

# HIPAA-Compliant Marketing Automation

At Act-On, we've built the only full-featured, enterprise class marketing automation platform that maintains compliance with the HIPAA security rule.

- Small, niche providers may offer compliance, but not the complete marketing automation features you need.
- Large providers may promise security, but have stopped short of full HIPAA compliance.

Drive engagement without compromising sensitive information. Act-On Marketing Automation is fully compliant with HIPAA. Our platform helps healthcare organizations deliver targeted, compliant marketing campaigns to customers and prospects while keeping all data secure. As a HIPAA compliant provider, we meet your requirements for selecting secure providers under the HIPAA regulations.

## Benefits of HIPAA Compliance

**Keep data safe and secure.** Protect your patients, your team, and company from dangerous data breaches and security threats.

**Prevent fines and penalties.** Follow the HIPAA security rule to prevent penalties by not compromising ePHI (electronic patient health information).

**Build a reputation for protecting patient privacy.** With so many data breaches in the news, and so many companies falling victim, trust is more valuable than ever.


**Focus on great marketing, not data risk.** Reach your patients and customers with your best campaigns and experiences, without worrying about data breaches.

## Risks of HIPAA Non-compliance

**Financial:** You can be penalized even if you don't intentionally expose data, for example if data is exposed in a breach. Organizations that put patient data at risk can pay fines from \$100 - \$50,000 per violation, multiplied by number of patients.

**Criminal:** Employees of a HIPAA covered organization or one of its business associates can go to jail for 1-10 years if they "knowingly" share information or neglect to secure information.

**Protect against reputational damage.** This type of incident can have long-lasting effects on a company's public image, customer



relationships, and overall business performance.

## Frequently Asked Questions (FAQ) about HIPAA

### What is HIPAA?

- The Health Insurance Portability and Accountability Act
- US Law that protects private patient information from being released by healthcare providers and other such organizations.
- Any organization that handles protected health information (PHI) must follow HIPAA.

### What does it have to do with marketing?

- All organizations subject to HIPAA must contract with HIPAA compliant vendors and secure Business Associate Agreements (BAAs) from them, attesting to their HIPAA compliance.
- Choosing a HIPAA compliant marketing automation platform avoids potential exposure to fines and penalties.
- The regulations also require prior authorization from patients before using their information for any and all marketing activities.

### Where does Act-On fit in the HIPAA environment? Is Act-On Secure Patient Management software?

- Act-On is for marketing and general communication. We do not handle patient-specific health care related communications, nor do we store PHI information. But we can facilitate, scale, and streamline marketing communications, newsletters, and updates to customers and prospects. Act-On is not Secure Patient Management software.

### What are the risks of not maintaining compliance?

- **Financial:** Fines from \$100 - \$50,000 per violation (multiplied by number of patients).
  - › **Example:** As recently as this year (2024), a New York health system was fined over \$4 million for a data breach of patient medical records. Even though a single employee stole the data, the organization didn't adequately prepare for the risks of a breach, so was found liable.
  - › **List of fines:** <https://www.hipaajournal.com/hipaa-violation-cases/>
- **Criminal:** Employees of a HIPAA covered organization or one of its business associates can go to jail for 1-10 years if they "knowingly" share information or neglect to secure information.
  - › Even employees of a covered entity can be sent to jail for exposing information. They don't even have to know they are violating HIPAA to be held accountable.
  - › **Example:** An employee of an Autism Treatment Center in Tennessee saw 30 days in jail and 5-figure fines after downloading patient data from a Google Drive onto his personal computer, even though the employee did not take action to sell or distribute the data.
  - › **List of arrests:** <https://www.hipaajournal.com/jail-terms-for-hipaa-violations-by-employees/>
- **Reputation and Trust:** No organization can afford the reputational hit that comes with putting patient data at risk.
  - › HIPAA violating companies are made public, and often publicized widely by law enforcement agencies and prosecutors.
  - › Organizations are required by law to inform patients and customers about any data breaches.



### How does Act-On protect my data?

- **We don't store PHI on our platform:** Your patient data is never at risk. HIPAA customers are not permitted to store sensitive patient data (PHI) on our platform with the rest of their data.
- **Separate HIPAA data environment:** HIPAA-compliant customers access their customer data in a separate data environment that is completely distinct from where general data is stored.
- **Access Controls:** We control access to the secure HIPAA data environment. Only authorized employees of our clients have access.
  - › Even our own team can only access data for the amount of time necessary to complete their work (e.g., to fulfill a customer support ticket).
- **Data Encryption:** Data is always encrypted for safety when in transit, and when at rest.
- **Audit Trails:** We keep complete records of all data access and modifications for HIPAA-compliant customers, so you'll be able to satisfy any audit requests.
  - › Act-On is also audited regularly for HIPAA compliance.
- **Risk Assessments:** We conduct ongoing risk assessments as part of our own commitment to security.
  - › These risk assessments are important, since companies that don't perform them are fined in the event of a breach.
- **Business Associate Agreements:** HIPAA requires organizations to have these on file for every vendor. We sign and abide by these agreements with all of our customers subject to HIPAA.

#### More questions?

Call us at +1 (877) 530-1555 for help,  
or contact your success representative directly

**Contact Us**