not find age or online skills a factor, although they have heard that the longer a customer has been with a company, the more likely the customer is to trust the notice.

The representatives of Chase, Citigroup, MBNA, IBM Corporation, Proctor & Gamble, and Fidelity Investments each described their experiences using a short notice. Chase had both a short notice and a plain language full notice. Chase found that while the long notice was understandable, consumers still preferred the short notice once they saw it. Chase did a brochure with a Q&A format and a tear-out form for choice. Chase posted its highlight policy in March 2003 and conducted an online survey between March and June. Sixty percent of respondents found it to be excellent to very good (compared to 20% who found it poor to fair). The top factors in order of ratings were that it was easy to read, visually appealing, provided sufficient information, clearly stated in understandable terms, provided confidence that privacy was respected, and increased trust in Chase. Visitors to the Chase website could click on the short form and then click on the long form from a link in the short form. Of those who saw both forms, 73% said the highlight version was sufficient. Most said they had gone to the long form out of curiosity. (Chase had 3,000 visitors and 12% (approximately 360) took the survey; 11% (approximately 40) of those who took the survey clicked on the full policy.)

MBNA commissioned Harris Interactive to conduct an on-line survey among MBNA NetAccess customers to assess their perceptions of preferences between two different short notices and to assess the need for distributing MBNA’s full privacy policy. Harris sent out 20,000 e-mails asking for help on the survey, and 1,000 participants responded. In general, the short-form notice was understood by consumers (77-85% strongly understand); however, MBNA

did not check to ensure that consumers in fact understood the policy. 90% of participants believed that the notice tested was not missing any information they believed to be necessary. When asked if they still wanted a long notice to accompany the short form, 62% of participants said no.

Proctor & Gamble, which has long experience with food labels, also tested short form notices. Even prior to joining CIPL, P&G tested an executive summary notice in 2002 and received positive feedback from 80-92% of consumers. After joining the CIPL Project, P&G developed a short form for [www.pg.com](http://www.pg.com) and collected information for 5 months. 85-90% who responded to their questionnaire gave favorable comments. While not subject to GLB, P&G thinks that all companies can benefit from the GLB effort to address notices. P&G wants consistency for all notices and sees a global interest as well in developing a common notice.

Mr. Abrams spoke about the Kodak short-form notice. Kodak developed a short-form medical notice under the Health Insurance Portability and Accountability Act (HIPAA) for their employees. Mr. Abrams told the Agencies that the U.S. Department of Health and Human Services supported the development of layered notices in the final HIPAA regulations.

IBM looks at notices with an international perspective and wants notices to be consistent across its global enterprise. This is a challenge since laws and terms can mean different things in different countries, and companies may not know what jurisdiction applies to their site when dealing with foreign consumers. International data protection organizations are interested in consistency too. Mr. Abrams announced that an international conference is slated for next September in Poland to discuss “condensed notices.”

Fidelity Investments also posted a short notice on its website and asked visitors to respond to questions very similar to those posed by Chase. Fidelity received nearly the same responses as Chase. Consumers reported that the short notice was easy-to-read and clearer, but consumers did not care for the visual appeal of the notice. Fidelity also found that consumers did not read long notices. Although Fidelity spent millions of dollars to make its notice P3P compliant, it did not work well. The survey yielded three key points: (1) consistent format, elements, and words used in the same way are very important; (2) choice should not be separated from the explanation of the practices (this is the educational component); and (3) migration path: companies have pushed the envelope in developing better notices; regulators setting parameters will help further development. Fidelity urged the Agencies to consider the work industry has already done on short notices; and, while the ANPR is appreciated, industry will need official guidance to support implementation of short notices absent legislation.

In response to questions, the presenters stated that some focus group participants wanted the choices lined up next to each use, but most were not troubled by their separation into two different elements. As to whether consumers read notices, Abrams said that consumers had tried to read the first round of notices, but stopped after learning how difficult they were to understand. One focus group participant said that unlike other notices she had thrown away, she would keep the short-form notice for future reference. Proctor & Gamble had tracked notices for 9 months and found that of 800,000 visitors to its site, 4% (approximately 32,000) would look at

the notice. One presenter commented that some consumers need help in understanding why privacy is important and why they are getting the notices.

In response to a question about whether short-form notices would increase the opt-out rate, Abrams said that 3-7% is the normal opt-out rate, and it is not driven by short forms. In general, Abrams did not believe that an opt-out rate is a good metric to show whether or not an institution's privacy policy is effective. Rather, opt-outs are driven by such practices as telemarketing, negative experiences with a company, or where the notice purposely drives consumers to opt out – like the Maryland Drivers Protection Act. Fidelity tracked opt-outs to its long and short online notices and found that more consumers were active (clicked on the opt-in and opt-out to the short notice) as it was easier to see the choice options. P&G has an opt-in model and found a higher opt-in rate with the short notice. The option to consent to receiving information from others, however, had the lowest response rate.

Final observations:

Vocabulary is important. Even if companies do not use the same language overall, words should be used in the same way.

Consistent format and elements in a notice are important.

Financial companies will not be comfortable using text that is written by a third party. It is difficult to boil a privacy policy into yes and no categories.

Consumer comfort and familiarity across notices will be lost if there are different state and federal laws.

Industry efforts will be helped by guidance by regulators, especially if regulators can provide some sort of blessing of the efforts, even if legislation does not happen.

CIPL believes that more research will be necessary on how consumers exercise choice. Also because companies are offering more privacy choices, industry would be resistant to a form that limits opt-out choices to those required by law.

HUNTON &  
WILLIAMS



**CENTER FOR INFORMATION POLICY LEADERSHIP**

**HIGHLIGHTS NOTICES PROJECT**

January 20, 2004



## HIGHLIGHTS NOTICES PROJECT

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January 20, 2004



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**Preliminary Research on Short /  
Highlights Privacy Notices**

**January 20, 2004**

**HUNTON &  
WILLIAMS**

**The Center For Information Policy Leadership**

# **Our objective – validate concept and structure of short highlight notices.**

- Validate the six categories (max number) chosen based upon collective corporate experience.
  - Determine if other categories needed to be added.
  - Determine which categories are most important.
- Get feedback on whether consumers liked the "universal" approach, which best fits our model of how consumers learn to read such notices, in comparison to the industry or sector approach represented by GLBA/HIPAA.
- Gather words from consumers that they may naturally use when they describe the categories on the template.
- Gather feedback on various templates for short notices.
- Find out what actions consumers may take.

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## **Six focus groups were held.**

- 3 focus group sessions -- Feb 13, 2002:
  - 2 evening sessions with general population.
  - 1 day-time group with P&G Creative Consumer Board.
- 3 focus group sessions -- Aug 5, 2003
  - All participants from the general population.
  - Screened for awareness of privacy notices.
- All sessions held at the P&G “Home of the Future” in Cincinnati.
- Moderated by team members.

## **Sessions were structured to allow for open ended feedback and opinions.**

- Sessions started with free discussion of privacy notices that consumers had seen recently and their responses to them.
- Next step was to capture open ended thoughts about the privacy categories that we had defined.
- Participants discussed and debated the priority that should be given to the defined categories and topics within them.
- Feedback was gathered about selected words (vocabulary).
- Discussion concluded with feedback on various visual structures.

## **Some results were clear across all sessions, both in 2002 and 2003.**

- The six categories appeared to address the consumers' most important concerns.
- While consumers were aware of recently received privacy notices (GLBA in 2002, HIPAA in 2003), they did not appear to be well informed about many of the underlying concepts, such as how and why companies use data.
- Consumers rejected long notices as the primary approach.
- Consumers liked the template approach.
- Significant work is required on vocabulary .
- Consumers are not bothered by leaving out the obvious.

## **Participants said they no longer read current notices.**

- “ Once you have seen one...”
- “ I read the first couple....pretty much know what they are going to say.”
- “ Companies put it on there for their own protection....”
- “ Want to know why there is a privacy issue now, but don't want to read a whole page.”
- “ I think about the environment. It's a waste of paper, a real waste.”

## **Participants were positive about highlights notices.**

- “ They’ve gone to efforts to do this. This looks important. They put effort into this.”
- “ The short one would be good enough after the initial copy.”
- “ If the privacy notice came in this format, I would probably read it.”
- “ If you simplify it, more people will read it and know what information will be shared.”
- “ Simple is better for me, and it gives me options if I want to go further.”
- “ I liked it.”

## **There were some important differences between 2002 and 2003**

### **2002**

- GLBA notices were new
- little need seen for having long notices available
- data security was not important for notices.
- groups wanted to cut preambles; little trust in companies.

### **2003**

- HIPAA notices dominated
- strong agreement that long notices were important to have on request/web site.
- data security became a top of mind issue.
- Liked short statement about the company; brands more important.



## **Vocabulary is still the major challenge.**

- “Some of it could be better explained.”
- In some cases, concepts such as “purchased data” were outside their normal frame of reference.
- In other cases, common words had too many overtones to communicate the right message:
  - “Share” vs. “Disclose” vs. “Sell”
  - “Data”
  - “Policy”
  - “Scope”

## **The 2003 group liked having the long notice available.**

- This may have been influenced by structural factors:
  - The panel was screened for awareness of privacy notices.
  - More readable versions of long notices were shown in 2003.
- Two participants (10%) said they would always read such longer notices. Most only wanted them upon request.
- Other comments:
  - “I really liked having the links. It made it shorter but made it easy to get other information if you need it.
  - The short one would be good enough after the initial copy.”

## **Other findings.**

- “Use” and “Choice” were the most important categories in both years.
- Participants liked various concepts and reasons for having information to contact the company.
- The template format and consistent placement of categories were strongly preferred.
- Participants liked the idea of one template used by all companies.

## Conclusions

- While this should be considered preliminary research, consistent feedback across this number of groups lends credibility to the concept and structure of short notices.
- Changes between 2002 and 2003 indicate that consumer needs for notices and framework for understanding notices are likely to change with better examples and experience.
- A stronger desire for “on request” long notices emerged in 2003, perhaps in response to better examples.
- Vocabulary is likely to remain an important challenge as companies begin to adopt this approach.



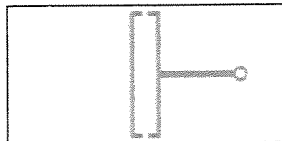


# Chase Privacy Policy

### Related Topics

- > Privacy Policy
- > Online Consumer Information Practices
- > Online Security Measures
- > Online Security Tips
- > Your Privacy Choices
- > Protect Your Identity
- > FAQs

Contact Us on questions regarding privacy & security.



### Privacy Policy Highlights

For more information, read our [full privacy policy](#).

#### PERSONAL INFORMATION

- We collect information directly from you and from your transactions with us and others.
- We obtain information, such as your credit report, from information providers.

#### SCOPE

These statements apply to the Chase family of companies owned by J.P.Morgan Chase & Co and to our consumer customers.

#### USES

- We manage information to serve you.
- We share information about you within the Chase family to provide you with other products and services.
- We share information about you with other companies for offers of their products and services.
- We share information about you with our service providers, credit bureaus and law enforcement.

#### YOUR PRIVACY CHOICES

- You may direct us not to share information about you for non-financial offers.
- You may direct us to limit certain information sharing within our family of companies.
- You may direct us not to contact you with offers.
- To make any of these choices, submit your privacy choices [online](#) or contact us at 1-800-574-7168.

#### IMPORTANT INFORMATION

- Review helpful information on [identity theft](#) or how to get help if you become a victim.
- View our [full privacy policy](#).
- View our [online consumer information practices](#).

#### HOW TO REACH US

- [Contact us](#) via email.
- Call the toll-free Chase Privacy Hotline at 1-800-574-7168.
- Submit your privacy choices [online](#).

For more information, read our [full privacy policy](#).

This site is directed at persons in the United States only. Persons outside the United States may visit International Banking.



## Procter and Gamble Company Privacy Notice Highlights

### Scope

This statement applies to the **Procter & Gamble Company** and the [www.pg.com](http://www.pg.com) website.

### Personal Information

- We collect information you choose to submit during your registration.
- We use common internet technologies such as cookies on our websites and emails.
- We sometimes obtain additional information about you, such as your demographic and lifestyle information, from other sources.
- For more information about our information collection practices please [click here](#).

### Uses

- We use the information you submit to provide you with the service you requested.
- We use information about you to provide you with helpful and targeted offers from P&G products and services. [Click here](#) for more information.
- We do not share, trade, or sell information about you with other marketers without your permission. We may share your information with vendors we've hired to send you the offers you signed up for. [Click here](#) for more information.

