

## **PRIVACY POLICY**

### **Introduction**

Welcome to the PATHway site of the American Board of Pathology (“ABPath,” “we,” or “us”). We are committed to respecting your privacy and to protecting information that you provide to us.

The purpose of this Privacy Policy is to describe what data we collect, why we collect it, how we use it, and why, and when it is shared with third parties. Our goal in establishing this Privacy Policy is to assure you that information disclosed to us is handled appropriately, respecting the privacy of your information.

### **Information We May Collect**

**Personal Information:** We require that physicians, seeking board certification or subspecialty certification, provide certain personally identifiable information, including name, mailing address, email address, phone number, date of birth, government-issued identification numbers, education, and professional background information. We use this Personal Information to identify and communicate with physicians, and to determine their board eligibility to become a candidate for certification and to maintain their certification. By applying for certification or submitting information for continuing certification and providing data to us, whether through applications, surveys, forms, or other means, physicians consent to our use of their data in accordance with this Privacy Policy. Physicians may make limited changes to their Personal Information at any time by visiting our website, clicking the “Log In” button at the top right corner, and accessing “PATHway.”

**Training Information:** We require that program directors and/or program coordinators provide certain personal information, including resident/fellow name, email address, years of training, date of birth, government-issued identification numbers, training qualifications, and credentialing information. Program directors and program coordinators may change Personal Information annually by logging into Resident Tracking through the ABPath website.

**Survey Information:** We may include surveys as part of the application and examination process, Continuing Certification Program (formerly Maintenance of Certification), and at the end of exams. At times, we may survey residents, fellows or diplomates directly concerning specific topics. This information is used for internal business purposes, to inform and improve our programs, and to anticipate trends in the pathology workforce.

**Financial Information:** When physicians pay an examination fee or Continuing Certification Program fee via our website, certain financial information, such as credit card numbers, credit card expiration dates, and billing addresses, are used to charge the physician. Credit card information is not retained by us. Credit card information provided by physicians will be used only for billing purposes and will not be provided to any third party.

**How Information is Used for Internal Business Purposes:** The ABPath makes information available to its employees and vendors for internal business purposes only, such as tracking the training of residents and fellows; credentialing physicians for initial certification and continuing certification; registration, administration, and scoring of examinations; and recording completion of certification and continuing certification activities required by the ABPath.

**Release of Information to Third Parties for Business Purposes:** Except as provided in this Policy, we regard all personally identifiable information as private and confidential, and will therefore use it only for our internal business purposes. We may disclose certain information in certain circumstances, including the following:

### **1. Diplomate Data**

We consider a physician's certification status, including the status of the physician's participation in the ABPath's Continuing Certification Program, to be public information. We may provide and display a physician's current certification status. We disclose this information to third parties on request.

We share, subject to an agreement limiting reuse, information regarding a diplomate's certification status, certain personal information, and educational information with the American Board of Medical Specialties (ABMS), which publishes The Official ABMS Directory of Board Certified Medical Specialists, and with the Cooperating Societies of the ABPath.

### **2. Aggregate Data**

We regard the results of an individual physician's examination, ABPath-approved activity performance, and survey responses as private and confidential. We may make available the aggregate results of various groups (e.g., residents, fellows, diplomates) at our discretion. We publish examination pass rates on our website to inform the public; however, we do not identify individual physicians, only aggregated exam results.

### **3. Resident/Fellow Summary Evaluation Data**

We provide residency/fellowship training program directors the pass/fail results of their residents and fellows on their certifying examinations.

### **4. Additional Data**

For joint board certifications, when we are not the administering board, we release information necessary for the administering board to permit the physician to qualify and take the examination. We release data to third parties to deliver examinations. This currently applies only to Clinical Informatics certification.

### **5. Electronic Communications**

We may use third party companies to deliver electronic communications. We will enter reasonable confidentiality agreements with these third parties to safeguard the information they transmit on our behalf.

## **Conditional Release of Information**

### **1. Misconduct**

We reserve the right to disclose information in our possession to appropriate investigators or entities (e.g., state medical boards, credentialing bodies) regarding any individual whom the ABPath, in our sole and absolute discretion, suspects or determines has: (i) violated our rules, policies, procedures, or

required competencies (e.g. codes of ethical behavior); (ii) engaged in misrepresentation or unprofessional behavior; (iii) had his/her diplomate status revoked or been otherwise disciplined.

## **2. Court Order**

We will disclose all relevant information in our possession for which we do not have a claim of legal privilege in response to a lawful subpoena, court order, or an authorized request by a government or regulatory entity. We may also disclose personal information if we believe it is necessary to investigate, prevent or take action regarding suspected illegal activities.

## **3. Consent**

We will release information not otherwise disclosed pursuant to this Privacy Policy to third parties upon the direction of and receipt of a signed authorization from the physician for whom the information pertains.

## **EU General Data Protection Regulation (GDPR)**

The GDPR is an update of the original 1996 EU Data Protection Directive (“Directive”). The purpose of the Directive, and now the GDPR, is to protect the privacy of individual residents of the European Economic Area countries by giving them control of how and for what purposes their personal data is collected, stored, maintained, processed, purchased, sold, transferred and used. It also ensures that there is consistency across the European Union (EU) with respect to protection of personal data.

Without written consent from a diplomate residing in a European Economic Area country, ABPath will abide by the following guidelines:

- ABPath will not release diplomate information (personal, contact or certification status) to any organization/individual except the diplomate.
- ABPath will not Collect, manage, report a diplomate’s certifications or Continuing Certification (formerly MOC) information/status.
- ABPath will only retain the current information in PATHway; ABPath will not update the diplomate’s records/information after May 25, 2018.
- ABPath will only be authorized to release diplomate information to the diplomate.
- ABPath cannot collect, manage or release diplomate information to include Continuing Certification (formerly MOC) activities such as CME credit, licensure, Part IV activities, etc.

## **Protection of Your Information**

ABPath has put in place various physical, electronic, and managerial security procedures to safeguard and secure the information that we collect. Such security is not impenetrable, and therefore ABPath cannot guarantee that information transmitted to us over the internet will not be intercepted and therefore may not remain private. ABPath is not responsible for any damages incurred as a result of any such security breach.

Credit card processing activities and related technologies comply with the Payment Card Industry Data Security Standard (PCI-DSS). We undergo regular audits by an independent security firm to ensure our compliance with the PCI-DSS and other security standards. We will not share an individual’s financial

information with third parties for any other purpose, except as required by law (such as complying with a subpoena or court order).

### **Changes to This Privacy Policy**

We reserve the right to periodically update or change this Privacy Policy. Posting of an update to this Privacy Policy on our website will serve as notice of that update. The updated statement (along with its effective date) may be viewed by visiting our website and selecting the “Privacy Policy” link at the bottom of the home page.

By logging onto the PATHway website and using it to submit information, you signify your agreement with the terms of the Privacy Policy and that you release and hold harmless ABPath, its trustees, and employees from any and all claims arising from the loss, misuse or alteration of personal information submitted by you.

Questions regarding this policy may be directed to [questions@abpath.org](mailto:questions@abpath.org) or call (813) 286-2444.  
Effective Date of Current Policy: April 13, 2018.