



COLORADO PRIVACY POLICY & NOTICE

Introduction

This policy is based upon the Colorado Privacy Act (“CPA”), which was signed into law on July 8, 2021, and will be effective on July 1, 2023, and applies to consumers in the State of Colorado. The privacy rights and options available to Colorado consumers and instructions and methods for Colorado consumers to exercise their rights in connection with collected Personal Data are defined below. **If you are a resident of Colorado, this policy applies to you.**

Categories of Personal Data, Sources, Third Parties and Business Purposes

The categories of Personal Data collected by TriWest, the categories of sources of Personal Data shared or disclosed to third parties, the categories of third parties with whom TriWest shares or discloses Personal Data, and the business purposes for the collection of Personal Data are defined on pages 2 - 6 of the TriWest Privacy Policy (“TWPP”).

Rights Available to Colorado Consumers Under the CPA

As a Colorado consumer, your rights pursuant to the CPA include all of the following:

The Right to Access

You have the right to confirm whether TriWest is processing your Personal Data and to access your Personal Data.

The Right to Correction

You have the right to correct inaccuracies with respect to your Personal Data, taking into account the nature of the Personal Data and the purposes of the processing of your Personal Data.

The Right to Deletion

You have the right to delete your Personal Data, subject to certain CPA exceptions and exemptions.

The Right to Data Portability

When exercising the right to access Personal Data, you have the right to obtain the Personal Data in a portable, and to the extent technically feasible, readily usable format that allows you to transmit the data to another entity.

Right to Non-Discrimination

You have the right to non-discrimination if you exercise your CPA rights and TriWest will not deny you goods or services, charge you different prices or rates, impose penalties, provide you with a different level or quality of goods or services or otherwise violate any state or federal discrimination laws if you exercise your rights under the CPA (except as otherwise permitted by applicable law).

Right to Opt Out and Exercising Your Right to Opt-Out

You have the right to opt-out of the sale or sharing of your Personal Information to third parties for targeted advertising and profiling (subject to exclusions and exemptions set forth in the CPA). We do not use your Personal Data for targeted advertising or for profiling. However, we may share your Personal Data to fulfill and comply with VA and DoD contract requirements. You may exercise your opt-out right by submitting a Request, as detailed in the section “Submitting Requests” below, and selecting all applicable Opt-out requests or by clicking the following link (the “**Opt-Out Link**” or “**UOOM**”):

[DO NOT SELL MY PERSONAL INFORMATION/DATA](#)

In the Request you will select all applicable opt-out requests, which serves as TriWest’s user-selected universal opt-out mechanism (“UOOM”). The UOOM allows you to exercise all of your opt-out rights and requires that you to disclose to

TriWest certain Personal Data as needed so that TriWest may accurately authenticate your identify and that you are a resident of Colorado. By using the UOOM, you consent the use of such Personal Information by TriWest for authentication purposes.

Opt-Out Exclusions and Exceptions Under the CPA, Permitted Uses of Personal Data

The right to opt out of the processing, use or sale of Personal Data under the CPA is subject to certain exceptions and exemptions including to process, use or sell Personal Data for a business purpose as set forth in the Policy, for the purpose of providing products or services requested by a consumer or because a consumer directs the controller to disclose it or intentionally discloses it by using the controller to interact with a third party.

Right to Appeal

In the event that TriWest refuses to take action in connection with your Request, TriWest will inform you, within forty-five (45) calendar days after receipt of the Request, of the reasons for not taking action and provide you with instructions about your options and your right to appeal the TriWest's decision.

Exercising Your Right to Appeal - Appeal Request and Appeal Link

TriWest has established an internal appeals process that allows you to appeal TriWest's refusal to take action in connection with your Request (referred to as an "Appeal Request"). If you would like to exercise your right to make an Appeal Request, you may do so by submitting a Request, as detailed in the section "Submitting Requests" and selecting the option to submit an Appeal.

