

# The American Board of Plastic Surgery, Inc.<sup>®</sup>

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## Privacy Policy

The American Board of Plastic Surgery, Inc. ("ABPS") has established a Privacy Policy governing the use of certain information it collects in determining your suitability for initial and continuing ABPS Diplomate status. Your participation in the ABPS certification and continuous certification process signifies your agreement with, and consent to the terms of the ABPS Privacy Policy ("Privacy Policy"). ABPS reserves the right to change, modify, add or remove portions of this Privacy Policy at any time. Any modifications will be posted to this page. Your continued participation in the ABPS certification and continuous certification process and/or your use of the ABPS website after the ABPS has revised this Privacy Policy will indicate your acceptance of those revised terms. You have the right to access personal data stored by the ABPS at any point in time by contacting the Board at [info@abplasticsurgery.org](mailto:info@abplasticsurgery.org). Should you want to limit the use and disclosure of personal data, you can contact the Board Office at [info@abplasticsurgery.org](mailto:info@abplasticsurgery.org).

During examination processes, certification, recertification, and Continuous Certification (collectively, "Certification Processes"), the ABPS must collect and utilize personal and professional information pertaining to its applicants and diplomates, and patients that they care for. The goal of establishing this privacy policy is to assure all persons disclosing information to the ABPS during the Certification Processes of the sensitivity and care utilized in protecting this information.

### Use and Disclosure of Personal Information

To determine the qualifications of applicants during the Certification Processes, the ABPS requires that applicants and diplomates provide personal contact and identifying information, as well as personal, educational, and professional background information. The Oral Examination requires that the applicant provide sensitive information about patients that they treat. This information is used by ABPS to identify and determine an applicant's or diplomate's appropriate status with the ABPS.

As part of the registration and administration of its examinations, the ABPS requires an applicant's or diplomate's personal information, including name, mailing address, and social security number. Social security numbers are used only as an individual identifier. The ABPS restricts access to such personal information to ABPS employees and contractors who require this information to conduct the registration, administration, and scoring of examinations, and for the verification of certification by the ABPS.

The ABPS does not disclose any personal information regarding its applicants or diplomates to non-ABPS employees and contractors, except when required by law (such as complying with a subpoena or court order) or as described below for the American Board of Medical Specialties ("ABMS"). The ABPS does not share personal information about its applicants or diplomates with companies or other third parties outside of the ABPS for marketing purposes.

The ABPS considers only the certification, recertification and Continuous Certification status of applicants and diplomates to be public information. The ABPS shares this certification data (name & certification results) with the ABMS, the residency programs, Residency Review Committee, the public, and major plastic surgery societies (American Society of Plastic Surgeons, Inc. (ASPS), the American Society of Aesthetic Plastic Surgery (ASAPS), the American Association of Plastic Surgeons (AAPS), the American Society of Maxillofacial Surgeons (ASMS), the American College of Surgeons (ACS), the American Association for Hand Surgery (AAHS), the American Society for Surgery of the Hand (ASSH), the American Society for Reconstructive Microsurgery (ASRM) and regional Plastic Surgery Societies).

Upon certification and recertification, the ABPS provides biographical and demographic data on diplomates to the ABMS. ABMS provides certification information to the public in the form of a (online) directory and also provides data for commercial purposes in the form of several professional products. The ABMS will directly contact diplomates regarding the publication of diplomate information in its directory. ABPS diplomates will communicate directly to ABMS the personal information that they wish to have appear in their directory.

The ABPS provides residency program directors with the results of their residents' performance on specific ABPS examinations. Individual examination results are not provided to any other person or institution. The ABPS will use performance on examinations and other information to accomplish its mission and for research purposes. The ABPS may publish studies generated as a result of such research. Published studies will not, without consent, identify specific individuals, hospitals, or practice affiliations.

The ABPS provides summary information for specific residency programs regarding the collective performance of residents on ABPS examinations to the Residency Review Committee for Plastic Surgery, and in the interests of better informing medical students regarding surgical training, will provide this information to the public via the ABPS website.

