

## **NOTICE OF HIPAA PRIVACY PRACTICES**

***THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION CONCERNING PARTICIPANTS IN UTC'S MEDICAL AND/OR BENEFIT PLANS MAY BE USED AND DISCLOSED, AND HOW PARTICIPANTS CAN GET ACCESS TO THIS INFORMATION.***

***PLEASE REVIEW IT CAREFULLY.***

Effective April 14, 2003, UTC and its operating companies (collectively, "UTC") that are subject to the U.S. Health Insurance Portability And Accountability Act of 1996 ("HIPAA") are required to implement and maintain reasonable measures to protect the privacy of "protected health information" ("PHI") contained in employee medical records that are maintained by UTC. The law also requires UTC to provide notice of its legal duties and privacy practices related to PHI, and to abide by the notice it provides. Additional U.S. and other countries' laws may require additional protections for PHI, and UTC abides by these additional applicable requirements.

UTC adheres to UTC's Corporate Policy Manual (section 14) in collecting, using and disclosing its employees' and benefit plan participants' PHI. This Notice describes UTC's use and disclosure of PHI, access to and correction of PHI, and avenues to ask questions, seek clarification, or make complaints.

UTC reserves the right to change its HIPAA privacy practices and to amend this Notice accordingly. UTC will publish the revised Notice and reserves the right to make the new notice provisions effective for all PHI that UTC maintains. A copy of the current Notice will be posted in pertinent areas where PHI is collected and maintained, and a copy of this Notice will be made available upon request.

As used in this Notice "you" or "your" refers to an individual who is a UTC employee or benefit plan participant.

### **A. USE AND/OR DISCLOSURE OF PROTECTED HEALTH INFORMATION**

UTC will use PHI (i) as described in UTC Corporate Policy Manual (section 14), or (ii) as you may authorize in writing, or (iii) as described in Paragraphs B. and C. below.

UTC will disclose PHI:

1. To you when you exercise your right of access and/or right to an accounting of disclosures, as described in Section D. Any inspection or release of medical records shall take place in the presence of UTC personnel during regular business hours at the place where the relevant records are maintained, except in an emergency, at workers' compensation hearings, or otherwise as allowed by law or regulation;

2. To a third party after receipt of a written request from or waiver by the employee or plan participant who is the subject of the PHI; and
3. To the Secretary of the U.S. Department of Health and Human Services for an investigation and/or a determination of UTC's compliance with federal privacy law.

**B. USE AND/OR DISCLOSURE OF PROTECTED HEALTH INFORMATION  
WITHOUT YOUR AUTHORIZATION**

UTC has the right to use and/or disclose your PHI in the following circumstances:

1. Treatment – to give you medical treatment and/or services via UTC's Medical Department or otherwise (e.g., employee assistance programs). Your PHI may be used by doctors, nurses, lab technicians, physical therapists or other professionals involved in your health care. For example, UTC may disclose your PHI to a health care provider who becomes involved in your health care. Also, it may disclose your PHI during the referral process;
2. Payment – for any reason related to payment for your medical treatment and/or services and to certain other persons or companies that perform services related to payment. For example, UTC may disclose your PHI to your health plan to obtain approval for a certain procedure or hospital admission;
3. Health Care Operations – to support UTC's operations and to certain other persons or companies that perform services related to health care operations. For example, UTC's Medical Department may use your PHI to review its treatment and/or services, to assess the quality of care to its patients, to conduct training programs and/or to develop clinical guidelines;
4. Treatment Alternatives - to provide you with information about treatment alternatives or other health-related benefits and services that may be of interest to you. For example, UTC's Medical Department may use your PHI to send you a screening reminder; and
5. Appointment Reminders - to contact you as a reminder that you have an appointment for treatment and/or health care.