### Your Choices

- You may request to be removed from our programs by [clicking this link](#).
- You may request access to personal information you have submitted to P&G by [clicking this link](#).

### Important Information

- The PG.com website has been awarded the Better Business Bureau OnLine® Privacy Seal. Please [click here](#) for more information.
- We take steps to protect the information you provide against unauthorized access and use. For more information [click here](#).

### How to Contact Us

For more information about our privacy policy, go to the privacy statement on our website at:

[http://www.pg.com/privacy\\_full.html](http://www.pg.com/privacy_full.html)

Or write us at:

P&G Privacy Team  
One Procter & Gamble Plaza  
TN-7  
Cincinnati, OH 45202

## Fidelity Investments Privacy Notice Highlights

### Scope

This statement applies to all companies owned by Fidelity Investments using the Fidelity name to provide financial services to customers.

### Personal Information

- We collect information directly from you or your representative, from activity in your account, and from your visits to our Web sites.
- We obtain information from information services and consumer reporting agencies, and from other sources with your consent or the consent of your representative.

### Uses

- We use information about you primarily to service your account and process your transactions.
- We share this information internally among the Fidelity companies to offer you products and services.
- We may share information about you with government agencies, other regulatory bodies, and law enforcement officials for tax purposes or to report suspicious transactions.
- If you are an individual investor, we may share this information with outside financial services business partners to jointly offer you discounts or special access to products and services.

### Your Choices

- You can customize the information Fidelity sends you about [Products and Services](#) or our [Partner Offers](#).
- Fidelity's privacy and security protections automatically apply to all Fidelity visitors and customers.

### Learn More

- See [Fidelity's Privacy Policy](#).
- Call 800-FIDELITY for more information, or to have the Privacy Policy mailed to you.
- Read about a [20-company research project \(PDF\)](#) on privacy policy highlights.



## Privacy

IBM privacy practices on the web

### Scope

This statement applies to IBM Web Sites Worldwide.

### Personal Information

In general, you can visit us on the Internet without telling us who you are or giving us personal information. There are times when we may need information from you, for instance: to process an order, to correspond, to provide a subscription or in connection with a job application. We may supplement this information to complete a transaction or to provide better service.

### Uses

- To fulfill your requests by us or by others involved in fulfillment.
- To contact you for customer satisfaction surveys, market research or in connection with certain transactions.
- By IBM and selected organizations for marketing purposes if you have permitted such use.
- In a non-identifiable format for analysis (e.g., Clickstream Data).
- To develop our business relationship if you represent an IBM Business Partner or Vendor.

### Your Choices

- When we collect information from you, you may tell us that you do not want it used for further marketing contact and we will respect your wishes.
- You may also turn off cookies in your browser.

### Important Information

IBM is a member of TRUSTe ([www.truste.org](http://www.truste.org)). IBM abides by the EUUS Safe Harbor Framework. To correct inaccuracies in IBM's record of your personal information respond to the sender or contact IBM at [access\\_request@us.ibm.com](mailto:access_request@us.ibm.com).

For IBM's complete notice see [IBM's Privacy policy](#).

### How to Contact Us

Questions about this statement or about IBM's handling of your information may be sent to:

[privacy@us.ibm.com](mailto:privacy@us.ibm.com), or

Privacy, IBM, 1133 Westchester Avenue, White Plains, NY 10604.

# EASTMAN KODAK COMPANY GROUP HEALTH PLANS HIPAA Privacy Notice Highlights

Dated: April 14, 2003

This short notice briefly describes how Kodak group health plans may use and disclose medical information they have about you and your dependents and how that information can be accessed. Accompanying this short notice is the complete privacy notice containing details about the plans' current privacy practices. Please refer to that notice for additional information.

**SCOPE**  
This notice applies to Kodak group health plans and those who help manage the plans.

**USES AND DISCLOSURES**  
As explained in the complete privacy notice, a Kodak group health plan may use and disclose medical information about you:

- for treatment, payment, and business and administrative activities related to the plan;
- to inform you about health-related products and services included in the plan or available to plan enrollees, and payment for those products and services;
- to recommend other treatments and health care providers; or
- for medical research and public health and safety activities.

For other proposed uses or disclosures, except as required by law, the use or disclosure will be explained and your permission will be requested.

**YOUR RIGHTS AND CHOICES**  
You may:

- review, copy and ask to amend certain medical information a Kodak group health plan has about you;
- ask for a list of certain disclosures made of that information;
- ask to deliver medical information about you to an alternative address; or
- ask that your medical information not be shared with certain family members or others.

Where you have given us permission to use or share your medical information, you may change your mind at any time. To exercise these rights or choices, contact us as indicated below.

OTHER IMPORTANT INFORMATION	HOW TO REACH US				
<ul style="list-style-type: none"> <li>Kodak group health plans may offer educational programs to help you manage your health care needs.</li> <li>Q&amp;As provided with the complete privacy notice give you details on how these rules will affect you.</li> </ul>	<p>If you have any questions or concerns about the plans' privacy practices, contact:</p> <table border="0"> <tr> <td>For All Plans Other Than EAP:</td> <td>For EAP:</td> </tr> <tr> <td>Plan Privacy Officer Eastman Kodak Company 343 State Street Rochester, New York 14650-1143 585-724-4800</td> <td>Plan Privacy Officer Eastman Kodak Company 1669 Lake Avenue Rochester, New York 14652-4702 585-588-2208</td> </tr> </table>	For All Plans Other Than EAP:	For EAP:	Plan Privacy Officer Eastman Kodak Company 343 State Street Rochester, New York 14650-1143 585-724-4800	Plan Privacy Officer Eastman Kodak Company 1669 Lake Avenue Rochester, New York 14652-4702 585-588-2208
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# EASTMAN KODAK COMPANY GROUP HEALTH PLANS

## HIPAA Privacy Notice

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

Beginning April 14, 2003, a new set of legal requirements apply to the use and disclosure of certain medical information by the group health plans sponsored by Eastman Kodak Company ("Kodak"). The law containing these requirements is commonly known as "HIPAA." This stands for the Health Insurance Portability and Accountability Act of 1996.

Kodak believes strongly in protecting the confidentiality and security of medical information. Much of what is required by HIPAA's privacy regulations has long been required by state law or by Kodak's policies. As a result, the Kodak group health plans described below have been protecting the privacy of medical information in their possession using the controls set by Kodak prior to HIPAA. Nonetheless, HIPAA requires additional actions take place with respect to certain medical information that identifies the individuals to whom the information pertains. This notice describes how a Kodak group health plan may use or disclose the personal medical information that it has about you, as well as your rights and choices concerning that information.

### Plans To Which This Notice Applies

This notice summarizes the uses and disclosures of personal medical information by the following Kodak group health plans:

<i>Active Employee Plans</i> *	<i>Retiree, LTD Recipient and Survivor Plans</i> *
<ul style="list-style-type: none"><li>◦ Kodak Medical Assistance Plan</li><li>◦ Kodak Prescription Drug Plan (KRx)</li><li>◦ Kodak Dental Plan (Kdent)</li><li>◦ Kodak Health Care Reimbursement Account Plan (HCRA)</li><li>◦ Kodak Employee Assistance Plan (EAP)</li></ul>	<ul style="list-style-type: none"><li>◦ Kodak Basic Health Care Plan (Basic)</li><li>◦ Kodak Extended Health Care Plan (Extended)</li><li>◦ Kodak Medical Assistance Plan</li><li>◦ Kodak Prescription Drug Plan (KRx)</li><li>◦ Kodak Dental Assistance Plan (KDAP)</li><li>◦ Kodak Dental Plan (Kdent)</li></ul>

Note that the terms of this notice do not apply to any medical information in Kodak's possession outside of these group health plans, such as medical records held by the Medical Department, Human Resources, or Kodak's disability or workers' compensation plans. The privacy practices pertaining to those records are provided in the You and Kodak Handbook for active employees.

For purposes of HIPAA, the group health plans identified above constitute an "organized health care arrangement." Whenever the term "Plan" is used in this notice, it refers to each group health plan in the organized health care arrangement individually or the arrangement itself, as appropriate.

### Protected Medical Information

The privacy policies and practices of the Plan protects medical information that identifies you or your covered dependent, or could be used to identify you or your covered dependent, and relates to a physical or mental health condition or the payment of medical expenses. This individually identifiable information is referred to in this notice as "Protected Medical Information." A covered person's Protected Medical Information will not be used or disclosed without a written authorization from the covered person, except as described in this notice or as otherwise permitted by federal and state laws. For purposes of this notice, the word "you" or "your" pertains to each covered person under the Plan.

HIPAA also requires that, when a use or disclosure of your Protected Medical Information requires authorization, only you or your "personal representative" can give the authorization. Generally, your personal representative must be legally authorized to make health care decisions on your behalf. If you are an unemancipated minor, the Plan will automatically recognize each of your

HIPAA also applies to the Kodak Long-Term Care Plan; however, since this plan is fully insured, the privacy notice distributed by the insurance carrier underwriting plan benefits will serve as the privacy notice for that plan.

parents as your personal representative. Also, if you are in need of urgent medical care, the Plan will automatically recognize a health care professional with knowledge of your medical condition as your personal representative. In all other cases, your personal representative must be formally designated by you, a court or your estate. For example, you can designate your spouse or domestic partner as your personal representative, or your spouse, domestic partner or adult child can designate you as his or her personal representative, by executing a power of attorney that covers health care decisions.

### *Privacy Obligations Of The Plan*

HIPAA requires the Plan:

- to make sure your Protected Medical Information is kept private;
- to give you a copy of this notice; and
- to comply with the terms of this notice.

The Plan reserves the right to change the terms of this notice and its privacy policies at any time. Any changes will apply to Protected Medical Information that the Plan already has, as well as any future Protected Medical Information the Plan receives. If an important change is made to the Plan's policies, an updated notice will be provided to you either by e-mail or U.S. mail within 60 days of the effective date of the change.

Certain Kodak employees (for example, Kodak Benefits Center representatives) are authorized to act on behalf of the Plan for administration purposes. These employees are required to comply with the Plan's privacy policies summarized in this notice or any updated notice, as well as the requirements of any applicable law besides HIPAA.

If the Plan uses third-parties to perform some or all of its administrative responsibilities involving Protected Medical Information, these third-parties will have agreed to also comply with the terms of this notice and any updated notice, as well as the terms of any other applicable law besides HIPAA. These third-parties are referred to as "business associates" of the Plan. For example, if you have EPO, POS or Kmed coverage under the Kodak Medical Assistance Plan, or coverage under Basic and/or Extended, the third-party vendor administering your coverage is a business associate of the applicable Plan. In some cases, you may also receive a privacy notice directly from the business associate. The terms of that privacy notice will apply to any of your Protected Medical Information that the business associate may have.

If the Plan offers insured coverage (for example, HMO coverage other than John Deere Select under the Kodak Medical Assistance Plan) and you are enrolled in such coverage, the HMO or insurance carrier will also send you a copy of its privacy notice. The terms of the privacy notice you receive from an HMO or insurance carrier will apply to any of your Protected Medical Information that the HMO or carrier may have.

### *How The Plan May Use And Disclose Your Protected Medical Information*

The following are the different ways the Plan (that is, the Plan Administrator or a business associate of the Plan) may use or disclose your Protected Medical Information:

**For Treatment.** The Plan may disclose your Protected Medical Information to a health care provider who renders treatment on your behalf. For example, if you are unable to provide your medical history as the result of an accident, the Plan may advise an emergency room physician about the types of prescription drugs you currently take.

**For Payment.** The Plan may use and disclose your Protected Medical Information so claims for health care treatment, services and supplies you receive from health care providers may be paid according to the Plan's terms. For example, the Plan may receive and maintain information about surgery you received to enable the Plan to process a hospital's claim for reimbursement of surgical expenses incurred on your behalf. Also, the Kodak Benefits Center may verify your Plan coverage when your physician's office calls for this information.

**For Health Care Operations.** The Plan may use and disclose your Protected Medical Information to enable it to operate or to operate more efficiently or to make certain all of the Plan's covered persons receive approved Plan benefits. For example, the Plan may use your Protected Medical Information for case management or to perform population-based studies designed to reduce Plan costs. In addition, the Plan may use or disclose your Protected Medical Information to conduct compliance reviews, audits, actuarial studies, and/or for fraud and abuse detection.

Each Plan may disclose Protected Medical Information about you to another Plan for the health care operations of that Plan. For example, the Kodak Medical Assistance Plan, KRx and Kdent can share claims information with HCRA for purposes of operating HCRA's automatic claims transfer feature.

