



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 12, 2021

Via CMRRR: 7019 1120 0000 5730 8422

And Email: beto@mbacg.com

Powered by People
c/o Ms. Gwendolyn Pulido
Treasurer
P. O. Box 3628
El Paso, Texas 79923

Subj: Request for information related to phone and door-to-door solicitation of sensitive personal and protected health information

Dear Ms. Pulido:

It has come to our attention that Powered by People has been contacting Texans, ostensibly for the purpose of inquiring into whether they have received a COVID-19 vaccine. In the course of these phone and door-to-door contacts, your organization appears to have been soliciting sensitive personal and protected health information from senior and non-English-speaking Texans. This conduct may be illegal.

We support the efforts of organizations that assist Texans in receiving the COVID-19 vaccination if they want it. However, it is essential that organizations like Powered by People follow state and federal law regarding the handling of sensitive personal information. As you hopefully know, a number of federal and state laws apply to the collection, storage, and disposal of sensitive personal and protected health information, as well as to the representations made in connection with such activities.

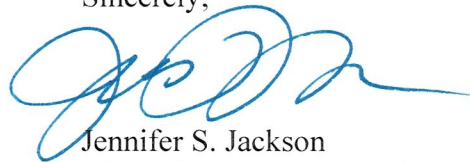
Therefore, pursuant to this office's authority under Tex. Bus. & Com. Code § 17.60 and Tex. Health & Safety Code § 181.201, and given the sensitive nature of the information solicited by you in these phone calls and home visits, we request the following information from you:

- A list of the dates and locations of any phone or door-to-door COVID-19 vaccine events organized by you. For each event, please indicate all purposes of the event as disclosed to volunteers, and the Texans contacted by those volunteers or members of your organization, and solicited to provide information. For each purpose, include information on all disclosures regarding that purpose provided to the Texans from whom the information was solicited.

- For each COVID-19-related event, please describe all types of information collected from participants, including personal identifying information like phone numbers and email addresses. For each category of information, please identify how such information was stored by Powered by People, how long such information was kept, and all uses of that information.
- Please provide information regarding the solicitation of any protected health information from Texans during any COVID-19-related phone or door-to-door contacts. Include in your response all protected health information requested, the purpose of requesting that information, the method of storing such information, the policy for protecting and subsequently destroying such information, the training provided to any Powered by People agents engaged in soliciting such information, and all disclosures provided to the Texans from whom such information was solicited regarding the purpose, use, storage, protection, and destruction of any collected protected health information.
- If Powered by People partnered with any other organization in these COVID-19-related contacts, whether for the purpose of placing Texans on vaccine wait lists, voter registration, or any other purpose, please provide information on each partnership, including the scope and purpose of the partnership, whether the arrangement was memorialized in any manner, and whether and what consideration was provided by each party to the arrangement.
- If the Texans you solicited for personal or health information during these phone or door-to-door contacts were subsequently contacted by or scheduled to be contacted by Powered by People or any other person or entity acting on Powered by People's behalf, please provide information regarding the form, content, purpose, and frequency of those contacts.
- If the personal or health information collected by you during these phone or door-to-door solicitations was provided to any other person or entity other than Powered by People, provide information regarding to whom it was provided and for what purpose.

Powered by People has until May 3, 2021 to fully respond to these requests. In the meantime, please contact me with questions.

Sincerely,



Jennifer S. Jackson
Chief, Consumer Protection Division
(512) 463-9917 direct line
jennifer.jackson@oag.texas.gov