



THE SECRETARY OF HEALTH AND HUMAN SERVICES  
WASHINGTON, D.C. 20201

September 7, 2010

Mr. Patrick D. Daniel  
President and Chief Executive Officer  
Enbridge, Inc.  
3000 Fifth Avenue Place  
425 1<sup>st</sup> Street SW  
Calgary, Alberta  
T2P 3L8 Canada

Dear Mr. Daniel:

I am writing regarding reports that your company, Enbridge, Inc., has misled and/or coerced individuals whose health may have been affected by the recent oil spill in Marshall, Michigan.

Specifically, I have been advised that Enbridge may have misled or coerced individuals to sign forms authorizing the release of personal medical records to Enbridge upon referral to a local family health center; that these forms authorize the disclosure of an inappropriately broad amount of medical information, including information wholly unrelated to their current conditions or complaints; that the form could be directed to any provider, not only the one(s) to which the patient has sought treatment for the potentially oil spill-related condition; and that Enbridge has failed to adequately inform these individuals of their privacy rights under the Health Insurance Portability and Accountability Act (HIPAA). If these reports are true, the company's actions are a deplorable affront to patients' privacy rights, and I call on you to cease these practices immediately.

One way HIPAA protects the privacy and security of individuals' health information is by requiring a HIPAA-compliant authorization for health care providers and certain other entities to disclose that information. HIPAA requires that authorizations be easy to understand, and contain specific information, including the information to be disclosed, the entities disclosing and receiving the information, the expiration date of the authorization, and the individual's right to revoke the authorization.

A health care provider may not coerce an individual into signing a HIPAA-compliant authorization in exchange for treatment, and an individual may revoke an authorization in writing at any time. In addition, providers in this situation may not deny treatment to individuals because they refuse to sign a HIPAA authorization.

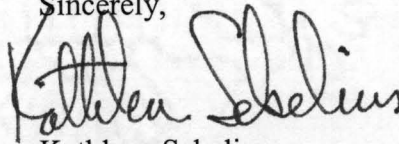
As you know, the U.S. House of Representatives' Committee on Transportation and Infrastructure is currently investigating this matter. Chairman Oberstar and Representative Schauer have requested that the Department of Health and Human Services (HHS) make inquiries of its own. Please provide copies of all Enbridge medical release forms used in relation to the oil spill and an explanation of their extraordinary scope. I would also appreciate learning

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of the means by which you are advising affected Michigan residents of their ability to receive treatment in this situation even if they do not sign a release.

HHS is prepared to work with other federal agencies as well as state and local officials to explore every legal avenue to ensure patients' privacy interests are protected. We also intend to work with health care providers to inform Michigan residents that, in this situation, their ability to receive treatment may not be made contingent on their signing a HIPAA authorization, and that, if they do sign an authorization, they may revoke it at any time. I expect your company to take immediate steps to respect the privacy rights of individuals seeking treatment.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen Sebelius". The signature is written in a cursive style with a large initial "K".

Kathleen Sebelius