


City of Palmdale Administrative Policy

TITLE ADVANCED METERING INFRASTRUCTURE (AMI) DATA SECURITY AND PRIVACY POLICY	PAGE 1 OF 8	POLICY NUMBER A-11
ADOPTED June 30, 2022	REVISED	
PREPARED BY FINANCE	POLICY APPLIES TO ALL CITY DEPARTMENTS/DIVISIONS	
APPROVED BY 	TS	RONDA PEREZ, INTERIM CITY MANAGER

PURPOSE

To ensure the privacy and security of AMI data and customer usage information for Energy for Palmdale’s Independent Choice (“EPIC”), a Community Choice Aggregation.

REFERENCE

California Public Utilities Commission (“Commission”) Decisions (D.) 11-07-056 and D. 12-08-045.

DEFINITIONS

1. **Advanced Metering Infrastructure (AMI) Data**
Data collected from systems that measure, collect, and analyze energy usage, and communicate with metering devices such as electricity meters, either on request or on a schedule. These systems generally include hardware, software, communications, consumer energy displays and controllers, customer associated systems, Meter Data Management (MDM) software, and supplier business systems.

2. **Aggregate Usage Data**
Customer energy usage and usage-related data (such as billing, program participation, or account information) that has been summed, averaged, or otherwise processed such that the result does not contain information at the level of individual customers and an individual customer cannot reasonably be re-identified.

3. **Covered Entity**

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As applied to Community Choice Aggregators (CCA), a “Covered Entity” is (1) any CCA, or any third party that provides services to a CCA under contract, (2) any third party who accesses, collects, stores, uses or discloses covered information pursuant to an order of the Commission, unless specifically exempted, who obtains this information from an electrical corporation or a CCA or (3) any third party, when authorized by the customer, that accesses, collects, stores, uses, or discloses covered information relating to 11 or more customers who obtains this information from a Community Choice Aggregator.

4. Covered Information – Customer Information

“Covered Information” is any usage information obtained through the use of the capabilities of Advanced Metering Infrastructure when associated with any information that can reasonably be used to identify an individual, family, household or residence, or non-residential customer except that covered information does not include usage information from which identifying information has been removed such that an individual, family, household or residence, or non-residential customers cannot reasonably be identified or re-identified. Covered information, however, does not include information provided to the Commission pursuant to its oversight responsibilities.

5. Primary Purposes

The “Primary Purposes” for the collection of storage, use or disclosure of covered information are to:

- Provide or bill for electrical power,
- Provide for system, grid, or operational needs,
- Provide services as required by state, or federal laws or as specifically authorized by an order of the Commission, or
- Plan, implement, or evaluate demand response, energy management, or energy efficiency programs under contract with a Community Choice Aggregator, under contract with the Commission, or as part of a Commission authorized program conducted by a governmental entity under the supervision of the Commission.

6. Secondary Purpose

“Secondary Purpose” means any purpose that is not a primary purpose.

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POLICY

1. EPIC shall implement reasonable administrative, technical, and physical safeguards to protect covered information from unauthorized access, destruction, use, modification, or disclosure.
2. EPIC and thirds parties shall provide reasonable training to all employees and contractors who use, store, or process covered information.
3. EPIC shall collect, store, use, and disclose only as much covered information as is reasonably necessary or as authorized by the Commission to accomplish a specific primary purpose.

PROCEDURE

Transparency and Notification

1. EPIC shall provide customers with meaningful, clear, accurate, specific, and comprehensive notice regarding the accessing, collection, storage, use and disclosure of AMI data ("AMI Data Notice"); provided, however, that when EPIC uses covered data solely for a primary purpose on behalf of and under contract with utilities it is not required to provide notice separate from that provided by the utility.
2. EPIC shall provide written notice when confirming a new customer account and at least once per year shall inform customers how they may obtain a copy of EPIC's notice regarding the accessing, collection, storage, use, and disclosure of AMI data and shall provide a conspicuous link to the AMI Data Notice on the home page of their website and include a link to the AMI Data Notice in electronic correspondence to customers.
 - a. The AMI Data Notice shall be labeled Notice of Accessing, Collecting, Storing, Using, and Disclosing Energy Usage Information and shall be:
 - i. Written in easily understandable language, and
 - ii. No longer than is necessary to convey the requisite information
 - b. The AMI Data Notice and the posted privacy policy shall state clearly:
 - i. The identity of EPIC
 - ii. The effective date of the notice or posted privacy policy,

