

Skagit Valley Clean Energy Cooperative

Board Policy No. 1

Member Data Privacy Policy

I. Objective

Strong consumer data privacy protections are essential to maintaining the trust of Skagit Valley Clean Energy Cooperative's ("SVCEC") members. This Policy is intended to emphasize SVCEC's commitment to protect each member's personally identifying information (hereafter referred to as "PII" or "Data" as defined below) from sale, disclosure or unauthorized use for commercial purposes throughout the lifecycle of the Data, whether by the SVCEC itself, or by any person under contract to SVCEC, without the member's express consent.

II. Policy

1. PII or Data, is collected and used by SVCEC only for purposes that are suitable or necessary to its operations and management. Such information is collected only through lawful and fair means and for appropriate purposes, including to perform essential business functions such as operating and maintaining the cooperative, processing customer bills, credit and collections, conservation and usage management, etc. Additional Data is collected about a member's property, appliances, credit, and through services or programs offered by SVCEC, or its affiliates or cooperating agencies, e.g. energy conservation service agencies, energy financial assistance agencies, credit agencies, etc. With the implementation of automated metering, even more detailed member Data is now being collected.
2. SVCEC retains member PII pursuant to its record retention policies for such periods of time as required by law or regulation, or as reasonably necessary to provide services or for other business purposes.
3. SVCEC is committed to protecting the security and privacy of all member Data, and will conform to applicable laws and regulations, as well as industry and internal standards and policies which are intended to keep this information private and secure and unavailable for marketing purposes without member consent except directly by SVCEC to the customer through the customer's billing package.
4. SVCEC is committed to assuring the following member rights:
 - a. SVCEC will not sell customer PII to third parties.
 - b. SVCEC will not disclose PII with or to its affiliates, subsidiaries, or any other third party for the purposes of marketing services or product offerings to a retail electric customer who does not already subscribe to that service or product, unless the customer had given written or electronic permission to do so.
 - c. SVCEC will share member PII with third party contractors in order to conduct essential cooperative business functions [see definition of "Primary Purpose" below].
 - d. Third party contractors must agree not to use member PII for any other purpose than authorized in the agreement between the contractor and SVCEC and such contracts will prohibit the contractor from further disclosing or selling any PII obtained from SVCEC to or with any other party that has not agreed to be bound to the same confidentiality obligation as the contractor.

e. SVCEC will only share PII with persons other than the member or third party contractors in compliance with local, state and federal laws.

5. SVCEC is committed to maintaining accurate, complete, timely, relevant, and appropriate information about its members, to providing members with a process for members to access and seek correction of the PII that is maintained and used by SVCEC, and to a fair resolution of privacy and other concerns about disputes relating to the unauthorized collection, use or disclosure of PII by SVCEC or its contractors. Inquiries or complaints should be addressed to Member Services Director [insert address, email, or telephone]. SVCEC will do its best to resolve any questions or problems that may arise regarding the collection or use of member PII. (See below paragraph entitled "Investigation and Resolution of Complaints.")

III. Scope

This Policy applies to all SVCEC employees, Directors, third party contractors/subcontractors, vendors, and/or contract personnel with access to Peninsula's information systems and data.

IV. Definitions

a. "Personally Identifying Information" (hereafter "PII" or "Data") covered by this Policy includes the following about a member:

a. Names

b. Street addresses

c. Telephone numbers

d. Email addresses

e. Social Security numbers

f. Account numbers (including credit card numbers, bank account numbers)

g. Account balances

h. Any information received to identify the customer, such as a driver's license, passport, or information collected to establish their credit-worthiness.

i. Meter identifier and meter interval/electricity use data, as well as information related to other services or products subscribed to by a member, that is collected by virtue of the member utility relationship, that can be tied to items a. through h. above.

2. "Primary Purpose" means the use or release of PII for the purpose of performing essential business functions, such as metering, billing or bill presentment, maintenance, and management functions including legal, audit, collections, energy efficiency program validation or administration (e.g. for BPA), energy financial assistance, customer surveys and other essential business functions, it is deemed to be for a "Primary Purpose." When Data is released to a third party to provide services that serve a Primary Purpose, the third party shall be bound to comply with all applicable state and federal laws and by this Policy and shall be prohibited from further disclosing or selling any PII obtained from SVCEC to a party that is not Peninsula and not a party to a contract with Peninsula. When entering into an agreement with

a third party that will require the release of member PII, the Chief Executive Officer or an employee designated by the Chief Executive Officer shall review the attached Non-Disclosure Agreement Checklist to verify that the release of member PII as part of a vendor agreement serves a Primary Purpose. Nothing in this Policy is intended to prohibit or prevent SVCEC from inserting any marketing information into the retail electric customer's billing package

3. "Secondary Purpose" means the use or release of Data for the purpose of marketing services or product offerings the member does not already subscribe to it is deemed to be for a Secondary Purpose. Data released for a Secondary Purpose requires affirmative member consent (see definition of Affirmative Consent below). Requests for member Data used for Secondary Purposes might come from a member asking for their Data to be shared directly to a third party vendor, from a vendor asking for member Data for marketing purposes, or from SVCEC staff working with a third party to market a new product or service.

V. Release of PII or Data

1. Affirmative Consent. Prior to releasing member Data for a Secondary Purpose, the member's prior permission ("Affirmative Consent") must be obtained for each instance of release of Data unless the member has previously provided an ongoing Affirmative Consent to release Data to the same third party. Members who wish to authorize or direct SVCEC to disclose their PII to a third party may do so by contacting SVCEC. The following is necessary to meet the requirements of Affirmative Consent, which can be provided electronically or via hard copy:

- a. The consent must include the date or date period for which the consent is granted.
- b. The consent must specify the party or parties the member has authorized the release of their Data to, including any affiliates and third parties.
- c. SVCEC must validate that the individual providing the consent matches the name, service address and account number of the customer of record in SVCEC's customer information system.
- d. A record for each instance the member has given written or electronic consent must be maintained, following applicable records retention guidelines.