You must provide TriWest with all required information on the web-form so that TriWest may start your appeal, authenticate your identity, and investigate, review and authenticate your previously submitted Request and the Personal Data TriWest has collected about you. TriWest will be unable to start or process your Appeal Request if we cannot verify your identity and TriWest may request that you provide additional information reasonably necessary to authenticate your identity and your previously submitted Request.

TriWest's Reply to Your Appeal

TriWest will inform you of any action taken or not taken in response to your Appeal Request and provide you with a written explanation of the reasons in support of TriWest's response within forty-five (45) calendar days after TriWest's receipt of your Appeal Request (the "TriWest Reply to Your Appeal"). TriWest may extend the 45-day response period for an additional forty-five (45) calendar days if reasonably necessary under the circumstances, taking into account the complexity of the previous Request(s), the number of Requests and the reasons for the delay. Additionally, TriWest's written explanation will provide you with information for contacting and appealing the TriWest decision with the Office of the Colorado Attorney General.

Appeals to the Colorado Attorney General

You have the right to contact the Colorado Attorney General to file an appeal or complaint if disagree with the TriWest Reply to your Appeal as follows:

(i) By mail at the following postal address:

**Colorado Office of the Attorney General
Colorado Department of Law
Ralph L Carr Judicial Building
1300 Broadway, 10th Floor
Denver, Colorado 80203**

(ii) Telephonically, by using following phone number:

702-508-6000

(iii) Via the Internet, by using the Colorado Attorney General’s complaint link:

<https://coag.gov/file-complaint/>

The link above will allow you to file an online complaint with Office of the Colorado Attorney General.

Sensitive Data Opt-In Consent Requirements

The CPA requires that we provide you with the right to opt-in before using your Sensitive Data. “Sensitive Data” means any Personal Data revealing racial or ethnic origin, religious beliefs, a mental or physical health condition or diagnosis, sex life or sexual orientation, or citizenship or citizenship status, genetic or biometric data that may be processed for the purpose of uniquely identifying an individual and/or Personal Data from a known “child”, which is defined as an individual who is 13 years old or younger.

Although the CPA requires that we provide you with the right to opt-in to the use of your Sensitive Data before such data is used, the Sensitive Data opt-in requirements do not apply because Veterans or Beneficiaries that receive services under TriWest’s contracts with VA or DoD have opted in to such services and provide such data voluntarily in order to receive such services. As a third party administrator of certain contracts with VA and DoD, we are required to have access to your Sensitive Data and we use such data only to provide such services. The use of your Sensitive Data in connection with VA and DoD contract requirements is a “business purpose” as defined in this Policy.

Submitting Requests to TriWest and Exercising Your Privacy Rights

If you would wish to know about, access, update, correct, delete or change your Personal Information (or Personal Data), file a privacy complaint or have other questions regarding the privacy of your Personal Information (or Personal Data) or this Policy, you must submit to TriWest a Request using the “Request Form” and its processes and procedures.

A. Submitting Requests

TriWest provides to you two (2) different intake channels for submitting a verifiable Request to TriWest. You (or your Agent, as described in Section B) may exercise your rights in connection with your Personal Information by submitting a Request Form to the **TriWest Privacy Officer** either electronically (online) or by telephone as set forth below. **You may only submit a Request Form to TriWest twice within a 12-month period.**

You may exercise these rights by:

- (i) **Submitting a Request Online.** You have the option of submitting an online Request to TriWest through our Consumer Privacy Request Form which can be accessed directly through the following URL:

<https://consumerprivacy.triwest.com>

or

- (ii) **Submitting a Request by Calling.** You have the option to submit a Request to TriWest by calling TriWest’s toll-free telephone number at:

866-434-8156 and answering the questions on the Consumer Privacy Request Form as asked by a TriWest representative.

B. Only You or Your Authorized Agent May Submit a Request

Only you or a person authorized by you to act on your behalf (an “Agent”) can submit a Request to TriWest in connection with your Personal Information. You may designate an authorized Agent to submit a Request about your Personal Information on your behalf.