**Treatment or Medicine Alternatives.** The Plan may use and disclose your Protected Medical Information to tell you about possible treatment or medicine options or alternatives that may be of interest to you.

**Health-Related Benefits and Services.** The Plan may use and disclose your Protected Medical Information to tell you about health-related benefits available to you under your current Plan coverage and about other health-related products or services that may be of interest to you.

**To the Company.** Your Plan Protected Medical Information may be disclosed to the Kodak personnel authorized to act on behalf of the Plan so they can carry out their Plan-related administrative functions, including the uses and disclosures described in this notice.

The Plan may disclose your Plan enrollment information (that is, your elected Plan option, coverage level and participant contribution, as appropriate) to certain other Kodak personnel, but the information will not be used for any employment-related actions and decisions or in connection with any other employee benefit plan sponsored by the Kodak. Your enrollment information may be shared with such personnel for purposes of:

- determining the correct participant contribution amounts to be deducted from your pay for your Plan coverage;
- completing your enrollment confirmations and annual total compensation statements;
- implementing the result of a Resolution Support Services decision; or
- analyzing and implementing the terms of a merger, acquisition or divestiture.

Your Plan Protected Medical Information will not be disclosed to any other Kodak employees for any other reason unless you are notified in advance and, when applicable, the disclosure is approved by you in writing.

**To a Business Associate.** The Plan will disclose your Protected Medical Information to its business associates so that the business associates can perform the Plan administrative services delegated to them. For example, the Plan may provide your enrollment information to a business associate performing the claims payment function for the Plan so your claims for Plan benefits may be paid. Before disclosing this information, however, the Plan will require its business associates, through a written contract, to comply with HIPAA and appropriately safeguard your Protected Medical Information.

**To Family, Friends and Other Acquaintances.** In an emergency, the Plan may disclose Protected Medical Information to a family member or close friend involved in or who helps pay for your health care. For example, if you are taken to a hospital emergency room by a family member, and the family member needs to provide the hospital with your Plan coverage information, the Plan may disclose your enrollment information to the family member.

The Plan may also disclose your Protected Medical Information to a family member, close friend or other person if you are present and do not object to the disclosure. For example, if you bring a relative, friend or financial planner to your retirement exit interview, your Plan options and enrollment information will be discussed in the presence of that person unless you advise the Kodak Benefits Counselor otherwise.

**As Required by Law.** The Plan will disclose your Protected Medical Information when required to do so by federal, state or local law, including those laws that require the reporting of certain types of wounds or physical injuries.

**Lawsuits and Disputes.** If you become involved in a lawsuit or other legal action, the Plan may disclose your Protected Medical Information in response to a court or administrative order, subpoena, warrant, discovery request, or other lawful process.

**Law Enforcement.** The Plan may release your Protected Medical Information if asked to do so by a law enforcement official, for example, to identify or locate a suspect, material witness, or missing person or to report a crime, the crime's location or victims, or the identity, description, or location of the person who committed the crime.

**Workers' Compensation.** The Plan may disclose your Protected Medical Information to the extent authorized by and to the extent necessary to comply with workers' compensation laws and other similar programs.

**Military and Veterans.** If you are or become a member of the U.S. armed forces, the Plan may release your Protected Medical Information as deemed necessary by military command authorities.

**To Avert Serious Threat to Health or Safety.** The Plan may use and disclose your Protected Medical Information when necessary to prevent a serious threat to your health and safety, or the health and safety of the public or another person.

**Victims of Abuse, Neglect or Domestic Violence.** Under certain circumstances, the Plan may disclose to the appropriate government authority Protected Medical Information about you if the Plan believes you are a victim of abuse, neglect or domestic violence. The Plan will make this disclosure only (1) if you agree or (2) to the extent required or authorized by law and the Plan believes the disclosure is necessary to prevent serious harm.

**Public Health Risks.** The Plan may disclose Protected Medical Information about you for public health activities. These activities include preventing or controlling disease, injury or disability; reporting births and deaths; reporting child abuse or neglect; or reporting reactions to medication or problems with medical products or to notify people of recalls of products they have been using.

**Health Oversight Activities.** The Plan may disclose your Protected Medical Information to a health oversight agency for audits, investigations, inspections, and licensure necessary for the government to monitor the health care system and government programs.

• **Research.** Under certain circumstances, the Plan may use and disclose Protected Medical Information about you for medical research purposes.

**National Security, Intelligence Activities, and Protective Services.** The Plan may release your Protected Medical Information to authorized federal officials:

- for intelligence, counterintelligence, and other national security activities authorized by law;
- to enable them to provide protection to the members of the U.S. government or foreign heads of state; or
- to conduct special investigations.

**Organ and Tissue Donation.** If you are an organ donor, the Plan may release medical information to organizations that handle organ procurement or organ, eye, or tissue transplantation or to an organ donation bank to facilitate organ or tissue donation and transplantation.

**Coroners, Medical Examiners, and Funeral Directors.** The Plan may release your Protected Medical Information to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or to determine the cause of death. The Plan may also release your Protected Medical Information to a funeral director, as necessary, to carry out his or her duties.

#### *Other Uses and Disclosures*

The Plan will make other uses and disclosures of Protected Medical Information about you that are not discussed in this notice only with your written authorization.

#### *Your Rights Regarding Your Protected Medical Information*

You have certain rights regarding the Protected Medical Information that the Plan maintains about you. These rights are described below.

• **Right to Inspect and Copy.** You have the right to inspect and copy certain Protected Medical Information about you contained in a "designated record set." A designated record set includes Protected Medical Information about your Plan eligibility, claim and appeal records and billing records. In addition to the designated record set kept on-site at the company by the Plan Privacy Officer, each business associate of the Plan may keep a separate designated record set for your Protected Medical Information in its possession.

To inspect and copy any of your designated record sets, you must submit your request in writing to:

- the Plan Privacy Officer if the set is kept by authorized Kodak personnel or
- the business associate maintaining the set (see *Contact Information* below).

You may be charged a fee for the cost of copying and/or mailing your request. In limited circumstances, your request to inspect and copy a designated record set may be denied. Generally, if you are denied access, you may request a review of the denial.

*Note:* There is no right to inspect or copy psychotherapy notes, information gathered in anticipation of or for use in a civil, criminal or administrative action, and certain laboratory information.

• **Right to Amend.** If you feel that your Protected Medical Information in a designated record set is incorrect or incomplete, you may ask the Plan Privacy Officer or business associate, as applicable, to amend it. (See *Contact Information* below.) You have the right to request an amendment for as long as the designated record set is kept.

To request an amendment to the Protected Medical Information in any of your designated record sets, you must send a detailed request in writing to the Plan Privacy Officer or business associate maintaining the set, as appropriate. You must provide the reason(s) to support your request. Your request may be denied if you ask to amend Protected Medical Information that was:

- accurate and complete;
- not created by the Plan;
- not part of the Protected Medical Information kept by or for the Plan; or
- not information that you would be permitted to inspect and copy.

**Right to An Accounting of Disclosures.** You have the right to request an "accounting of disclosures." This is a list of disclosures of your Protected Medical Information made to others, except for those disclosures necessary to carry out health care treatment, payment, or operations; disclosures made to you; or disclosures made in certain other situations. The Plan Privacy Officer will provide an accounting of disclosures made by authorized Kodak personnel and each business associate of the Plan will provide its own accounting of disclosures.

To request an accounting of disclosures, you must submit your request in writing to the Plan Privacy Officer or business associate, as applicable. (See *Contact Information* below.) Your request must state a time period for which you are requesting the accounting, which may not be longer than six years prior to the date the accounting was requested, but not prior to April 14, 2003.

**Right to Request Restrictions.** You have the right to request a restriction on your Protected Medical Information used or disclosed by the Plan for treatment, payment, or health care operations. You also have the right to request a limit on the Protected Medical Information disclosed about you to someone who is involved in your care or the payment for your care, like a family member or friend. For example, you could ask that the Plan not use or disclose information about a surgery you had.

To request restrictions, you must make your request in writing to the Plan Privacy Officer, if Protected Medical Information subject to your request is possessed by authorized Kodak personnel, or the business associate possessing the Protected Medical Information you wish to restrict. (See *Contact Information* below.) Your request must state:

- what information you want to limit;
- whether you want to limit the Plan's use, disclosure, or both; and
- to whom you want the limit(s) to apply.

The Plan is not required to agree to your request.

**Right to Request Confidential Communications.** You have the right to request that your Protected Medical Information be communicated to you in a certain way or at a certain location if you clearly state that the disclosure of the information could endanger you. For example, you can ask that your explanation of benefits (EOB) forms about your Plan benefit claims be sent to a specified address.

To request confidential communications, you must make your request in writing to the Plan Privacy Officer, if the Protected Medical Information to be subject to your request is possessed by authorized Kodak personnel, or the business associate possessing the Protected Medical Information subject to your request. (See *Contact Information* below.) Your request must specify how or where you wish to be contacted.

*Note:* Because the Plan Privacy Officer and/or business associate receiving your request for confidential communication does not share this request with each other or your provider(s), you should make a separate request to each party possessing the Protected Medical Information you wish to keep confidential.

**Right to a Paper Copy of this Notice.** If you received an electronic copy of this notice, you have the right to a paper copy of this notice. To request a paper copy, contact the Kodak Benefits Center at 585-724-1000 or 1-800-221-6543.

### **Complaints**

If you believe your privacy rights under this policy have been violated, you may file a written complaint with the appropriate Plan Privacy Officer at the address listed below. You may also submit written complaints to the individual identified in a privacy notice provided by a Plan's business associate, HMO or insurance carrier if the complaint relates to the activities of that business associate, HMO or carrier. You may also complain to the Secretary of the U.S. Department of Health and Human Services, generally, within 180 days of when the act or omission complained of occurred.

*Note:* You will not be penalized or retaliated against for filing a complaint.

## ***Revoking Authorizations Of Protected Medical Information Uses And Disclosures***

If the Plan asks to use or disclose your Protected Medical Information for a purpose needing your authorization and you authorize the use or disclosure, you may revoke the authorization at any time by submitting your written revocation to the appropriate Plan Privacy Officer. If you revoke your authorization, the Plan will no longer use or disclose your Protected Medical Information for the reasons covered by your written authorization; however, the Plan will not reverse any uses or disclosures already made in reliance on your prior authorization.

## ***Contact Information***

If you have any questions about the matters covered by this notice, please contact the appropriate persons below. You may wish to review the Questions and Answers following this notice before doing so.

For All Plans Other Than EAP:

Plan Privacy Officer  
Eastman Kodak Company  
343 State Street  
Rochester, New York 14650-1143  
585-724-4800

For EAP:

Plan Privacy Officer  
Eastman Kodak Company  
1669 Lake Avenue  
Rochester, New York 14652-4702  
585-588-2208

For information about contacting a business associate, call the Kodak Benefits Center at 585-724-1000 or 1-800-221-6543.

## ***HIPAA Privacy Notice***

### ***Questions and Answers***

**Q: Can an employee, retiree, LTD recipient or survivor (that is, the "record holder") request or discuss Plan information regarding his or her covered dependents?**

**A:** A record holder can contact the Kodak Benefits Center, without authorization from their dependents, to verify dependent coverage issues relating to a Plan such as type of coverage, level of coverage and which dependents are covered. A record holder also does not need authorization from his or her dependents to change dependent data previously given to Kodak (such as names, birth dates and Social Security numbers).

The Kodak Benefits Center will not discuss with the record holder any other issues regarding Protected Medical Information (for example, claim issues) about a covered adult dependent unless the adult dependent either (a) provides the Plan with written authorization specifically permitting this use and/or disclosure or (b) formally designates the record holder as his or her personal representative, for example, by executing a power of attorney ("POA") that covers health care decisions.

An "adult dependent" is the record holder's spouse, domestic partner, adult child, or emancipated minor (defined below).

**Q: Can a spouse or domestic partner of a record holder call the Kodak Benefits Center to enroll in a Plan, make a status change election or make address, telephone number or dependent data changes? To resolve claim issues relating to covered persons other than the spouse or domestic partner?**

**A:** Only the record holder can contact the Kodak Benefits Center to enroll in a Plan, make status change elections or make address, telephone number or dependent data changes.

A spouse or domestic partner can contact the Kodak Benefits Center, without authorization from the record holder or other covered dependents, to verify coverage issues relating to a Plan such as type of coverage and level of coverage.

