

RESOLUTION NO. 1627

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF PUBLIC UTILITY DISTRICT NO. 1 OF OKANOGAN COUNTY**

**AUTHORIZING THE GENERAL MANAGER OR HIS DESIGNEE TO IMPLEMENT
AND MAINTAIN A CUSTOMER PRIVACY POLICY**

WHEREAS, the Public Utility District No. 1 of Okanogan County (the District) is subject to various state laws addressing the treatment of customer data by the District, third parties, and customers including RCW 19.29A.100 (Electric Utilities – Customer Information - Application of Consumer Protection Act); RCW 42.56.230 (Exemption from Public Disclosure of Certain Personal Information); RCW 42.56.590 (Notice of Security Breach); and RCW 42.56.335 (Restrictions on Access by Law Enforcement); and

WHEREAS, protecting District customers' privacy and their personal data, known as their personally identifiable information, is a top priority for the District; and


WHEREAS, electric utility customers are being offered an increasing amount of innovative technology choices for energy management on the customer's side of the meter such as solar energy, smart thermostats and hot water heaters, smart metering, two-way power flow capability from electric vehicle charging and discharging into the grid, and aggregated home and business energy management services; and

WHEREAS, the attached Customer Privacy Policy addresses provisions of the District's policy and state laws that protect customers' data privacy, and also provides remedies for both the District and the customer in the event of an unauthorized data disclosure or breach;

NOW, THEREFORE, BE IT RESOLVED that the District's Board of Commissioners adopts the Customer Privacy Policy attached hereto; and

BE IT FURTHER RESOLVED that the General Manager or his designee is directed to maintain the Customer Privacy Policy for the purpose of securing the District's customers' personally identifiable information.

ADOPTED by the Board of Commissioners of Public Utility District No.1 of Okanogan County at an open meeting this 5th day of October, 2016.



Scott Vejraska, President



Steve Houston, Vice President

ATTEST:




Ernest J. Bolz, Secretary

APPROVED as to form:



Heidi E. Smith, General Counsel

**Public Utility District No. 1 of Okanogan County
ADMINISTRATION MANUAL**

Initiated by: JG
Approved by: 
Date: 10/05/2016
Remove: 00/00/0000

Insert: Information Systems
Subject: Customer Privacy Policy

CUSTOMER PRIVACY POLICY

1.0 PURPOSE AND SCOPE

Strong consumer data privacy protections are essential to maintaining the trust of our customers. This Policy is intended to emphasize the District's commitment to protect Customer Data from unauthorized disclosure or breach of security throughout the lifecycle of the data as required by RCW 19.29A and RCW 42.56. The legislative purpose of these requirements is to ensure that all electric customers have the same level of rights and protections, and receive adequate disclosures of the rights afforded to them.

This Policy applies to all District Commissioners, employees, and contract personnel with access to the District's systems and data, hereinafter referred to within this policy as "employees."

Customer Data, which is referred to as Personally Identifiable Information (PII) and defined below, is collected and used to perform essential business functions such as operating and maintaining the system, managing outages, processing customer bills, credit and collections, conservation and usage management, etc. With the implementation of automated metering, even more detailed Customer Data is now being collected. The District is committed to protecting the security and privacy of all Customer Data, and will conform to applicable laws and regulations, as well as internal standards and policies which are intended to keep this information private and secure.

The District may be required to release various types of Customer Data in response to a public records request, court order, search warrant, or discovery request. When one of these events occurs, efforts will be made as allowed by law to notify customers of such requests before the information is disclosed.

The Customer Privacy Rights Statement, attached as Exhibit A and adopted by Resolution 1627 on October 5, 2016, states in part that District customers have the right to and can expect from the District that:

- We only share Customer Data with third parties in order to conduct essential business functions (such as bill processing services). We will not sell Customer Data. Our vendors are held accountable to the same standards regarding Customer Data shared with them.
- We only share Customer Data with the public in compliance with local, state, and federal laws.
- We are committed to a fair resolution of privacy concerns, and provide our customers with an appeal process that allows them to voice concerns regarding the release of their information.
- We will not transmit our customer's PII over our automated meter infrastructure network.