The ABPS reserves the right to disclose information in its possession regarding any individual, whom it determines, in its sole and absolute discretion, is involved in a violation of the ABPS rules or procedures or engaged in misrepresentation or unprofessional behavior or any illegal activity. Such determinations may include statistical analyses of examination responses.

## **Protection of Personal and Financial Information**

The ABPS maintains reasonable physical, electronic, and procedural safeguards to protect and secure all personal information in its possession. The ABPS' security measures protect the confidentiality of online communication, examination results, and data related to the Certification Processes.

ABPS collects personal information such as names, street or post office box addresses, email addresses, etc., and in some cases financial information (such as credit card information). The ABPS restricts access to financial information collected by the ABPS to ABPS employees and contractors who need to know this information to conduct the business and affairs of the ABPS.

## **HIPAA Privacy Rule**

The U.S. Department of Health and Human Services finalized regulations regarding privacy protections for certain health information pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA). As part of the Certification Processes, the ABPS may require an applicant to submit patient information that could be governed by HIPAA and its regulations.

The ABPS requires that all patient information that is forwarded as part of the Certification Processes be "de-identified" in accordance with the HIPAA privacy regulations so that all identifying information and markers that could be used to reasonably identify a patient are removed before it is forwarded to the ABPS. The ABPS will not accept any patient information that has not been de-identified in accordance with the HIPAA privacy regulations. It is the applicant's or diplomate's responsibility to de-identify the patient's health information before it is submitted to the ABPS. If the ABPS receives any information that is not de-identified as part of the Certification Processes, the ABPS will return such information to the applicant so that it can be appropriately de-identified. This may delay the ABPS consideration of that applicant or diplomate during the Certification Processes. The ABPS cannot, and will not, be responsible for the applicant's violation of HIPAA and its regulations. If you have questions regarding de-identification or would like more information regarding de-identification requirements, please contact your attorney or the ABPS.

The ABPS is committed to maintaining the privacy of patient information submitted by its applicants and diplomates during the Certification Processes. The ABPS is not a "covered entity" under HIPAA and is not subject to the HIPAA regulations.

## **Privacy Shield**

The American Board of Plastic Surgery, Inc. complies with the *EU-U.S. and Swiss-U.S. Privacy Shield Framework* as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the *European Union* to the United States. The American Board of Plastic Surgery, Inc. has certified to the Department of Commerce that it adheres to the Privacy Shield Principles. If there is any conflict between the terms in this privacy policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification, please visit, <https://www.privacyshield.gov/>.

In compliance with the Privacy Shield Principles, The American Board of Plastic Surgery, Inc. uses this policy to inform individuals of the possibility, under certain conditions, for the individual to invoke binding arbitration. The American Board of Plastic Surgery, Inc. commits to resolve complaints about our collection or use of your personal information. European Union or Swiss individuals with inquiries or complaints regarding our Privacy Shield policy should first contact The American Board of Plastic Surgery, Inc. at:

[info@abplasticsurgery.org](mailto:info@abplasticsurgery.org)

The American Board of Plastic Surgery, Inc. has further committed to refer unresolved Privacy Shield complaints to JAMS an alternative dispute resolution provider located in the United States. If you do not receive timely acknowledgment of your complaint from us, or if we have not resolved your complaint, please contact or visit JAMS at <https://www.jamsadr.com/eu-us-privacy-shield> for more information or to file a complaint. The services of JAMS are provided at no cost to you.

The American Board of Plastic Surgery, Inc. commits to cooperate with the panel established by the EU data protection authorities (DPAs) and/or the Swiss Federal Data Protection and Information Commissioner, as applicable and comply with the advice given by the EU data protection authorities (DPAs) and/or the Swiss Federal Data Protection and Information Commissioner with regard to data transferred from the EU and/or Switzerland, as applicable. The American Board of Plastic Surgery further commits to accept its liability in cases of onward transfers to third parties.

The Federal Trade Commission has jurisdiction over The American Board of Plastic Surgery Inc.'s compliance with the Privacy Shield.