Personal Health Record Report Card

Report Card for WebMD

A Basic PHR, *"WebMD Health Record"* www.webmd.com/phr	A	B	C	D	F	GRADE = C * This Report Card does NOT apply to any WebMD PHR offered by an employer or insurer. *(See Below for Grade Explanations)*
Privacy Policy/Notice:						
• Location: The Privacy Policy must be easy to find and accessible from the organization's home page. Should be unavoidable and accessible on any page that collects information.		✓				There is a link at the bottom of the page to the WebMD Privacy Policy. When you click to register for the PHR, the link to the privacy policy and terms of use are available at the end of the registration. On the Home Page Health Record there is a link at the center-right to "How is my information kept private?" Privacy Policy is linked at the bottom of every page.
• Readability: Privacy Policy must be clear, easy to understand, and at a low reading level.			✓			While the policy is fairly well organized, the content is dense, confusing, and there are a lot of passive sentences vs. declarative statements; it is 14 pages long. There are many different uses of information described, and WebMD's has multiple co-branded Partners with varying policies. As a result, it is difficult to have real confidence in your understanding of how information is actually used. We do find the glossary helpful.
• Transparency: Privacy Policy is comprehensive; individuals should not have to read multiple policies to understand how their information can be used.			✓			The Policy is fairly comprehensive though the multiple brands, Partners and products within WebMDs that can access your information make for a complex policy.
Patient Control/Choice:						
• Consent for Identifiable Data: No information is shared or collected without explicit, informed consent. Privacy Policy states how information wil be shared and, ideally, how it will NOT be shared.			✓			This PHR doesn't have an ability to share your record electronically, so control over your information should be straightforward. We would have more confidence in an individual's ability to control their information if the policy was more direct and didn't describe various exceptions to disclosures throughout the document. Users should be very careful when deciding to participate in any surveys. WebMDs may combine information obtained from surveys and use that for market research. An individual opts-in to take these surveys. Users should be very careful when using any of the interactive tools. These tools may connect with employers, health plans, pharmaceutical benefits managers and other third parties. Pay close attention to any policy you agree to when you opt-in to these tools. We could not verify how clear or obvious consent would be obtained for these tools.
• "De-Identified Data": No de-identified or aggregate data should be used without explicit, informed individual consent.					✓	Aggregate data is shared with third parties. There is no opt out. The amount of "de-identified" data WebMDs can collect on you is troubling. This would include information obtained from their detailed "Health Quotient" quiz that tracks drug and alcohol use, sexual history and eating habits. Promises that this information cannot be used to identify you are false. Information is either anonymous or useful, almost never both. They do state they require third parties to "*agree that they will not attempt to make this information personally identifiable, such as by combining it with other databases.*" This is a positive comittment. Unfortunately, there aren't any meaningful ways to enforce such a requirement.

Criteria	A	B	C	D	F	Explanation
						Based on their glossary, the following categories would not be considered "personal or identifiable": gender, zip code, age, job, health condition, dates, etc.
• Segmentation: Patients can segment/hide sensitive information.				✓		You can segment what you want to print.
Access/Participation:						
• Patients can easily find out who has accessed or used their information.		✓				You can view an audit trail by clicking on "Activity" in the Settings window. You can see who accessed information with date and time stamp.
• Patients must be able to promptly and permanently remove themselves and their health information from the system upon request.					✓	There is no clear committment that WebMDs ever fully deletes information and they can continue using "deleted" information in aggregate form. You have to make a request in writing via postal mail to delete information in their "active databases." However, WebMDs keeps an inactive back up for a "*period of not less than six (6) years*". If the information came from a "professional" such as a health care provider or plan, you can remove it from view but WebMD will "*maintain an audit log, a notice of that transaction and a copy of the information deleted.*"
Integrity/Security:						
• Patients can expect their data to be secure. Data should only be stored in the U.S. and use authentication that goes beyond username and password login.			✓			Requires a password, data stored physically in two separate locations, encrypt transmittal of personally identifiable information, "closely monitors the limited number of WebMD employees who have potential access. All employees are subject to disciplinary action if they violate the privacy policy . WebMDs submitted a written statement confirming that they only store information in the U.S.
Customer Service/Enforcement:						
• Patients can easily report concerns and get answers.			✓			There is a mailing address and feedback form; no phone or email support. Also a link to TrustE. We submitted an inquiry and received a partial response 7 days later (their form says they will respond in 1-2 business days).

Letter Grade	Numerical Value	Explanation
A	4.0 - 5.0	Excellent: No invasive practices; solid protections; ensures your privacy rights; user friendly.
B	3.1 - 3.9	Fairly comprehensive efforts and protections, room for improvement.
C	2.6 - 3.0	Some safeguards, a number of key flaws, weak protections.
D	2.0 - 2.5	Few, if any, safeguards and protections, and/or misleading information, and/or very user "un-friendly."
F	1.0 - 1.9	Threatens patient privacy and control over personal information either via inaction or actual business practices

Web MD's Numerical Grade
2.7