**C. OTHER CIRCUMSTANCES WHEN UTC MAY USE AND/OR DISCLOSE  
PROTECTED HEALTH INFORMATION WITHOUT YOUR AUTHORIZATION**

1. As Required By Law – when required to do so by federal, state or local law;
2. Public Health Risks – for public health activities. Your PHI can be used and disclosed by or to public health officials to prevent or control disease, injury or disability; to report births and deaths; to report child abuse or neglect; to collect or report reactions to medications or problems with products; to track Food and Drug Administration-regulated products; to enable product

recalls, repairs, replacement or lookback, including notifying people of recalls of products; to notify a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition; or within UTC to track workplace-related injuries or illnesses or for workplace-related medical surveillance;

3. Reporting Victims of Abuse, Neglect or Domestic Violence - to notify a government authority if UTC reasonably believes you are a victim of abuse, neglect or domestic violence;

4. Health Oversight Activities - to a health oversight agency for activities authorized by law, including audits, investigations, inspections and licensure;

5. Judicial and Administrative Proceedings - in response to a court or administrative order. UTC may also disclose your PHI in response to a subpoena, discovery request or other lawful process, but only if reasonable efforts have been made to inform you about the request or to secure a qualified protective order;

6. Law Enforcement - for certain law enforcement purposes, including the following: to comply with a court order, subpoena, warrant, summons or similar process; to identify or locate a suspect, fugitive, material witness or missing person; to comply with requests for information pertaining to you if you are the victim of a crime if, under certain limited circumstances, UTC is unable to obtain your assent; to comply with reporting requirements or report emergencies or suspicious deaths; to report crimes that occurred on the premises; or in emergency circumstances to report: (i) a crime; (ii) the location of the crime or victims; or (iii) the identity, description or location of the person who committed the crime;

7. Coroners, Medical Examiners and Funeral Directors - to a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death or other duties as authorized by law. UTC may also disclose your PHI to funeral directors as necessary to carry out their duties;

8. Organ and Tissue Donation - to organ procurement organizations or other organizations involved in the procurement, banking or transplantation of organs for the purpose of tissue donation and transplant;

9. Research - under certain circumstances, for research purposes. Your PHI will only be used and/or disclosed: (i) if the privacy aspects of the research have been reviewed and approved by a special privacy board or institutional review board; (ii) if the researcher collects your PHI to prepare for a research proposal; (iii) if the research occurs after your death; or (iv) if you authorize the use and/or disclosure of your PHI;

10. To Avert a Serious Threat to Health or Safety - when necessary to prevent a serious threat to the health and safety of the public or another person. Any disclosure, however, would only be to a person reasonably able to prevent or lessen the threat;

11. Armed Forces - If you are a member of the armed forces, as required by military command authorities. UTC may also disclose PHI about foreign military personnel to the appropriate foreign military authority;

12. National Security and Intelligence Activities - to authorized federal officials for the conduct of lawful intelligence, counterintelligence and other national security activities authorized by law;

13. Protective Services for the President of the United States and Others - to authorized federal officials: (i) for the provision of protective services to the President, other authorized persons or foreign heads of state; or (ii) for the conduct of authorized investigations;

14. Inmates - to a correctional institution or a law enforcement official who has lawful custody over you, as long as the disclosure is necessary: (i) for the institution to provide you with health care; (ii) to protect your health and safety or the health and safety of others; or (iii) for the safety and security of the correctional institution;

15. Workers' Compensation - to comply with workers' compensation laws and other similar legally established programs that provide benefits for work-related injuries or illnesses without regard to fault.

16. Individuals Involved in Your Care or Payment for Your Care - to a friend, family member or other person identified by you who is involved in your medical care unless you notify UTC that you object to or want to restrict the disclosure. UTC may also disclose your PHI to a friend, family member or other person identified by you who assists in the payment of your medical care. It may also inform a family member, a personal representative or another person responsible for your care about your condition and/or your location;

17. Incident to a Use and/or Disclosure Otherwise Permitted or Required – incidentally during a permitted or required use or disclosure; and

18. To Another UTC organization, division, subsidiary, or department – if the PHI consists of findings concerning work-related illness or injury or workplace-related medical surveillance and UTC needs this information to comply with its obligations under OSHA or similar state or federal laws.

Other uses and/or disclosures of your PHI will be made only with your written authorization. With certain limited exceptions, UTC must obtain an authorization for any use and/or disclosure of psychotherapy notes. Generally, you have the right to revoke any written authorization.

