

ATTACHMENT A

CLARENDON NATIONAL INSURANCE COMPANY HIPAA NOTICE OF PRIVACY PRACTICES

Effective April 14, 2003

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

I. USES AND DISCLOSURES OF PROTECTED HEALTH INFORMATION

In the course of general business practice (treatment, payment, health care operations), Clarendon National Insurance Company and Clarendon America Insurance Company (Clarendon) and its contracted business associates may collect and/or exchange protected health information about an insured from and/or with persons other than the insured. This may include, but is not limited to:

- h medical records; and
- h previous health insurance coverage information including claims history, financial information and demographics.

This information is typically requested from or disclosed to:

- h physicians and other health care providers
- h hospitals
- h third party claims administrators;
- h insurance agents and brokers;
- h reinsurance carriers;
- h previous insurance carriers; and
- h employers.

An insured's protected health information may be used, and disclosed to affiliated or non-affiliated third parties, by Clarendon without written consent or authorization from the insured for treatment, payment and health care operations as follows:

- h Treatment - Clarendon may use or disclose protected health information in order for others to provide treatment to the insured. For example, Clarendon may disclose protected health information to an insured's health care provider in order to assist that provider in developing a specific plan of care. In addition, certain contracted physicians and business associates may contact an insured concerning appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to the insured.
- h Payment - Clarendon may use or disclose protected health information in order to obtain premiums or determine or fulfill its coverage and benefit responsibilities. For example, Clarendon may use, or disclose to third party claims administrators, protected health information to process and pay insurance claims. Clarendon may also disclose protected health information to providers or other insurance

companies for their own payment-related activities, such as getting paid for treatment that is not covered by Clarendon. In addition, Clarendon may disclose protected health information to the sponsor of the plan under which an insured is covered (for example, the insured's employer) if the sponsor certifies, among other things, that it will only use and disclose protected health information as permitted under the plan, will restrict access to protected health information to only those of its employees whose job it is to administer the plan, and will not use protected health information for any employment-related actions or decisions.

- h Health Care Operations - Clarendon may use or disclose protected health information for its operations related to health care, and may disclose such information to others that have a relationship with a Clarendon insured (but only if such information pertains to such relationship). For example, Clarendon may use or disclose protected health information to conduct quality improvement activities or assist others in doing the same.

Other payment and health care operation-related purposes for which Clarendon may use or disclose protected health information include the following:

- h underwriting and enrollment;
- h billing;
- h claims processing;
- h coordination of care;
- h utilization review;
- h quality assurance measurements, including surveys;
- h accreditation;
- h processing complaints, appeals and external appeals;
- h reinsurance; and
- h other operational needs as allowed by law and as required in the normal course of doing business.

An insured's protected health information may also be disclosed to any state or federal agency (e.g. Medicaid and Centers for Medicare & Medicaid Services) under whose auspices benefits are being provided to the insured.

Unless an insured objects, Clarendon may provide relevant portions of the insured's protected health information to a family member or other relative, a friend, or any other person the insured indicates as being involved in the insured's health care or in helping the insured get payment for his or her health care. Clarendon may use or disclose protected health information to notify an insured's family or personal representative of the insured's location or condition. In an emergency or when an insured is not capable of agreeing or objecting to these disclosures, Clarendon will disclose protected health information as it determines is in the insured's best interest, but will tell the insured about it later, after the emergency, and give the insured the opportunity to object to future disclosures to family and friends. Unless an insured objects, Clarendon may also disclose protected health information to persons performing disaster relief activities.

An insured's protected health information may be used, and disclosed to affiliated or non-affiliated third parties, by Clarendon without written consent or authorization from the insured for the following other purposes permitted or required under the law:

- h For Public Health Activities - For example, Clarendon discloses protected health information when it reports the occurrence of certain diseases and vital events such as a birth or death.
- h For Reports About Victims of Abuse, Neglect or Domestic Violence - Clarendon will disclose protected health information in these reports only if it is required or authorized by law to do so, or if the insured otherwise agrees.
- h To Health Oversight Agencies - Clarendon will provide protected health information as requested to government agencies who have authority to audit or investigate its operations.
- h For Lawsuits and Disputes - If an insured is involved in a lawsuit or dispute, Clarendon may disclose protected health information in response to a subpoena or other lawful request, but only if efforts have been made to tell the insured about the request or to obtain a court order that will protect the protected health information requested.
- h To Law Enforcement - Clarendon may release protected health information if asked to do so by a law enforcement official, in the following circumstances: (a) in response to a court order, subpoena, warrant, summons or similar process; (b) to identify or locate a suspect, fugitive, material witness or missing person; (c) about the victim of a crime if, under certain limited circumstances, Clarendon is unable to obtain the person's agreement; (d) about a death Clarendon believes may be due to criminal conduct; (e) about criminal conduct at a Clarendon facility; and (f) in emergency circumstances, to report a crime, its location or victims, or the identity, description or location of the person who committed the crime.
- h To Coroners, Medical Examiners and Funeral Directors - Clarendon may disclose protected health information to facilitate the duties of these individuals.
- h To Organ Procurement Organizations - Clarendon may disclose protected health information to facilitate organ donation and transplantation.
- h For Medical Research - Clarendon may disclose protected health information to medical researchers who request it for approved medical research projects; however, with very limited exceptions such disclosures must be cleared through a special approval process before any protected health information is disclosed to the researchers, who will be required to safeguard the protected health information they receive.
- h To Avert a Perceived Serious Threat to Health or Safety - Clarendon may disclose protected health information to someone who can help prevent a perceived serious threat to the health or safety of a person or the public.
- h For Specialized Government Functions - For example, Clarendon may disclose protected health information to authorized federal officials for intelligence and national security activities that are authorized by law, or so that they may provide protective services to the President or foreign heads of state or conduct special investigations authorized by law.
- h To Workers' Compensation or Similar Programs - Clarendon may provide protected health information to these programs in order for an insured to obtain benefits for work-related injuries or illness.
- h When Required by Law - Clarendon will disclose protected health information whenever it is required to do so by federal, state or local law.

