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November 19, 2020

Dear Sir or Madam:

We are writing to notify you about a privacy incident resulting in the disclosure of some of your personal information. **The information disclosed was limited, and there is no evidence that any of your personal or financial information was impermissibly accessed or misused.**

We are sending this letter to all individuals affected by this disclosure to explain the incident and how it occurred, the steps we have taken to address the incident and to assure that an impermissible disclosure does not occur again, and the steps you can take to protect yourself.

Explanation of the Incident

Personalized Genetics (“PG”) is a clinical laboratory specializing in genetic testing. Because many reference laboratories do not provide the tests that PG provides, PG often receives requests from those reference laboratories for testing services. You were a patient of PG because PG performed a lab test on your behalf, at the request of a reference laboratory.

As a clinical laboratory, PG is required by state and federal law to protect our patients’ personal information, including health information. PG can use your personal information to provide health care services to you. In addition, PG is permitted to use your personal information for certain limited purposes related to running its business, for example to seek payment for services rendered, including billing referring laboratories or insurance companies, as appropriate, and in relation to legal services and legal representation.

In relation to two lawsuits PG has initiated against referring laboratories for overdue payment for services rendered, my law firm filed complaints on behalf of PG in Pennsylvania state court. The complaints inadvertently included copies of PG invoices, and the PG invoices listed the following personal information: patient name, date of service, and amount owed by the referring laboratory. Unfortunately, the complaint was not filed confidentially, which means it became a public record. The court filing occurred on August 19, 2020. On September 4, 2020, Opposing Counsel Upon realizing that the filing possibly included personal information, on September 09, 2020, our lawyers filed a motion to have the legal filings removed from the record and filed “under seal,” meaning they would be treated confidentially and not subject to disclosure as part of the public record related to the case. The court granted that motion on September 10, 2020, and on that day, the filings were no longer publicly available.

Individuals who may have had access to the complaints and PG invoices while they were in the court’s records between August 19, 2020, and September 10, 2020, are representatives from the state court where the filing was submitted. In addition, during that time, the filing was available on the court’s public docket, which could be accessed publicly through the court’s website by those who have the appropriate Court login.

Until September 23, 2020, it was disputed that the disclosure contained personal health information since only names, dates and amounts were disclosed. On that date, we consulted with healthcare law counsel that confirmed this was a prohibited disclosure

What Information Was Involved

The legal documents that were inadvertently disclosed included the following personal information: your name (first and last), date of service, amount owed to PG by the referring laboratory, and an internal reference number (called an “accession number”). **The personal information did not include:** Social Security Numbers or other government identification, date of birth, home address, financial information (such as checking, credit card, or financial account numbers), diagnosis information, name of lab test, lab results, or any information from your medical record.

Steps Personalized Genetics Took to Address the Incident

Upon becoming aware of this incident, PG immediately instructed my law firm to remove the legal filings from the record and file them “under seal,” meaning they would be treated confidentially and not subject to disclosure as part of the public record related to the case. The court granted that motion on September 10, 2020, and on that day, the filings were no longer publicly available. PG also is taking steps to assure that its employees and legal representatives are knowledgeable of federal and state laws that protect patient information

Steps You Can Take To Protect Your Personal Information

PG takes the privacy of your information seriously. We are notifying every individual about this incident if the individual’s personal information appeared in the legal filings referenced above, although we have no evidence or indication that any patient’s personal information was impermissibly accessed or misused. Additionally, no patient financial information was disclosed, and no Social Security or other government identification information was disclosed. PG will disclose this issue to the Office for Civil Rights (“OCR”), which is the federal agency that enforces the Health Insurance Portability and Accountability Act (“HIPAA”), and we are complying with all applicable state and federal laws.

While we are not aware of any risk of financial or other harm to you, we recommend that you visit the FTC’s website, at <https://www.consumer.ftc.gov/topics/privacy-identity-online-security>. The FTC provides information about a variety of protective measures, including how to obtain and review a free copy of your credit report, file a “fraud alert,” request a “security freeze,” watch for signs of identity theft generally, and other steps you can take to assure the privacy of your personal information.

For More Information

If you have any questions or concerns about the information provided in this letter, you may call contact us via email at info@herronbiz.com, call PG at 1-888-855-9763 or go to pgllabs.com.

Sincerely,



Matthew Herron, Esq.

for Herron Business Law

MMH/mdc