2.0 DEFINITIONS

Customer Data: is information that has the ability to personally identify a customer. Examples are set out in Section 3.0 of this Policy. The term Customer Data is used interchangeably with Personally Identifiable Information throughout this Policy.

Personally Identifiable Information: is also referred to as Customer Data throughout this Policy. Examples are set out in Section 3.0 of this Policy.

Proprietary Customer Information: is (a) information that relates to the source, technical configuration, destination, and amount of electricity used by a retail electric customer, a retail electric customer's payment history, and household data that is made available by the customer solely by virtue of the utility-customer relationship; and (b) information contained in a retail electric customer's bill.

Aggregate Data: is data that is considered sufficiently consolidated so that any individual customer cannot reasonably be identified from the data provided.

3.0 PERSONALLY IDENTIFIABLE INFORMATION (PII)

The District is committed to the protection of PII to prevent its unauthorized use or disclosure. To this end, Customer Data defined as PII by this Policy is more restrictive than what is established by local, state, and federal laws. Information considered PII covered by this Policy is limited to:

1. Names
2. Street addresses
3. Telephone numbers
4. Email addresses
5. Social Security or Unified Business Identifier (UBI) numbers
6. Account numbers (District account numbers, credit card numbers, bank account numbers)
7. Account balances
8. Any information received during the identity and customer credit worthiness process
9. Identity information provided on a driver's license, passport, etc.
10. Proprietary Customer Information
11. Meter interval/electricity use data that can be tied to items # 1-10 above.

4.0 USE AND RELEASE OF PII – PRIMARY VS. SECONDARY PURPOSE

When Customer Data is released to a contractor/subcontractor, vendor, or third party, the purpose of the release of the data will be defined as being for either a "Primary" or "Secondary" purpose, as follows:

Primary Purpose - data released for essential business functions, such as billing or bill presentment, energy efficiency program validation or administration (such as BPA), and customer surveys. When data is released to a contractor or vendor to provide services that are of a primary purpose, the contractor or vendor must sign a Confidentiality and Non-Disclosure Agreement and is prohibited from disclosing the Customer Data to a party that is not under contract with the District or its contracted affiliates.

Secondary Purpose - data released for marketing services or product offerings the customer does not already subscribe to. Data released for a secondary purpose requires affirmative customer consent. Requests for Customer Data used for secondary purposes might come from a customer asking for their data to be shared directly to a third party or vendor, a vendor asking for customer information for marketing purposes, or District staff working with a third party to market a new product or service.

5.0 AFFIRMATIVE CUSTOMER CONSENT – RELEASE OF DATA FOR SECONDARY PURPOSE

When releasing Customer Data for a secondary purpose, affirmative customer consent must be obtained for each instance of release of data unless the customer has previously provided affirmative consent.

A customer should complete and may provide electronically or via hard copy to the District the Customer Authorization to Release Information Form (CARI), Exhibit B of this Policy, to give affirmative consent. If unable to complete the CARI, the customer's affirmative consent must include the following to meet the requirements of affirmative consent:

- the date or date period for which the consent is granted, and
- specify the party or parties the customer has authorized the release of their data to, including any affiliates and third parties.

The District must validate that the individual providing the affirmative consent matches the name, service address, and account number of the customer of record in the District's customer information system. Additionally, a record for each instance the customer has given written or electronic consent must be maintained, following applicable records retention guidelines.

CARI obtained for a contract will be routed with the District's Contract Review Form and CARI obtained for customer-requested releases of their data will be retained in the District's electronic document storage system.

Customers who have given affirmative consent also have the right to retract said consent at any time.