State and federal law may impose more restrictive requirements than those listed above on certain uses and disclosures of protected health information by Clarendon and its business associates. Clarendon and its business associates will comply with all such applicable requirements.

II. CLARENDON'S OBLIGATIONS AND OTHER RIGHTS

Clarendon and its contracted business associates must:

- h maintain the privacy of an insured's protected health information and provide the insured with notice of its legal duties and privacy practices with respect to the insured's protected health information; and
- h abide by the terms of the notice currently in effect.

Clarendon reserves the right to change the terms of the notice and make the new notice provisions effective for all protected health information that it maintains. A revised notice will be provided to an insured through any of the following methods: Mailing, Internet, newsletter or any other method as allowed by law.

If an insured's protected health information is to be used or released for any purpose other than in the conduct of normal business practices, a special written and signed authorization from the insured or their legal guardian or designee will be obtained prior to releasing such information. This authorization may be revoked at any time by the insured or his or her designee. However, the revocation will not affect any use or disclosure made prior to the date the authorization is revoked, or to the extent to which it has been relied upon by the recipient of the protected health information. Any information collected by a contracted business associate may be retained by it and disclosed to other persons as permitted by law.

III. INSURED RIGHTS

An insured has the right:

- h Restrictions - To request restrictions on the use and disclosure of protected health information by Clarendon and its contracted business associates (a) for only those purposes described in Section I of this Notice and (b) to the Secretary of the Department of Health and Human Services. Neither Clarendon nor those contracted business associates acting on Clarendon's behalf are required to agree to a requested restriction. Any such request must be submitted in writing to the Clarendon Customer Service Representative identified at the end of this section. If Clarendon agrees to an insured's request, the agreement will be put in writing, and Clarendon will abide by the agreement except in the case of emergency treatment;
- h Confidential Communications - To request and to receive communications of protected health information by alternative means or at alternative locations if disclosure could endanger the insured. Any such request must be submitted in writing to the Clarendon Customer Service Representative identified at the end of this section;
- h Inspect and Copy - To inspect and copy documents containing protected health information, except in limited circumstances. Any such request must be submitted in writing to the Clarendon Customer Service Representative identified

at the end of this section. Clarendon will respond to any such request within 30 days (60 days for records not maintained on site). Any denial by Clarendon to such a request will be in writing and will explain the insured's rights regarding such denial;

- h Access and Amendment - To access protected health information retained by Clarendon and correct this information where inaccurate. Any such request must be submitted in writing to the Clarendon Customer Service Representative identified at the end of this section and must include an explanation of why the insured thinks an amendment is appropriate. Clarendon will respond to any such request within 60 days (90 days if extra time is needed). Any denial by Clarendon to such a request will be in writing and will explain the insured's rights regarding such denial;
- h Accounting - To receive a free accounting of disclosures of protected health information that Clarendon has made during the prior 6 years, or shorter time if requested (excluding certain disclosures, including disclosures made for treatment, payment and health care operations activities). Any such request must be submitted in writing to the Clarendon Customer Service Representative identified at the end of this section. Clarendon will respond to any such request within 60 days (90 days if extra time is needed). The insured will be charged the cost of providing any additional accountings requested within a 12 month period; and
- h Paper Copy - To receive a paper copy of this notice upon request. Any such request must be submitted in writing to the Clarendon Customer Service Representative identified at the end of this section. This notice is also available on Clarendon's web site at <http://www.clarendon-ins.com>.

Complaints:

- h If an insured feels that his or her privacy rights have been violated, he or she may submit a complaint to Clarendon or the Secretary of the Department of Health and Human Services.
- h To file a complaint with Clarendon, simply submit a written complaint to the Clarendon Customer Service Representative identified at the end of this section.
- h Insureds will not be retaliated against for filing a complaint.

Requests (and all supporting information, as described above) and complaints should be sent to the your Clarendon Customer Service Representative (your General Agent or Third Party Administrator):

If you do not know your Clarendon Customer Service Representative call Clarendon at
1-800-797-2526.

If an insured needs any further information concerning this notice or its statements, the insured should contact Clarendon's Privacy Officer at 1-800-797-2526.