The Kodak Benefits Center will not discuss with a spouse or domestic partner any other issues regarding Protected Medical Information (for example, claim issues or questions related to specific dependent data) about the record holder or a covered adult dependent unless the record holder or adult dependent (defined above) either (a) provides the Plan with written authorization specifically permitting this use and/or disclosure or (b) formally designates the spouse or domestic partner as his or her personal representative, for example, by executing a power of attorney ("POA") that covers health care decisions (for health-specific issues) or financial matters of the record holder (for open enrollment or status change elections).



**Q: What is an “emancipated minor”?**

**A:** Generally, an “emancipated minor” is a child who is under the age of adulthood for the State in which he or she resides and:

- is married or in the armed services,
- is not in the care and control of his or her parents, or
- has previously been emancipated by court proceedings initiated by his or her parents or the State.

**Q: Where should I send my POA with health care decision-making authority?**

**A:** If you want your POA on file with the Plan, please send it to the following address along with a cover letter that indicates the designee’s Social Security Number, address and phone number:

Kodak Benefits Center  
Eastman Kodak Company  
343 State Street  
Rochester, New York 14650-1112

**Q: If I request to inspect or copy my Protected Medical Information kept on-site at Kodak, what documents will I receive?**

**A:** You will receive your Plan “designated record set” kept on-site at Kodak. This set will only include data regarding your Plan eligibility and coverage, your Plan billing records and records regarding your Plan claims and appeals. Note that, in most cases, your Plan claims and appeals are processed entirely by the business associate, HMO or insurance carrier administering your Plan benefits and are not part of the designated record set kept on-site at Kodak. To obtain the designated record set kept by the business associate, HMO or insurance carrier, you must place a request with the applicable business associate, HMO or insurance carrier as described in the privacy notice.

**Q: Can I contact my HR representative regarding a matter involving Protected Medical Information about me or my dependents covered by a Plan?**

**A:** Because of the sensitive nature of Protected Medical Information, an employee should directly contact the Kodak Benefits Center about these matters rather than contacting his or her HR Representative.



Kodak Benefits Center  
Eastman Kodak Company  
343 State Street  
Rochester, New York 14650-1112

PRSR STD  
U.S. Postage  
**PAID**  
Rochester, N.Y.  
Permit No. 6





# DESIGN REQUIREMENTS FOR PRIVACY NOTICE HIGHLIGHTS

## STYLE AND GENERAL FORMAT

1. The Notice Highlights must consist of 5 boxes – Scope, Personal Information, Uses, Your Choices, and How To Contact Us. Important information is a sixth, but optional box. For a description of what information should be included in each box, see the User’s Guide.
2. The first three boxes must be in a top-down sequence – Scope, Personal Information and Use. They should only be as large as necessary to accommodate the needed text.
3. The last three boxes can be stacked as follows: Your Choices, How To Contact Us, and optionally Important Information. Or these boxes can be arranged two up in whatever configuration works best with the size requirements for each one.
4. The boxes should be outlined in some form, either with defined lines or with shaded colors. Headings should be differentiated from text. Background should be coordinated with the format for the rest of the printed piece or website.
5. Box headings may sit atop the box or be positioned to the left of the box based on what works best with the design of the rest of the piece or website.
6. The title, “Privacy Notice Highlights” may be positioned above the Scope box or beside it based on the best use of space.
7. Text in the Personal Information, Uses and Your Choices boxes may be rather lengthy and a two-column format may be used to improve readability.
8. For boxes with lists of information, bullets should be used to help clarify multiple points.

## FORMAT, TYPEFACE AND COLOR REQUIREMENTS

1. Non-standard typeface such as Pepita MP, Snap ITC, or Edwardian Scripts ITC may not be used in the Privacy Notice. If the printed piece or website containing

2. the Notice uses one of these non-standard typefaces, one of the following typefaces should be used: Helvetica, GillSans MT, Arial, or Garamond.
3. Minimum type size for text within the boxes is 8 point.
4. Headings must remain standard as described in the User's Guide – there can be no deviation. Minimum type size for heading should be 10 points, bold and or extra bold and should be larger than the text contained in the boxes.
5. Colors should coordinate with the colors of the printed piece or website, but there should be no more than 3 colors used in the notice.

#### ONLINE REQUIREMENTS

1. The short notice should be the first thing that the consumer sees when they click on a link to a company's privacy policy.
2. The notice should have links embedded in it to various sections of the full privacy policy.
  - a. A link should be provided from the short notice to the beginning of the full privacy policy.
  - b. A link should be provided from the Your Choices and How to Reach Us sections to the appropriate sections of the full privacy policy.
  - c. Links may be provided to other sections if the full policy is organized in a manner than lends itself to that.





# PRIVACY NOTICE HIGHLIGHTS TEMPLATE: USER'S GUIDE

The Center for Information Policy Leadership at Hunton & Williams and the participants in the Center's Short Notices Program have developed a template for a highlights notice. We developed this Template to provide companies with a model for a privacy notice that simply and concisely highlights the key points of a company's longer, more detailed privacy notice. The short privacy notice is meant to be layered on top of the detailed notice.

## BACKGROUND

The complexity of the privacy notices required by the Gramm-Leach-Bliley Act generated significant criticism from the public, the media and the government. Research on risk notices helps explain why Gramm-Leach-Bliley notices generated so much consumer concern. Research shows that individuals have difficulty processing notices that (i) contain more than seven elements, and (ii) require the reader to translate the vocabulary used in the notices into concepts they understand. Individuals become frustrated when confronted with notices that force them to work too hard to understand the content. Consumers often believe that notices are intentionally complex, leaving them with a sense that the companies issuing the notices have something to hide.

Research indicates that privacy notices should be fairly short and written in plain language. In addition, notices should be formatted consistently from company to company, thus fostering both consumer understanding and trust. This simple form of privacy notice often runs counter to the legal requirement that a notice be complete.

The concept of "layered" notices provides a solution to the dilemma of companies wanting to issue short, simple privacy notices, but feeling compelled to issue complex, often legally-compliant notices. A short notice serves as a communication tool to inform consumers about the use of personal information about them. A short notice also helps consumers understand the choices they have with respect to that information. The longer notice, which is layered beneath the highlights notice, contains all the elements required by law or, if not required by law, a more detailed description. The highlights notice developed by participants in the Center's Short Notices Program is formatted in a common template, using language that is consistent from one company to the next. Consumers can easily compare short notices from various companies.

The participants in the Center's Short Notices Program developed a set of common elements by considering what information likely would be most important to consumers. We agreed to limit

the Template to seven or fewer categories. We also agreed to include no more than four statements in any individual category. More detailed information would be contained in the longer notice. We developed a convention on language use using the clearest description possible to describe key concepts. We tried to ensure that the vocabulary used in the Template would not require a reader to translate any word or phrase into one that would be more easily understood.

We offer this Template User's Guide to assist companies in preparing their own short notices using the Template's general format.

### EXPLANATION OF THE CATEGORIES IN THE NOTICE HIGHLIGHTS TEMPLATE

**SCOPE** The first category, focusing on the scope of the privacy notice, describes who and what is covered by the notice. A company would indicate here whether the notice applies (i) only to the individual entity, (ii) to the entire family of companies operating under the same corporate name, (iii) to the entire family of companies operating under various corporate names, or (iv) only to a brand-specific program. The company might indicate in the "Scope" box, for example, that the notice applies only to the company's online practices. If the notice applies to all the company's privacy practices, the company might choose to omit any information as to the specific media covered.

**PERSONAL INFORMATION** The purpose of this category is to indicate to consumers the types of personal information a company collects and from whom. We intend that companies will discuss collection practices that might not necessarily be obvious to the consumer. For example, a company might indicate here that it collects (i) data the consumer provides to the company, (ii) data the company obtains as a result of its relationship with the consumer, or (iii) information that others (such as business partners or unrelated third parties) provide to the company about the consumer. We suggest specifically mentioning cookies and other technologies about which consumers typically are more sensitive or about other collection practices that may be less obvious. To ease reader comprehension, we also suggest limiting the number of statements in this box to four or fewer.

**USES** This category is meant to indicate (i) how the company uses personal information about consumers and (ii) with whom they share the information. This box covers both internal uses of data and disclosure of data to others. Disclosure of data is also known as data "sharing." There are four broad categories of data uses and disclosures: (i) use by the company itself to service and market to the consumer, (ii) use by affiliates of the company providing the notice, (iii) use by both the company issuing the notice and another company to jointly offer a product or service, and (iv) disclosures to another company to provide their own products or services to the consumer. Disclosures to others might include sharing data with affiliated entities, business partners or unrelated third parties. We suggest offering an explanation as to why data is shared

with each type of entity listed in the notice. This category might require more detail in the longer notice that would either accompany the short notice or be available on request. For example, because a company might want to offer different choices with respect to its information-sharing practices, it might be necessary to divide the categories even further in the longer notice. If a company offers multiple preferences, it will need to provide more detail in its description of data recipients.

**YOUR CHOICES** This box describes the choices a consumer may exercise with respect to the company's uses or disclosures of personal information it receives about the consumer. It also describes the means by which a consumer may exercise those choices. A company would indicate here whether there is an opportunity to opt in or opt out of a particular use or disclosure. The company would describe the choices offered to a consumer, listing multiple preferences if appropriate. The company should limit its list of choices in the short notice to those it believes are most important to the consumer.

The following are examples a company might choose to include in this category:

- "We offer you preferences at the point at which we collect the personal information."
- "We offer you the opportunity to opt out of our sharing information about you with third parties."
- "If you choose to use this website, you will not have an opportunity to opt out." (This may be appropriate, for example, in connection with a co-branded website.)

With respect to particularly sensitive information, a company may choose instead to discuss preferences relating to that information in the "Important Information" category. In addition, a company offering a broad range of options might choose to use the shorter notice only to refer readers interested in exercising their options to the longer notice or to the company's contacts so they may indicate their preferences.

**IMPORTANT INFORMATION** The "Important Information" category is an optional section. It is intended for special messages that are important to the company. For example, if a company's privacy notice is reviewed and enforced by a privacy seal program, this box would be an appropriate place to indicate that fact. A company also might choose to indicate in this box information on data retention periods or contact frequency. Another company might indicate that it maintains information only until it completes a particular consumer's transaction. A company might state here that it does not share information about goods purchased from the company. A company also might choose to indicate here supplemental information that is required by law or a relevant self-regulatory code. In addition, if a company that collects both financial and health data does not disclose its health data to any other entity, it could indicate that fact here.



**HOW TO REACH US** The purpose of this box is to provide contact information for consumers to seek additional information about a company's privacy policy or to provide comments. The contact information should be defined vis-à-vis the "Scope" section. In addition, the method of contact should be related to the particular media in which the notice appears. If the notice is provided online, the company should provide an e-mail address. If the notice is provided offline, the company should list its postal address and telephone number. Because consumer acceptance of a short notice template will depend largely on whether the template provides clear and simple company contact information, we suggest that companies provide at least two means of contact

(for example, a toll-free telephone number and an email address). An offline company should provide at least one method of contact that is not web-based.

#### USE OF THE TEMPLATE

The Center for Information Policy Leadership at Hunton & Williams owns the copyright to the Privacy Notice Highlights Template. The purpose of the Template is to make it easy for consumers to understand at a glance at how organizations manage information and to be able to compare the information management practices of different organizations. All companies that wish to do so may use the Template as long as they maintain the Template's design and generally follow these guidelines.

\* \* \*

If you have any questions about the Privacy Notice Highlights Template or this User's Guide, please call Marty Abrams (404-888-4274), Peggy Eisenhower (404-888-4128), or Lisa Sotto (212-309-1223).



# MBNA Privacy Policy Statement Evaluations

Prepared by: Financial Services Research Practice

June 19, 2003



Interactive

MARKET RESEARCH

**Harris Heritage. Interactive Power.**

[www.harrisinteractive.com](http://www.harrisinteractive.com)

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# Executive Summary



Interactive

MARKET RESEARCH

**Harris Heritage. Interactive Power.**

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# Executive Summary

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## Privacy Notice/Opt-Out Short Form

MBNA, along with other credit card issuers, is working to develop simpler, plain-English statements of its Privacy Policy to meet federal requirements. To support this goal, MBNA commissioned Harris Interactive to conduct a survey among MBNA NetAccess Customers to assess their perceptions of and preferences between two different short-form Privacy Notice/Opt-Out statements. MBNA's secondary objective was to assess the need for distributing their full Privacy Policy if a short-form version is distributed.

In this study, NetAccess Customers evaluated two short forms through an Internet survey. Reaction to both forms was very positive, and clearly supports MBNA's goal to develop a commercially viable short form/easy opt out approach.