6.0 AGGREGATED DATA

Aggregated data is data that is considered sufficiently consolidated so that any individual customer cannot reasonably be identified. The District will generally follow a 15/15 rule, which means that aggregated data must include the data of at least 15 customers, and that no single customer included in the sample is to comprise more than 15% of the total aggregated load. Any PII must be removed from the aggregated data before release.

Customer consent is not required when releasing Aggregated Data that meets this definition.

7.0 DISCLOSURE OF PII TO CONTRACTORS/SUBCONTRACTORS

As an electric utility, the District may engage a contractor to provide services in support of primary and secondary business functions as noted in this Policy. For new contracts, a Confidentiality and Non-Disclosure Agreement (CNDA) will be included as part of the standard contract language and approved as part of the standard contract approval process. The District's contractors may engage a subcontractor or third party to provide services in support of their contract with the District, and in such cases a CNDA must be signed by a subcontractor or third party and be routed through the normal contract approval process.

8.0 RELEASE OF PII FOR PRIMARY PURPOSE

The General Manager or his designee must review any need or request for PII to determine if PII shared with the contractor/subcontractor is necessary to meet the business objective. An approval only needs to

be obtained the first time the District releases PII to that contractor. Subsequent requests are only required if additional types of PII will be provided to the contractor.

9.0 RELEASE OF PII FOR SECONDARY PURPOSE

The General Manager or his designee must obtain completed CARI forms or other acceptable forms of affirmative consent from each customer whose data will be shared. Copies of the CARI forms must be routed through the standard contract approval process.

10.0 DISCLOSURE OF PII DURING CUSTOMER TRANSACTIONS

The District considers security of PII a top priority, and will only share PII when requested with the customer(s) of record or an individual designated by the customer(s) of record to receive such information. Before releasing PII, employees will take reasonable measures to verify the identity of the person requesting the information.

11.0 DISCLOSURE OF PII TO LAW ENFORCEMENT

The District will comply with RCW 42.56.335, which gives law enforcement authorities a mechanism to obtain records of individuals who are suspected of committing a crime. The law enforcement officer must complete the District's Public Records Request by Law Enforcement Agency form before certain PII will be released to the requesting officer.

Customer Data that is strictly protected from disclosure by law will not be released to law enforcement under the above process. In order for law enforcement to obtain this type of exemptible data, a subpoena, warrant or other form of court order must be obtained by the requesting agency.

All requests for PII by law enforcement will be processed through the District's Public Records Officer.

12.0 COMPLAINT INVESTIGATION AND APPEALS PROCESS

A customer has the right to request an investigation and resolution regarding the complaint of the District's improper release of their Customer Data. The District's Complaint Investigation and Appeals Process, Exhibit C of this Policy, shall be followed for any customer complaint asserting the District's improper release of the customer's PII.

13.0 BREACH NOTICE PRACTICE

The District will implement administrative, technical, and physical safeguards to protect PII from unauthorized access, destruction, use, modification or disclosure.

If the District should discover or be informed of a breach, it will make an effort to secure the breached data and will ensure notification to all affected customers of the breach. The District will keep customers informed about the status of their information security as updates are made. The District will also provide notification of a security breach to additional entities as is required by statute.

EXHIBITS/ATTACHMENTS

- Exhibit A: Customer Privacy Rights Statement
- Exhibit B: Customer Authorization to Release Information
- Exhibit C: Complaint Investigation and Appeals Process

As approved by the Board of Commissioners at the October 5, 2016 Commission meeting.

Reviewed by: Heidi E. Smith Date: 10/6/16
Heidi E. Smith, General Counsel

Approved by: John R. Grubich Date: 10/6/2016
John R. Grubich, General Manager

Revision History:

Issued: 10/5/2016 RES 1627

Exhibit A: Customer Privacy Rights Statement

This Customer Privacy Rights Statement shares our guiding principles for how we operate and conduct our business related to the security, privacy, and use of customer data, and matters of customer choice. Consumer trust is essential to the success of new technologies, and protecting the privacy of customer data is a crucial component of strengthening this trust.

