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3RD DISTRICT, CALIFORNIA

HOUSE COMMITTEE ON EDUCATION  
AND THE WORKFORCE

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HOUSE COMMITTEE ON JUDICIARY

HOUSE COMMITTEE ON  
TRANSPORTATION &  
INFRASTRUCTURE

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-0503

April 30, 2025

Robert Kennedy Jr.  
Department of Health and Human Services  
Secretary of Health and Human Services  
200 Independence Avenue, SW  
Washington, D.C. 20201

Dear Secretary Kennedy,

Every American should have confidence that their personal health information (PHI) is private. That is why the Health Insurance Portability and Accountability Act of 1996 (HIPAA) was enacted, to make sure PHI was not given away without a patient's consent. Unfortunately, a forensic investigation into Covered California, a California state government entity that operates the state's Affordable Care Act (ACA) exchange, was found to have transmitted PHI to LinkedIn.

In the investigation by Cal Matters, they discovered that trackers on the website collected and sent personal information to LinkedIn via one of the company's trackers called an Insight Tag. This information included whether individuals were blind, disabled, pregnant, used prescription drugs, transgender, victims of domestic abuse, and how often they sought care at in and out-patient facilities. A spokesperson for Covered California even admitted they installed these trackers as part of a marketing campaign. These trackers were not removed until the report was published. This illegal action was done despite LinkedIn publicly advising on their website that their Insight Tags, "should not be installed on web pages that collect or contain Sensitive Data" and "pages offering specific health-related or financial services or products to consumers". Despite these warnings, Covered California proceeded.

Organizations who must abide by HIPAA are defined as health plans, health care clearinghouses, and health care providers ([45 CFR § 160.102](#)). Given that Covered California's operation of the ACA exchange involves collecting PHI to facilitate the purchase of health insurance, it clearly fits the definition of a health care clearinghouse, a covered entity under HIPAA. Covered California is a covered entity under HIPAA that admitted to installing these trackers and sent PHI to a private company without the permission of Californians.

Due to Covered California's blatant disregard for privacy and the law, I respectfully ask that the Department of Health and Human Services launch an investigation to ascertain the following:

- 1) Did Covered California violate HIPAA or any other laws?
- 2) Who authorized the use of these trackers?
- 3) What controls exist to protect data privacy in California's ACA exchange?

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- a. How did Covered California evade these controls?
- 4) How many people have been impacted?
  - a. Have all of them been notified?
  - b. Has any restitution been offered? If so, how much/what type?
- 5) Why did Covered California use the trackers contrary to LinkedIn's explicit guidance?
- 6) How can something like this be prevented in the future?

I greatly appreciate your swift attention to this matter and request you send any updates on your investigation to my office.

Sincerely,



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Kevin Kiley  
Member of Congress