Since MBNA maintains e-mail addresses for NetAccess Customers, that provided a quick and economical method to reach a subset of the MBNA Customer base. As expected, some differences in demographic characteristics were observed. For that reason, weights were developed to bring the NetAccess population in line with MBNA's Customer base. Subsequently, the results are weighted to project the data from the NetAccess Customers to the total MBNA Customer base.



## Executive Summary continued

The key findings of the Privacy Notice/Opt-Out Short Form research follow.

- Version M is clearly the preferred form, both overall and among critical sub-groups including those who are employed full time and have higher education levels. Nevertheless, when Customers are given the option to choose which statement they'd like to receive with their credit card statement, both forms have a high degree of appeal with 57% of Customers choosing Version M and 43% choosing Version K.
- Version M is more often seen as being informative. A much higher percentage of Version M supporters (25%) felt that Version M was informative compared to the percentage of Version K supporters who felt that Version K was informative (8%).
- Almost 8 in 10 Customers (77%) agree that both forms:
  - are easy to read;
  - provide sufficient information;
  - clearly state the terms in language they understand.
- Close to 90% feel that no information is missing from either form. Of the few that feel information is missing, most want more detailed information on what information is being shared and with whom.
- A little over 60% state they would no longer wish to receive MBNA's full Privacy Policy if they received an abbreviated version like one of the two they evaluated.

# Detailed Findings



Interactive

MARKET RESEARCH

**Harris Heritage. Interactive Power.**

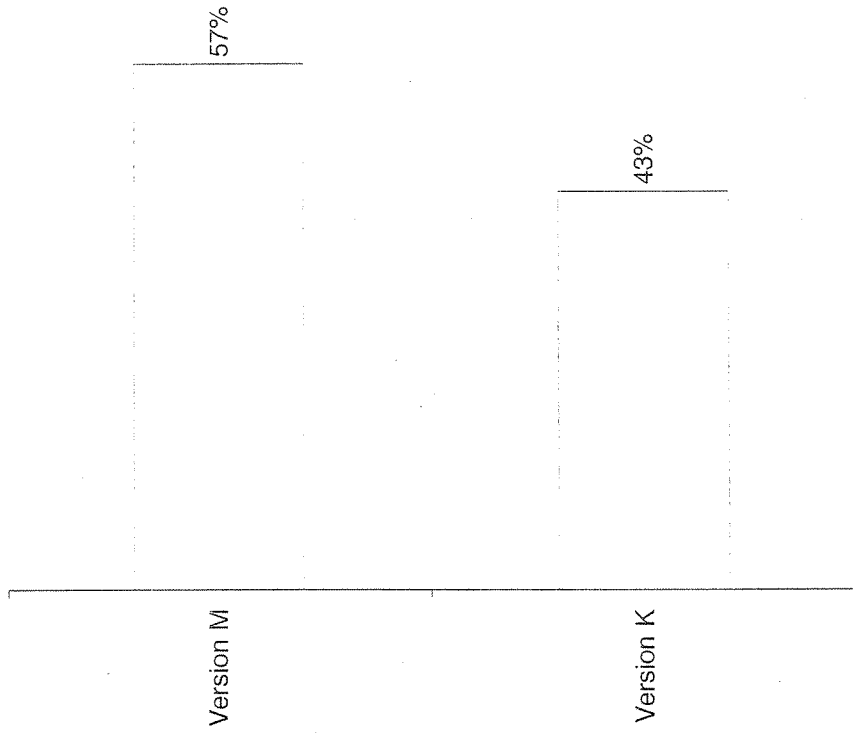
[www.harrisinteractive.com](http://www.harrisinteractive.com)

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# Almost 3 out of 5 respondents prefer Version M to Version K.

Preference for Version K / Version M



Q600 If you could choose which version MBNA would send you in your next credit card statement, which one would you prefer to receive?  
Base: All Respondents (n = 976)

Harris Interactive Inc.





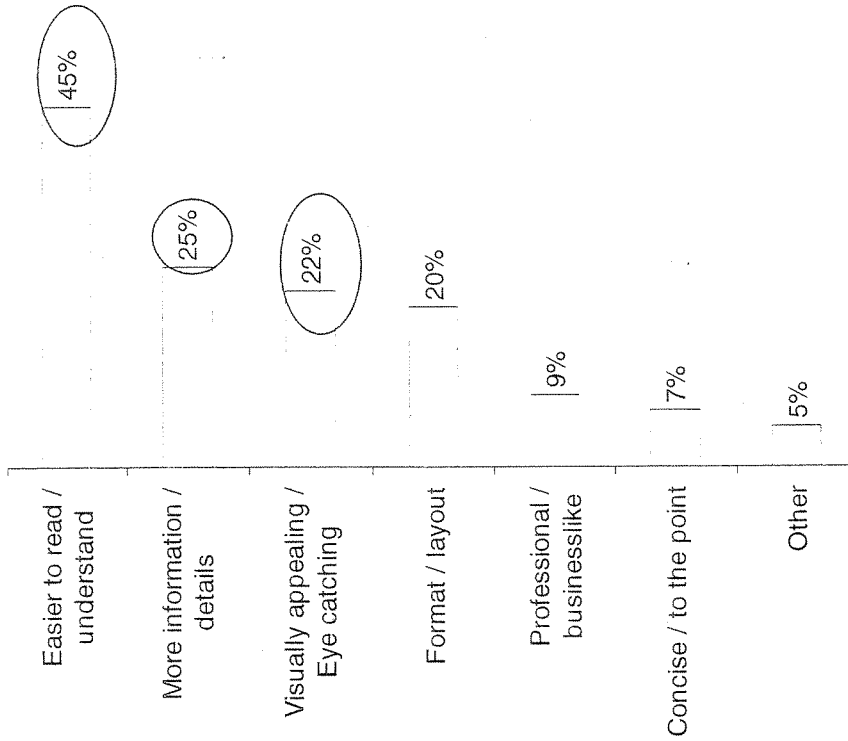
- While 57 % of respondents preferred Version M, only 43% preferred version K.
- Respondents were asked:
- Why would you prefer to receive Version M?
  - Easier to read/ understand (45%)
  - It had more detailed information (25%)
  - Looked more professional / business like (9%)
- Why would you prefer to receive Version K?
  - Easier to read/ understand (60%)
  - Bigger Print (9%)
  - Informative (8%)
- What is it about Version K that caused you to prefer Version M?
  - Not visually appealing/ isn't eye catching (22%)
  - Not enough information given / vague (20%)
  - Looked like an advertisement / not professional (9%)
- What is it about Version M that cause you to prefer Version K?
  - Not visually appealing / isn't eye catching (15%)
  - Not enough information given / vague (2%)
  - Print is too small (18%)

\*For a full set of responses, please see Appendix 1



Those who prefer Version M felt it contained more information and details and liked the look of the statement.

Why would you prefer to receive Version M?

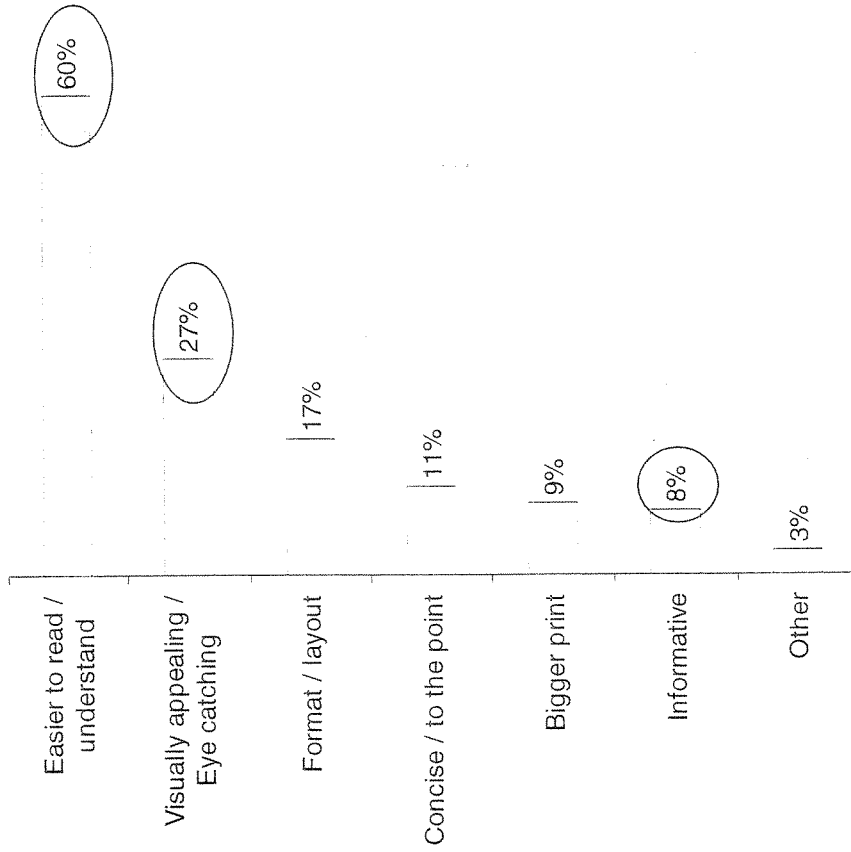


Q610 Why would you prefer to receive Version M?  
Base: Prefer Version M (n = 581)



Only 8% of those who prefer Version K said it was informative. Supporters of Version K emphasized the look of the statement over the content, as 60% felt it was easier to read and 27% felt it was visually appealing.

Why would you prefer to receive Version K?

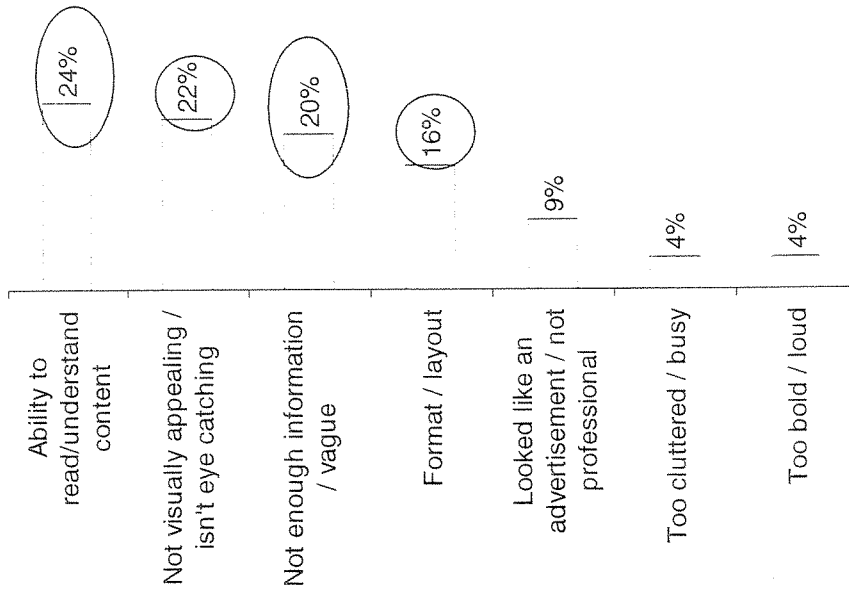


Q605 Why would you prefer to receive Version K?  
Base: Prefer Version K (n = 395)



# Those who did not like Version K cited both content and format issues.

What is it about Version K that caused you to prefer Version M?



20% of those who did *not* like Version K (i.e. Version M supporters) felt Version K was too vague and offered too little information.

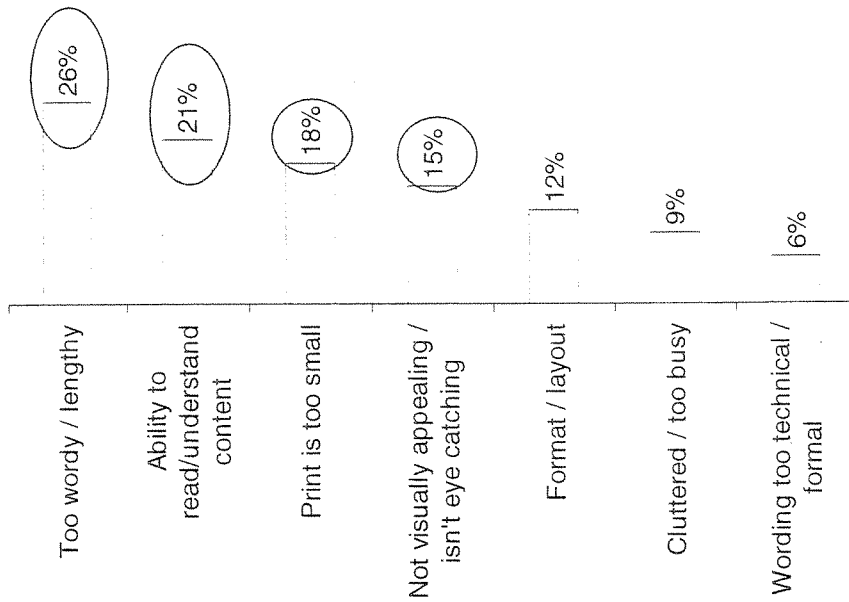
Q611 What is it about Version K that caused you to prefer Version M?  
Base: Prefer Version M (n = 581)

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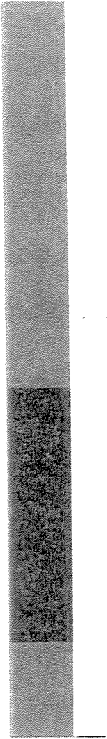
Those who did not like Version M mainly cited its content, but also cited format issues.