#### D. YOUR RIGHTS REGARDING YOUR PROTECTED HEALTH INFORMATION

1. Right of Access - With certain limited exceptions, you have the right to inspect and copy your PHI that UTC maintains, including, if applicable, your: (i) medical records and billing records;

(ii) enrollment, payment, claims adjudication, and case or medical management record systems; or (iii) other information used to make decisions. To exercise this right, you must submit your request in writing to your Human Resources representative at your operating company. UTC may give you a summary of the PHI you requested instead of providing access to the PHI, or may give you an explanation of the PHI that it provides to you, if you agree to the summary or explanation and to any fees to be charged for the summary or explanation. You must agree, orally or in writing, to these fees before UTC can charge them to you. UTC may charge a reasonable fee for the costs of copying, mailing or other supplies associated with your request. In certain instances, your request may be denied. If you are denied access, in some cases you may request that the denial be reviewed. In those cases, UTC will designate a licensed health care professional to review your request and the grounds for denial. The reviewer will not be the same person who denied your first request. UTC will take all actions necessary to carry out the reviewer's determination.

2. Right to Amend - You have the right to request that your PHI be amended, for as long as UTC maintains the information. You must submit a request for an amendment in writing to your Human Resources representative at your operating company. You must also provide information that supports your request for the amendment. Your request may be denied if it is not in writing and/or does not include information that supports the request. In addition, UTC may deny your request if you ask to amend information that: (i) was not created by UTC, unless the originator is no longer available to act on the requested amendment; (ii) is not part of the PHI kept by UTC; (iii) is not part of the PHI which you would be permitted to inspect and copy; or (iv) is already accurate and complete.

3. Right to an Accounting of Disclosures - You have the right to receive an accounting of UTC's disclosures of your PHI for up to the past six years. However, this listing of disclosures will not include disclosures made (i) to carry out treatment, payment and/or health care operations, or (ii) with your authorization, or (iii) to you, or (iv) prior to April 14, 2003. You must submit your request for an accounting in writing to your Human Resources representative at your operating company. The first accounting provided within a 12-month period will be free. For each subsequent request for an accounting during that 12-month period, UTC may charge a reasonable fee, and will notify you of the cost involved before any costs are incurred, and you may choose to withdraw or change your request before you incur any costs.

4. Right to Request Restrictions - You have the right to request a restriction on the uses and/or disclosures of your PHI for treatment, payment and/or health care operations. You also have the right to request a restriction on the disclosure of your PHI to someone who is involved in your medical care or the payment of your medical care. However, UTC is not required to agree to a restriction that you request. If UTC does agree, it will comply with your request unless the PHI is needed for your treatment in an emergency. You must submit your request in writing to your Human Resources representative at your operating company.

5. Right to Request Confidential Communications - You have the right to request that you receive communications of your PHI from UTC by alternative means or at alternative locations.

You must submit your request in writing to your Human Resources representative at your operating company. UTC intends to accommodate all reasonable requests. Your request must contain information regarding an alternative address or other method of contact.

6. Right to a Paper Copy of This Notice - You have the right to a paper copy of this Notice at any time. Even if you have agreed to receive this notice electronically, you are still entitled to a paper copy of this notice. To obtain a paper copy of this notice, contact your Human Resources representative at your operating company.

#### E. COMPLAINTS

If you believe your privacy rights under HIPAA have been violated, you may file a complaint with UTC or with the Secretary of the U.S. Department of Health and Human Services ("DHHS").

To file a complaint with UTC, contact:

United Technologies Corporation  
1 Financial Plaza, Mail Stop 524-00  
Hartford, CT USA 06101  
Attn: Vice President, Business Practices  
HIPAA Compliance

Telephone: (860) 728-6484  
E-Mail: [bpo@corphq.utc.com](mailto:bpo@corphq.utc.com)

To file a complaint with DHHS, information can be found at:

<http://www.hhs.gov/ocr/privacyhowtofile.htm>

You may also mail your complaint to: Secretary of the U.S. Department Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. You must submit all complaints in writing.

UTC will not retaliate against you for filing a complaint.