



Integrity Compliance Guidelines Third Party Marketing Organization (“TPMO”) Sharing of Personal Beneficiary Data with other TPMOs

Starting October 1, 2024:

- A TPMO is a third-party marketing organization, and this includes lead generation organizations, agencies, and independent agents and brokers.
- TPMOs can only share personal beneficiary data with another TPMO for marketing or enrollment purposes if they obtain prior express written consent from the beneficiary.
- Personal beneficiary data includes contact information, such as name, address, and phone number, as well as any other information given by the beneficiary for the purpose of finding an appropriate MA or Part D plan.
- The prior express written consent must involve a clear disclosure listing each recipient TPMO, and the beneficiary must have the option to consent or reject data sharing with each individual (specified) TPMO.
- Affirmative action is required for consent, with the default being "no sharing" unless the beneficiary actively agrees to share data with each TPMO.
- Even if TPMOs are affiliated (e.g., shared parent company, contracts for downstream services, or independent agents under the same FMO), sharing **still** requires prior express written consent even if sharing personal beneficiary data with an affiliate (if for marketing and enrollment purposes).
- Similarly, an independent agent cannot share personal beneficiary data with another independent agent – even if both are affiliated with the same FMO – unless the independent agent obtains prior express written consent before sharing. That means the first independent agent has to obtain prior express consent from the beneficiary to share his or her personal data with a specifically identified, next independent agent (not just any agent).
- As a result, for any MA or Part D lead, the lead generator will need to get prior express written consent from the beneficiary prior to sharing any contact information with an independent agent that expressly identifies the individual agent.
- If an FMO wants to share personal beneficiary data with any independent agent, it will need prior express written consent from that beneficiary to do so and that independent agent must be specified to the beneficiary in connection with obtaining his or her consent.

This information provided in these guidelines does not, and is not intended to, constitute legal advice and may not contain the most up-to-date information. Instead, these guidelines are for general informational purposes only. You are advised to contact your attorney to obtain advice with respect to any particular legal matter.