What is it about Version M that caused you to prefer Version K?



26% of those who did not like Version M (i.e. Version K supporters) felt Version M was too lengthy and wordy.

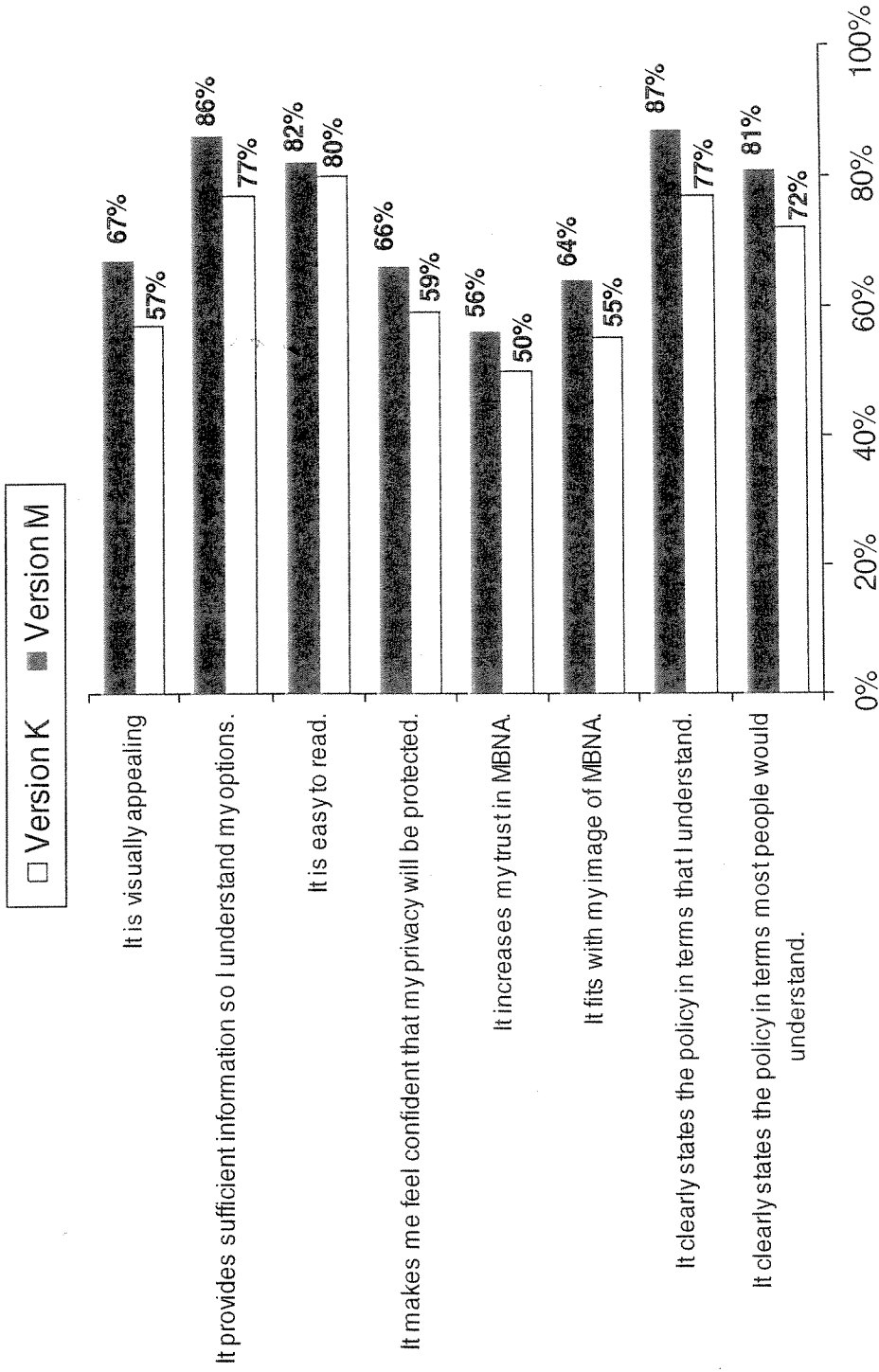
Q606 What is it about Version M that caused you to prefer Version K?  
Base: Prefer Version K (n = 395)



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While Version M is the clearly the preferred form, the majority of Customers feel that both forms are easy to read, provide sufficient information, and are clearly stated in terms they understand.

Agreement with the Following Statements – Top 2 Box

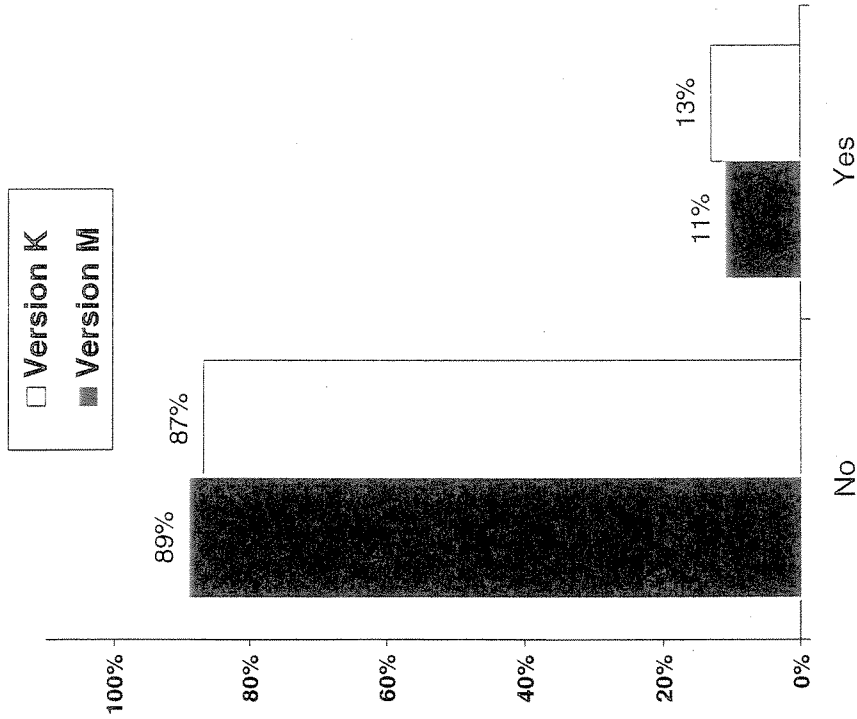


Q415/515 Thinking about Version K/M document, how much do you agree or disagree with each of the following statements? (Scale from 1-5 where: 1=Strongly Disagree, 2=Somewhat Disagree, 3=Neither Agree nor Disagree, 4=Somewhat Agree, 5=Strongly Agree Base: All respondents (n = 976)

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Close to 90% feel that no information is missing from either form. Of the few that feel information is missing, most want more detailed information on what information is being shared, and with whom.

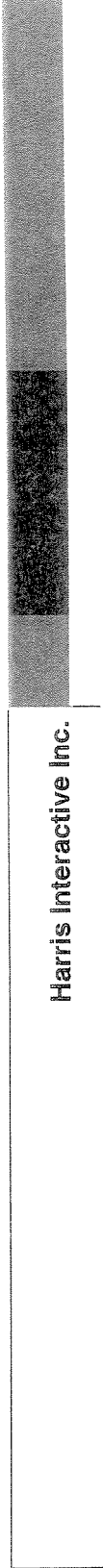
**Is Privacy Policy Missing Information?**



**Missing Information**

What information that you were looking for is missing from Version K/M?	Missing from Version K (n=130)	Missing from Version M (n=108)
Who are the partners/With whom will the info. be shared	34%	36%
Better ways of opting out of information sharing	18%	25%
What information is shared	15%	13%
How will I be contacted about information sharing	5%	2%
Difficult/ Confusing to read	6%	2%
Have all the information in one place instead of short version	NA	3%
Why is this information collected	NA	2%
Security concerns	NA	3%
Needs more detailed information/Vague	3%	NA
Needs better definitions of terms	10%	NA

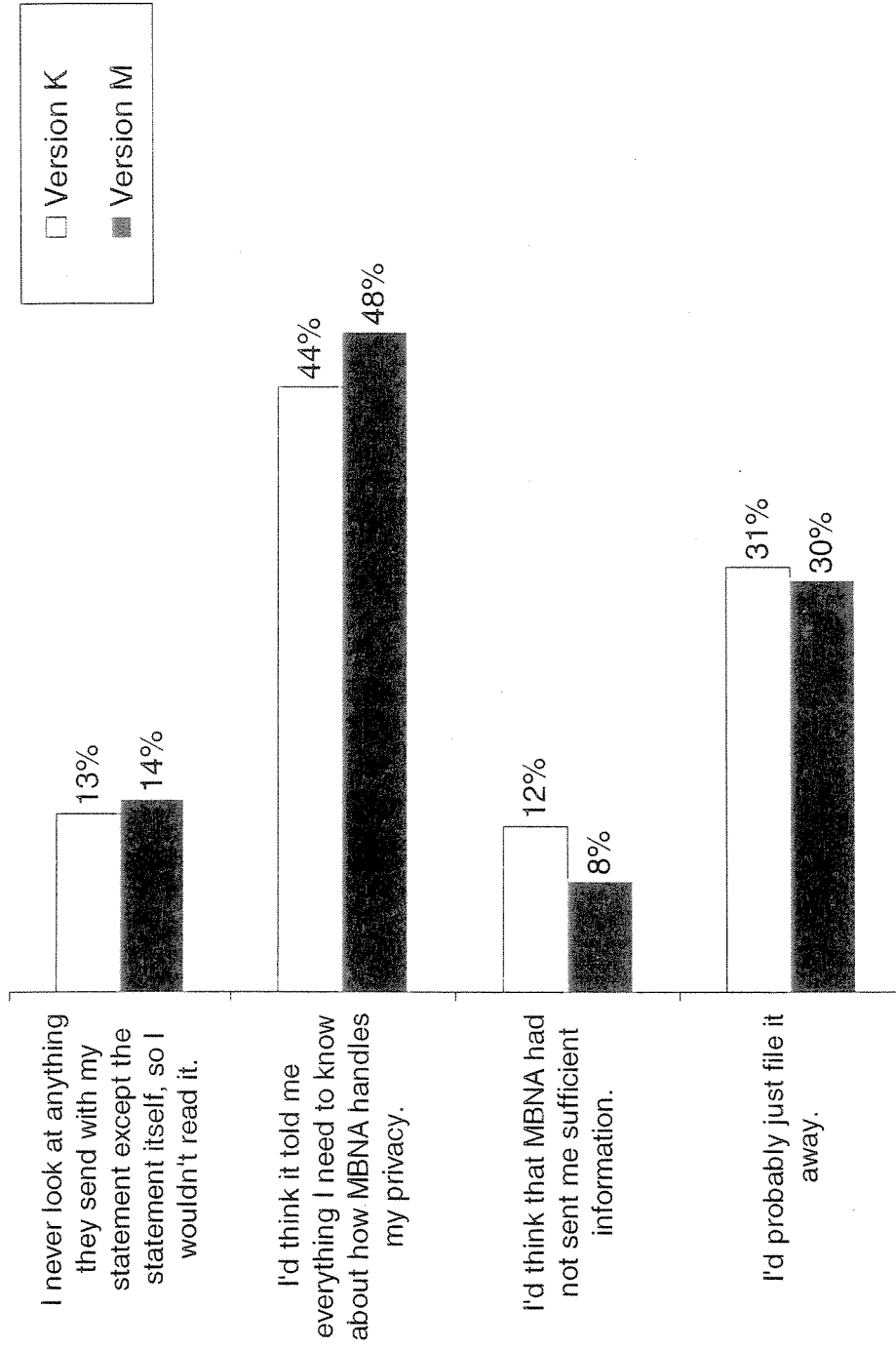
Q420/520 Was there any information about MBNA's Privacy Policy that you were looking for in this document but you were not able to find?  
 Base: All Respondents (n = 976)  
 Q425/525 What information that you were looking for is missing from Version K/M? (n = 976)





Almost half of respondents felt that either form contained everything they needed to know, indicating that they would read the form. Approximately one third state they'd simply file it away, and just over 10% acknowledge they wouldn't even read it.