The Public Utility District No. 1 of Okanogan County (the District) collects and uses customer data to perform essential business operations such as operating and maintaining the system, managing outages and processing customer bills. The District recognizes its responsibilities to conform to applicable laws and regulations intended to keep customer information private and secure. The District's responsibilities may appropriately extend beyond these laws and regulations and as such has developed this Customer Privacy Rights Statement.

District customers have the right to:

- Privacy
 - We only share customer information with third parties in order to conduct essential business functions (such as bill processing services). We will not sell our customer's information. Our vendors are held accountable to the same standards regarding customer information shared with them.
 - We only share customer information with the public in compliance with local, state, and federal laws. As a public entity, we will seek to protect the privacy of our customers' personal information in complying with public records requests.
 - We are committed to a fair resolution of privacy concerns. We provide our customers with an appeal process that allows them to voice concerns regarding the release of their information.
- Data Security and Integrity
 - We only capture data required to conduct our business and retain it for only as long as required.
 - We design security into every data collection, access and transfer point.
 - We will not transmit personally identifiable information over our Advanced Metering Infrastructure network.
 - We implement measures to protect against a loss, misuse, and alteration of the information we control.
 - We ensure delivery of an accurate bill and/or timely response if an error is discovered.
 - We will notify customers if any personal information is breached.
 - A customer has a right to file a complaint with the District if the customer believes the District has improperly released that customer's personally identifiable information.
- Transparency
 - We conduct business in an open, transparent manner where our privacy policies and decisions are available to the public.
 - We provide information to our customers about all aspects of their account. The District will strive to provide more accessibility for customers through the development of a web portal.

**Exhibit B:
Customer Authorization To Release Information**

This form is to permit Public Utility District No. 1 of Okanogan County (the "District) to release customer data as indicated below to a third party. The customer must complete this document in its entirety and must also be listed as a customer of record in the District's customer information system in order to authorize the release of said data.

Customer Information:

Account Number: _____ Name on Account: _____

Service Address: _____ Phone Number: _____

Email Address: _____ (if applicable)

I authorize the release of my customer data as follows:

Type of data to be released (e.g. usage or payment history, payment etc.) and the period in which the data covers (e.g. from January, 2014 through December, 2014):

Name of Recipient/Business: _____

Address: _____

Phone Number: _____

Manner in which data should be provided (mail, email, pick up): _____

Date(s) in which this release is in effect: _____

This data release is at the request of, and on behalf of the District customer listed above, and as such, the customer agrees to release and hold harmless the District from any liability, claims, demands, causes of action, damages or expenses resulting from: 1) any release of information to the recipient noted above; 2) the unauthorized use of this information or data; and 3) from any actions taken by the recipient with respect to such information or data.

Account Holder Signature: _____ Date: _____

For OKPUD Use Only	
Customer Validated by:	Date:

Exhibit C:
Complaint Investigation and Appeals Process

A customer has the right to request the District to investigate the potential improper release of their Personally Identifiable Information.

The Customer and the District shall utilize the following steps to initiate the investigation and appeal process:

1. The District must receive a customer's written request for an investigation or appeal by personal delivery at 1331 Second Avenue North, Okanogan, Washington or by mail at PO Box 912, Okanogan, WA, 98840-0912.
2. The request shall be addressed to the District's Privacy Officer and must contain:
 - a. a short, plain statement of potential data released,
 - b. the action requested by the customer, and;
 - c. the appropriate customer contact information for purposes of communications for the appeals process.
3. Upon receipt of the written request, the customer will be contacted by the District's Privacy Officer within five (5) business days to schedule an informal conference.
4. The District's Privacy Officer will investigate and provide the customer a written report of their findings of the investigation.
5. If the investigation is resolved to the satisfaction of the customer, the process is concluded.
6. If the situation remains unresolved, the customer may appeal the results of the investigation to the District's General Manager by filing an appeal notice to the District within five (5) business days of receiving the District's Privacy Officer's written response to the customer's investigation process request.