



Dear Current and Prospective Customers,

Thank you for your interest in the solutions of Comcast Business (including its affiliates) and your request to enter into a business associate agreement (“BAA”). We are committed to safeguarding the privacy and security of our customers’ data, and support—where appropriate—their ability to comply with applicable requirements of the Health Insurance Portability and Accountability Act of 1996 and its implementing regulations (collectively, “HIPAA”). Accordingly, we enter into BAAs with respect to solutions where Comcast Business qualifies as a business associate under HIPAA. However, in relation to the non-voice solutions you are considering, we are merely a “conduit” rather than a business associate, and therefore, a BAA is neither required nor appropriate. Specifically:

1. The U.S. Department of Health and Human Services (HHS), the primary HIPAA regulator, has issued longstanding guidance that the HIPAA regulations do not apply to organizations that act merely as conduits for protected health information (PHI), transporting the information but not accessing it other than on a random or infrequent basis as necessary for the performance of the transportation service or as required by law. See, <https://www.hhs.gov/hipaa/for-professionals/fag/245/are-entities-business-associates/index.html>.
2. HHS has clarified that the conduit exception is limited to transmission services, including any temporary storage of transmitted data incident to such transmission. See, 78 FR 5572 (Jan. 25, 2013) at 5572.
3. For the non-voice solutions you are considering, we do not access PHI other than on a random or infrequent basis, and we do not store any PHI other than on a temporary basis incidental to transmission.
4. Accordingly, consistent with HHS guidance, as these non-voice solutions fall under the “conduit exception,” we do not qualify as a HIPAA business associate and a BAA is neither required nor appropriate.
5. While a BAA is not required or appropriate in light of the nature of the non-voice services, we are committed to safeguarding the privacy and security of our customers’ data. We are happy to provide you with additional information regarding how we do so.

Please let us know if you have any questions.

Sincerely,

Comcast Business