Reaction to Document If Received with Next Statement



Q430/ Q530 Suppose MBNA sent you Version KM with your next credit card statement. Which of these best describes how you believe you would react?

Base: All respondents (n = 976)

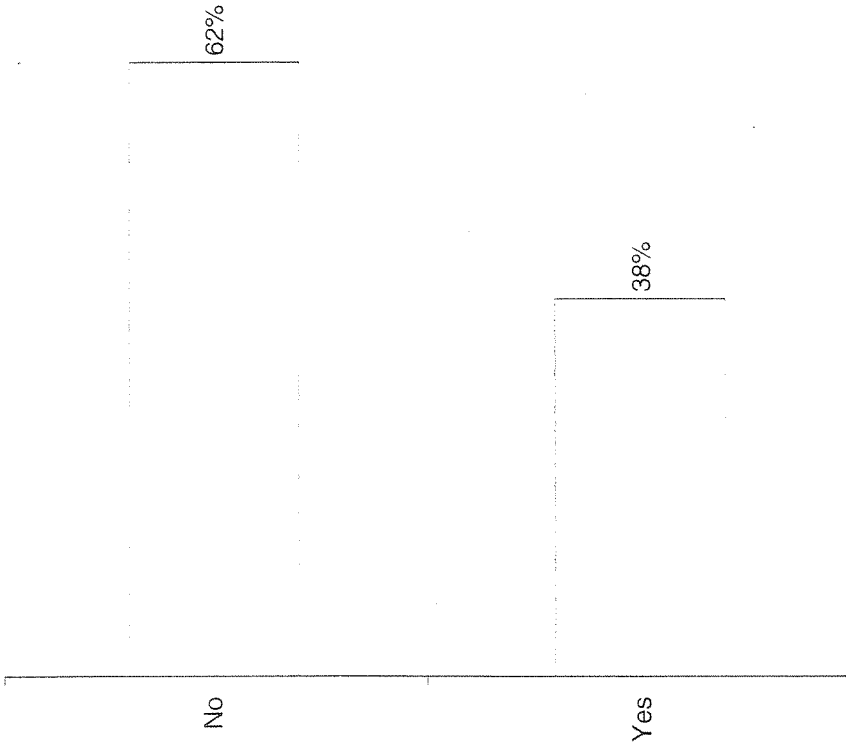
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Over 60% of respondents don't feel the need to receive MBNA's full privacy policy if they received a short-form version of it.

Like to Receive Full Privacy Policy Information



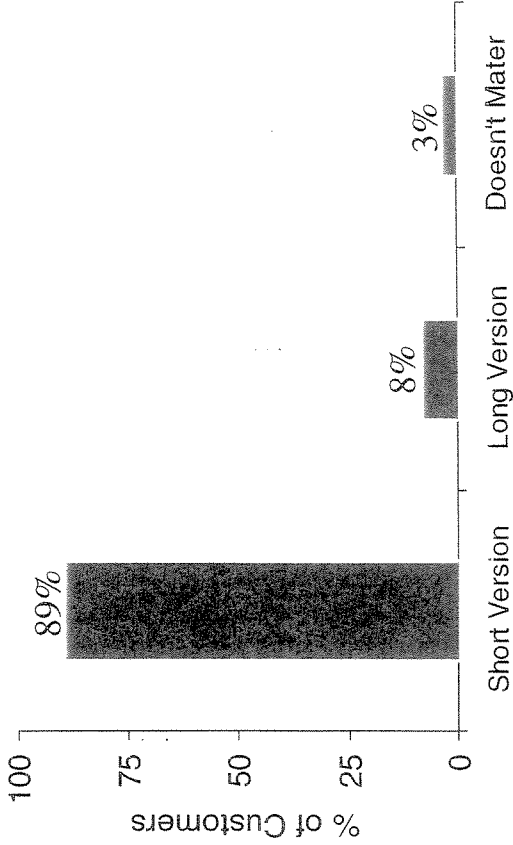
Q615 If you received a short Privacy Policy statement like one of the two you've reviewed in this survey, would you still want to receive MBNA's full Privacy Policy? Base: All Respondents (n = 976)

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## MBNA Customer Results

### Preference for Additional Notices

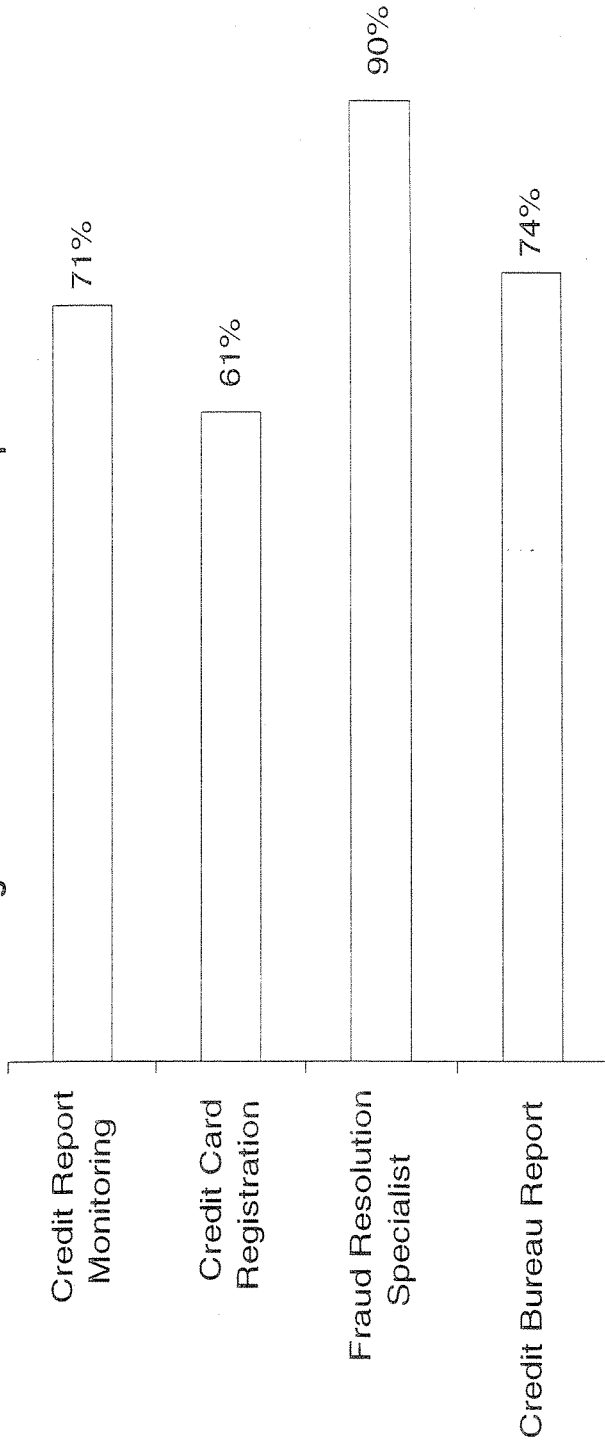


"In most cases, privacy notification statements are several pages long. What if a company sent a shortened, one-page description of its privacy policy that covers all the key details, and gave you the option to receive the longer version by request? Would you prefer this type of notification or would you prefer to still receive only the longer version by mail? (n=209)



**The Fraud Resolution Specialist (to solve identity theft problems) is the most appealing feature, although all four received support.**

**Rating of Credit Card Features –Top 2 Box**



Q700 Please use a scale from "1" to "5," where "1" means Has No Value to Me and "5" means Has A Great Deal of Value To Me.  
Base: All respondents (n = 976)

- Credit report monitoring, where an industry leader in identity theft and fraud prevention would review your credit report every business day. In the event of any significant change on your credit report, you would be notified promptly so that you could review the change and detect any fraud to take appropriate action.
- Credit card registration, where you could register all of your credit cards with one central service, and in the event that any of your cards were lost or stolen, you would have to make only one call to have them reported to credit card companies and get replacement cards.
- A fraud resolution specialist, who in the event that you experience fraud or identity theft, would help you to work with all three credit bureaus to quickly clear your credit record.
- A credit bureau report that would be sent to you free of charge every quarter so that you could review your credit history on a regular basis.

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## Methodology

- MBNA provided an electronic sample file of 20,000 email addresses for NetAccess Customers.
  - Harris Interactive sent email invitations to 19,351 Customers on the sample file, inviting them to participate in the survey.
    - Harris Interactive removed 649 non-mailable email addresses from the sample file.
    - An initial 'slow start' mailing of 2,000 invitations was sent 5/29/03.
    - The remaining invitations were sent 5/30/03 after a data check from the slow start.
    - The data file for this report was pulled the morning of 6/3/03 and the survey was closed.
  - Customers needed only to click on the URL provided in the invitation to participate. They were able to exit the survey and re-enter at their convenience.
  - All respondents were qualified to participate if they were at least 18 years old and U.S. residents. Six percent of those who accessed the survey were disqualified.
- A total of 976 qualified interviews were obtained and analyzed.
  - The overall response rate was 8.0%. Typical Customer sample response rates are 5%-10% with no incentive.
  - The suspend rate, *i.e.*, the proportion who began the survey but did not complete it was 30.6%. This rate is higher than on a typical Customer study and is likely due to the lack of involvement respondents feel with legal-type documents.
  - The unsubscribe rate, *i.e.*, the proportion of the total mailing who asked to be removed from MBNA's mailing list for research studies, was 0.42% (82 Customers).



## Methodology, cont'd.

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- MBNA provided graphics files for display within the online survey.
  - Graphics were enlarged by Harris Interactive to ensure that they were easy to read on screen.
  - Respondents were able to view the Privacy Notice/Opt Out statements at any time during the survey by clicking on appropriate links.
- Respondents were randomly assigned to view one of the two Privacy Notice/Opt Out statements first. All respondents rated both versions.
  - The statements were given code names of Version K and Version M.
  - 486 (50%) saw Version K first; 490 (50%) saw Version M first.
- The two versions are shown on the following two slides.



Version K

<p><b>INFORMATION SHARING FACTS</b></p> <p><b>MBNA Corporation</b></p> <p>U.S. Deposit, Credit Card, Consumer Finance, and Credit Protection Products for Consumers</p>	
<p><b>Information MBNA Collects to deliver top quality service you expect:</b></p> <ul style="list-style-type: none"> <li>• Consumer identification information</li> <li>• Transaction and repayment information</li> <li>• Credit eligibility information</li> </ul>	<ul style="list-style-type: none"> <li>• Consumer identification information</li> <li>• Transaction and repayment information</li> <li>• Credit eligibility information</li> </ul>
<p><b>Information Shared within MBNA and with its partners to offer special products and services, exclusive discounts, and other promotions:</b></p>	<ul style="list-style-type: none"> <li>• Consumer identification information</li> <li>• Transaction and repayment information</li> <li>• Credit eligibility information</li> </ul>
<p><b>Information sharing choices available to you:</b></p>	<ul style="list-style-type: none"> <li>• Continue receiving information on special products and offers</li> <li>• Prohibit sharing of credit eligibility information within MBNA</li> <li>• Prohibit sharing of all information with other MBNA partners</li> </ul>
<p><b>To express your information sharing preferences:</b>          You may prohibit either or both types of information sharing by calling MBNA's toll-free automated response line at 1-800-XXX-XXXX. We will ask you to verify your identity and the specific accounts to which your choices apply. Please have your account, membership, or reference numbers (and for deposit accounts, your SSN or TIN) available when you call.</p> <p><b>To obtain the complete information sharing notice:</b>          Federal Law requires us to provide this short-form privacy notice on an annual basis and provides exceptions allowing information sharing notwithstanding your privacy preferences. You may have other privacy protection under state law. If you would like to receive a copy of MBNA's complete privacy notice, please call toll-free 1-800-XXX-XXXX.</p> <p><small>© 2003 MBNA America Bank, N.A. MBNA is an Equal Opportunity Lender.</small></p>	



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Version M

MBNA

Privacy Policy Highlights

DATED: MARCH 2003

This notice describes the privacy policy of MBNA Corporation and all its affiliates, including:

- MBNA America Bank, N.A.
- MBNA America (Delaware), N.A.
- MBNA Technology, Inc.
- MBNA Marketing Systems, Inc.
- MBNA Insurance Agency, Inc.