2. Customer Authorization to Release Information. The attached Customer Authorization Release form is provided as a template to use to obtain/provide consent from a member for the release of Data. However, Affirmative Consent may be provided in writing or electronically (e.g. by e-mail) if it reasonably identifies information covered by the template. Affirmative Consent may be provided for ongoing releases to a third party. Members who have given Affirmative Consent also have the right to retract said consent at any time, but only for release of Data from the time of retraction going forward.

3. Aggregated Data. Aggregated data is data that is considered sufficiently consolidated so that any individual customer cannot reasonably be identified. Peninsula 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 comprises more than 15% of the total aggregated load. Any PII must be removed from the aggregated data before release. Affirmative Consent is not required when releasing aggregated data that meets this definition.

4. Disclosure of PII to Contractors/Subcontractors. As an electric cooperative SVCEC may engage contractors to provide services in support of primary and secondary business functions as noted above. In accordance with RCW 19.29A.100(5), SVCEC shall ask its contractors who will receive PII to sign a Confidentiality and Non-Disclosure Agreement (a template of which is attached to this Policy), including: (i) the vendor's agreement to be bound by this Policy; and (ii) an agreement that the contractor shall be responsible for assuring that any a subcontractor or other third party they engage to provide services in support of their contract with SVCEC is in compliance with this Policy. Any breach of this agreement by any contractor may subject the contractor to potential remedies available to SVCEC or to the member, including under the state's Consumer Protection Act.

5. Release of PII for Primary Purpose. The Chief Executive Officer (or an employee designated by the Chief Executive Officer) of SVCEC must review and approve any proposed or requested disclosure of PII to a third party contractor to determine if disclosing the PII to the contractor/subcontractor is necessary to meet a business objective that is a Primary Purpose and complies with this Policy. An approval only needs to be obtained the first time SVCEC contracts with that entity. Subsequent requests are only required if additional types of PII will be provided to the contractor.

6. Release of PII for Secondary Purpose. The Chief Executive Officer (or an employee designated by the Chief Executive Officer) must obtain a completed CARI form from each customer whose Data will be shared for a Secondary Purpose. Copies of the forms shall be retained by SVCEC in accordance with RCW 19.29A.100 and its record retention policies.

7. Disclosure of PII During Customer Transactions. SVCEC considers security of PII a top priority. Before releasing PII to a third party at the request of a member, SVCEC will take reasonable measures to verify the identity of the third party.

8. Disclosure of PII to Law Enforcement or as Otherwise Required by Law. Information may be disclosed by SVCEC when authorized or required by law, including in response to a search warrant, subpoena, or court or law enforcement order. Disclosures may also be made when appropriate to protect SVCEC's legal rights (e.g. when reporting power theft, vandalism, etc.) or in situations involving an imminent threat to life or property. SVCEC may disclose information to commercial and consumer credit reporting agencies for credit-related activities (e.g., the reporting of bad debts). SVCEC will take reasonable steps to limit the scope and consequences of any of these disclosures.

9. "Books and Records" Requests. SVCEC members may have a right to inspect SVCEC's "books and records" under provisions referenced or codified in RCW 24.06.160 and thereby to access information that might include information about another member that meets the definition of PII (e.g. a membership list) if the information is sought "for a proper purpose." Nothing in this Policy is intended to expand or limit the right of inspection as codified in these general corporate statutes, or to modify the meaning of what constitutes a "proper purpose" under those statutes. Nor is anything in this Policy intended to limit the right of SVCEC to approve or disapprove a records request by a member under these general corporate statutes, or under SVCEC's governing documents (articles, bylaws, policies, or rules and regulations, etc.), including SVCEC's Member Access to Information Policy. SVCEC may charge a reasonable administrative fee that reflects the cost in time and materials to respond to a member "books and records" request.

10. Breach Notice Practice. SVCEC will implement reasonable administrative, technical, and physical safeguards to protect PII from unauthorized access, destruction, use, modification or disclosure. If SVCEC should discover or be informed of a breach, it will make an effort to secure the breached data. If required by RCW 19.255 because the breach is reasonably likely to subject the member to a risk of harm, SVCEC will provide notification to all affected customers. SVCEC will keep customers informed about the status of their information security as updates are made.

VI. Investigation Process and Resolution of Complaints. Any requests for, or disputes relating to, access, correction, or other matters involving release or disclosure of a member's PII or potential or suspected violation of this policy by SVCEC should be directed to SVCEC's Member Services Director as follows: [insert address, email, telephone]. SVCEC will investigate the complaint and when the results of the investigation are determined, communicate its findings to the member and attempt to resolve the complaint. The complainant may appeal the findings of the investigation to SVCEC's Governing Board for further review and resolution. [See attached description of complaint Investigation Process.] If the investigation or review of the complaint finds a possible breach of this policy by a third party, and SVCEC will work with the member in an effort to resolve the complaint.

VII. Responsibility.

1. The Chief Executive Officer shall ensure that this policy is adhered to.
2. The Board shall ensure that this policy reflects current practices of management for handling confidential member-consumer information.

APPROVED BY THE BOARD OF DIRECTORS: Dec 5, 2022 by the BOARD

Terry Nelson-President, Skagit Valley Clean Energy Cooperative (Date)

Mary Wohleb-Vice President, Skagit Valley Clean Energy Cooperative (Date)

John Leaver-Treasurer, Skagit Valley Clean Energy Cooperative (Date)

Marylee Chamberlain-Secretary, Skagit Valley Clean Energy Cooperative (Date)