C. Written Proof Required for Agents

All Agents must have your signed permission to submit a Request Form on your behalf and provide proof that they have power of attorney in accordance with applicable state law. TriWest requires you to submit to TriWest a **notarized power of attorney** and/or **other forms of written permission** as required by applicable state law that expressly states that the named Agent has permission to make a Request about your Personal Information on your behalf. All documents related to your Agent must be sent to the **TriWest Privacy Officer** within **forty-five (45) calendar days** after the request submission date using the contact methods set forth in Section D, “Where to Send Documents” below.

TriWest may contact you directly to confirm that you have given your permission and/or to verify your identity. We have the right to deny a Request from any Agent that does not submit written proof that she or he was authorized by you to act on your behalf.

D. Where to Send Documents

Required documents must be sent to the **TriWest Privacy Officer** at TriWest by:

(i) **FACIMILE** to **866-266-9820**;

or

(ii) **MAIL** to:

**PRIVACY OFFICAL
TRIWEST HEALTHCARE ALLIANCE CORP.
P.O. BOX 42049
PHOENIX, ARIZONA 85080-2049;**

or

(iii) **EMAIL** to HIPAAPrivacy@TriWest.com

E. Submitting Additional Proof and Other Documents to TriWest

If additional documentation is needed or required by TriWest in order to verify your Request, send such additional documents to the **TriWest Privacy Officer within forty-five (45) calendar days after the Request submission date** using the TriWest contact methods set forth in the Section D, “Where to Send Documents”.

F. Verification of Your Request – Requirements, Limitations and Restrictions

TriWest will use the Personal Information included in any Request Form only to verify your identity or authority (or the identity and authority of your authorized Agent) to submit a Request and investigate, research and review the Personal Information TriWest has collected about you, if any. However, TriWest will not be able to reply to your Request if the Request does not contain sufficient detail and information to verify it. Each Request submitted must provide sufficient information to permit TriWest to reasonably verify that you are the person about whom we collected Personal Information and describe your Request with sufficient detail to permit TriWest to understand, evaluate, investigate and reply to it.

G. Time Frame for Replying to Your Request

Except as otherwise required by applicable state law, TriWest will attempt to confirm receipt of your Request (the “Request Receipt Confirmation”) within **ten (10) calendar days** after the date of receipt and will attempt to reply to your Request within **forty-five (45) calendar days** after the date of receipt. If additional time is need for TriWest’s reply, TriWest will inform you in writing, or via email, and TriWest will have an **additional forty-five (45) calendar days** in

which to reply. Any response that TriWest provides will only cover and apply to the twelve (12) month period of time immediately preceding the date your Request was received by TriWest.

H. The TriWest Reply to Your Request

TriWest will send a reply to your Request (the “Reply”) by mail or electronically, as indicated in your Request. If TriWest denies or rejects your Request, in whole or in part, we will provide you with the reasons for our inability to comply with your Request that are applicable under the circumstances. TriWest’s Reply will be sent to you within the time frames set forth in Section G, “Time Frame for Replying to Your Request.”

Authorized Agents in Colorado

Under the CPA, you can designate another person (an “Agent”) to act on your behalf, only to submit a Request to opt-out of the sale of your Personal Data or to prevent targeted advertising or profiling. All Colorado authorized Agents must have your signed permission to submit an opt-out Request on your behalf and must provide proof that they have power of attorney in compliance with Colorado law.

TriWest requires you to submit to TriWest a **notarized power of attorney** and/or **other forms of written permission** as required by Colorado law that expressly state that your authorized Agent has permission to make an opt-out Request about your Personal Information on your behalf. All documents related to your authorized Agent must be sent to TriWest using the TriWest contact information set forth in Section D, “Where to Send Documents.”

CPA Exemptions and Exceptions

The CPA is subject to certain legal exceptions and exemptions which are applicable to TriWest and permit TriWest to use and process Personal Data for the business purposes set forth on pages 4 - 6 of the TWPP.

Fees and Costs

TriWest does not charge any fees or costs to process or respond to your Request unless it is repetitive, excessive and/or not based on facts or evidence. If TriWest determines that your Request warrants a fee, we will notify you of the reasons for the determination and provide you with a fee estimate in writing before continuing to process your Request.