SCORP

At MBNA, we are committed to providing you with the finest financial products and services backed by consistently top-quality service. And while information about you is fundamental to our ability to do this, we fully recognize the importance of keeping personal and account information secure. Here is a brief overview of MBNA's privacy policy.

- We collect basic identification information, such as name and address.
- We collect basic transaction information, such as purchases and payments.
- We collect credit eligibility information, such as credit reports.
- We share information within MBNA companies to offer you new products and services.
- We share information with our partners so they can offer you their latest goods and services along with special discounts and selected products and services.
- You can choose to continue to receive information on special products and offers.
- You can choose not to have us share credit eligibility information within MBNA companies.
- You can choose not to have us share information with our partners.

- For a copy of MBNA's complete privacy policy, call us toll-free at 1-800-xxx-xxxx.
- To instruct us not to share credit eligibility information within MBNA, call 1-800-xxx-xxxx. We will ask you to verify your identity and your specific accounts or reference numbers. Please have your account, membership, or reference numbers (and for deposit accounts, your SSN or TIN) available when you call.
- To instruct us not to share information with our partners, call 1-800-xxx-xxxx. We will ask you to verify your identity and your specific accounts or reference numbers. Please have your account, membership, or reference numbers (and for deposit accounts, your SSN or TIN) available when you call.

Harris Interactive Inc.





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**Matt Leonard**

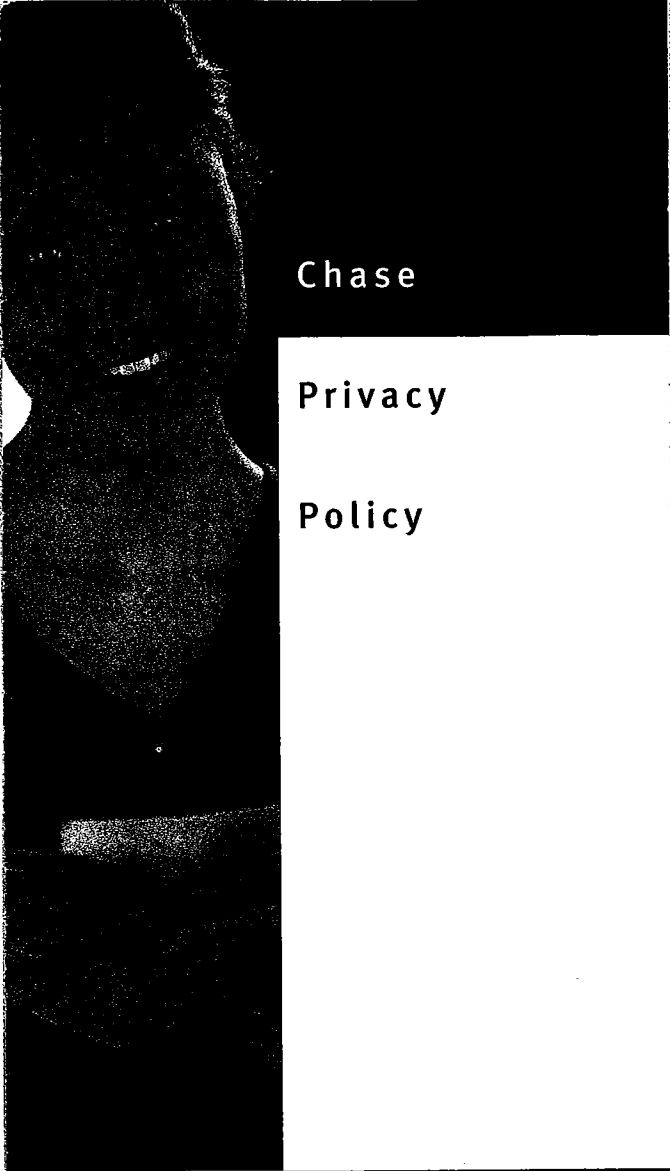
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Chase

Privacy

Policy



THE RIGHT RELATIONSHIP IS EVERYTHING.®

**This Privacy Policy explains what Chase does to keep information about you private and secure. We want you to know how we manage that information to serve you and that you have choices about how it is shared.**

**Q | Who is covered by this Privacy Policy?**

**A |** This Privacy Policy covers the Chase family of companies. The following is a partial list of these U.S. consumer financial services companies owned by J.P. Morgan Chase & Co.

- JPMorgan Chase Bank
- Chase Manhattan Bank USA, N.A.
- Chase Manhattan Mortgage Corporation
- Chase Manhattan Automotive Finance Corporation
- Chase Investment Services Corporation
- Chase Insurance Agency, Inc.

This Policy applies to our current and former consumer customers. Separate policies may apply to customers of certain businesses, such as Private Banking. Also, customers in certain states will get policies that apply to them. The privacy policies posted on our websites apply when you use those sites. In addition, Chase's online consumer information practices are at [www.chase.com/privacy](http://www.chase.com/privacy).

**Q | What information do you have about me?**

**A |** To provide services and to help meet your needs, Chase collects information from various sources.

- We get information from your requests for Chase products or services. One example is income on loan applications.
- We get information about your transactions with us and with others. For example, we have your account balance information.
- We get information such as your credit history from credit bureaus.

**Q | How does Chase safeguard information about me?**

**A |** Chase takes a number of steps to protect the privacy of information about you. Here are some examples.

- We keep information under physical, electronic and procedural controls that comply with federal standards. These controls help keep information from being changed or destroyed.
- We authorize people to get information about you only when they need it to do their work for Chase
- We require companies working for us to protect information. They agree to use it only to provide the services we ask them to perform for you and for us.

**Q | Is information about me shared within the Chase family of companies?**

**A |** Yes. We may share information about you within the Chase family of companies. This helps us to offer you financial products and services such as loans, deposits, investments and insurance.

**Q | Is information about me shared with service providers and financial companies outside of Chase?**

**A |** Yes. We may share information about you with outside companies that work for Chase. These may include marketing firms. We may also share information about you with outside financial companies that have joint marketing agreements with us. These agreements permit you to get additional services.

**Q | Is information about me shared with non-financial companies?**

**A |** Yes. But we strictly limit the information we share with companies making non-financial offers.

- We may share only your name, address and phone number with companies for these offers.

- We may share information about your Chase Auto loan or lease with your auto dealer and auto maker for auto offers.
- We may share information about you with our co-brand “partners” so that they can market non-financial products to you. In a co-brand program, the co-brand “partner’s” name or logo is featured on the program materials. One example is a credit card from Chase that allows you to earn frequent flyer miles.

**Q | Is information about me shared in any other ways?**

**A |** Yes. We may also share information about you as required or permitted by law. This allows us to share for legal and routine business reasons. Here are some examples.

- We may share information with regulators and law enforcement officials.
- We may share information to protect you, Chase and others against fraud.
- We may share account activity with credit bureaus.
- We may share information with your consent.
- We may share information such as account name and number with check printers and with others that provide services to you or to us.

**Q | What choices do I have about information sharing?**

**A |** We offer you the following choices about sharing information that identifies you.

- *Choice #1.* You may tell us not to share within the Chase family of companies
  - information from you or from others for determining your eligibility for products *or*
  - information from credit bureau reports for marketing purposes.

Even if you make this choice, we may continue other information sharing within Chase.

*(continued on back)*

**Making Your Privacy Choices**

You may contact us to provide your privacy choices as stated in the Chase Privacy Policy. Also, you may tell us not to contact you with telephone or mail offers or you may change prior choices. To do so, please contact us.

**By telephone,** you may call us 24 hours a day, 7 days a week at 1-(888) 259-2974.

**Please have your account number handy.**

**By mail,** you may fill out the form on the reverse and mail this page to us.

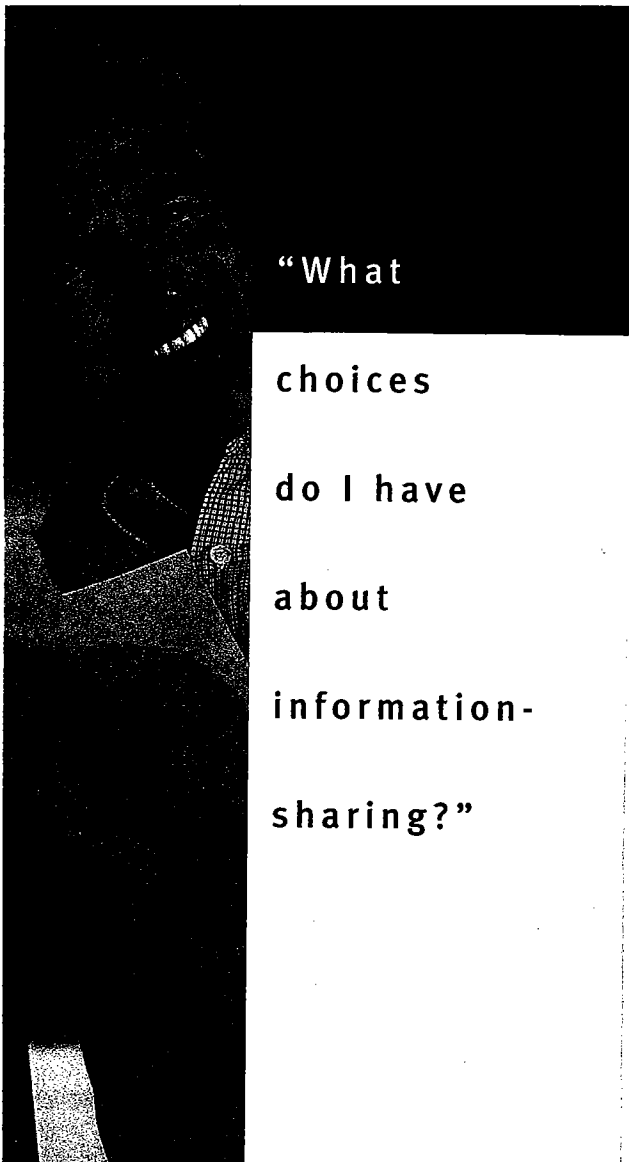
Chase Privacy Preferences  
PO Box 15121  
Wilmington, DE 19850-5121

We will process your request within four to six weeks.

**You do not need to contact us unless you want to make a choice listed in the “Privacy Choices” section. Also, if you are a current customer, you do not need to contact us unless you want to change a choice you have given us. We will follow your directions for all your consumer accounts covered by our Privacy Policy.**

If you make any of the choices listed, you may still get offers in your account statements and when you contact us. You may also get offers in connection with our maintaining and servicing your account relationship.





“What  
choices  
do I have  
about  
information-  
sharing?”



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For example, in the course of business, we may continue to share name and address, information about transactions with us, as well as survey or similar information.

- *Choice #2.* You may tell us not to share information about you for non-financial offers described above. If you do and are in any of our co-brand programs, we may continue to share information about you with co-brand “partners” to provide the program to you.

**Q | How do I tell you about my Privacy Choices?**

**A |** Please refer to the section “Making Your Privacy Choices” for how to contact us with your choices. You do not need to contact us if you want the choices you have already given us to stay in effect.

**Q | How does Chase tell me about its Policy?**

**A |** We send our Privacy Policy to you when you open a new account. We also send it to current customers yearly. We may change our Policy. But if we make a major change, we will tell you. Our Policy is always available at [www.chase.com/privacy](http://www.chase.com/privacy).

**Q | How do I protect myself against identity theft and fraud?**

**A |** We realize identity theft is a serious concern. Chase can help you address problems that arise if you become a victim. We also help you protect yourself.

- For tips on protecting your identity and accounts, visit [www.chase.com/privacy](http://www.chase.com/privacy).
- Our Identity Theft Kit is a handy reference available to you upon request. To receive your free Identity Theft Kit, contact us or go to [www.chase.com/idkit](http://www.chase.com/idkit).

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CCSI0345

M-58798

## Privacy Choices

1. Please do not share within the Chase family of companies:
- information from me or from others for determining my eligibility for products *or*
  - information from credit bureau reports for marketing purposes.
2. Please do not share information about me with companies for offers of non-financial products and services.
3. Please do not contact me with offers of products or services by mail.
4. Please do not contact me with offers of products or services by telephone.

*Joint Accountholders: Your choices will apply to the joint account. If others on the joint account have other accounts, your Privacy Choices will not apply to them.*

PLEASE TEAR ALONG PERFORATION

Name

Address

City

State

Zip Code

Signature

Date

Account Type (e.g., Mortgage, Card, Auto, Checking, etc.)

Account Number