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- iii. EPIC's process for altering the notice or posted privacy policy including how the customer will be informed of any alterations and where prior versions will be made available to customers, and
 - iv. The title and contact information including email address, postal address, and telephone number of an official at EPIC who can assist the customer with privacy questions, concerns, or complaints regarding the collection, storage, use, or distribution of covered information
- c. The AMI Data Notice shall provide an explicit description of:
- i. Each category of covered information collected, used, stored, or disclosed by the covered entity. For each category of covered information, the AMI Data Notice shall state the reasonably specific purpose for which the covered information will be collected, stored, used, or disclosed, and what covered information may be disclosed to third parties, and
 - ii. Each category of covered information that is disclosed to third parties, and, for each such category, the purposes for which it is disclosed, and the categories of third parties to which it is disclosed, and
 - iii. The identity of those third parties to whom data is disclosed for secondary purposes, and the secondary purposes for which the information is disclosed, and
 - iv. The approximate period of time that covered information will be retained by the covered entity, and
 - v. The means by which customers may view, inquire about, or dispute their covered information, and the means, if any, by which customers may limit the collection, use, storage, or disclosure of covered information and the consequences to customers if they exercise such limits.
3. Upon Request, EPIC shall provide customers with convenient and secure access to their covered information in an easily readable format that is no less detailed than the data the covered entity discloses to third parties.
4. Customer may petition EPIC to:
- a. Grant and revoke authorization for secondary uses of covered information,
 - b. Dispute the accuracy or completeness of covered information that the covered entity is storing or distributing for any primary or secondary purpose, and

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- c. Request corrections or amendments to covered information that the covered entity is collecting, storing, using, or distributing for any primary or secondary purpose.

Disclosures Pursuant to Legal Process

5. Except as otherwise provided in this policy or expressly authorized by state or federal law or by order of the Commission, a covered entity shall not disclose covered information except pursuant to a warrant or other court naming with specificity the customers whose information is sought. Unless otherwise directed by a court, law, or order of the Commission, covered entities shall treat requests for real-time access to covered information as wiretaps, requiring approval under the federal or state wiretap law as necessary.
6. Unless otherwise prohibited by court order, law, or order of the Commission, a covered entity, upon receipt of a subpoena for disclosure of covered information pursuant to legal process, shall prior to complying, notify the customer in writing and allow the customer 7 days to appear and contest the claim of the person or entity seeking disclosure.
7. Nothing in this policy prevents a person or entity seeking covered information from demanding such information from the customer under any applicable legal procedure or authority.
8. Nothing in this section prohibits a covered entity from disclosing covered information with the consent of the customer, where the consent is express, in written form, and specific to the purpose and to the person or entity seeking the information.
9. Nothing in this policy prevents a covered entity from disclosing, in response to a subpoena, the name, address, and other contact information regarding a customer.
10. The policies herein concerning access, control and disclosure do not apply to information provided to emergency responders in situations involving an imminent threat to life or property. Emergency disclosures remain subject to the reporting policy under Section 11.

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Reporting

11. On an annual basis, covered entities shall report to the Commission the number of demands received for disclosure of customer data pursuant to legal process or pursuant to situations of imminent threat to life or property and the number of customers whose records were disclosed. Upon request of the Commission, covered entities shall report additional information to the Commission on such disclosures. The Commission may make such reports publicly available without identifying the affected customers, unless making such reports public is prohibited by state or federal law or by order of the Commission.

Data Minimization

12. Covered entities shall collect, store, use, and disclose only as much covered information as is reasonably necessary or as authorized by the commission to accomplish a specific primary purpose identified in the notice required under section 2 or for a specific secondary purpose authorized by the customer.

Use, Disclosure, and Customer Authorization

13. EPIC may disclose covered information without customer consent to a third party acting under contract with the Commission for the purpose of providing services authorized pursuant to an order or resolution of the Commission or to a governmental entity for the purpose of providing energy efficiency or energy efficiency evaluation services pursuant to an order or resolution of the Commission.
14. EPIC may disclose covered information to a third party without customer consent when explicitly ordered to do so by the Commission, or for a primary purpose carried out under contract with and on behalf of EPIC. The covered entity disclosing the data shall, by contract, require the third party to agree to access, collect, store, use, and disclose the covered information under policies, practices, and notification requirements no less protective than those under which the covered entity itself operates.
15. Any entity that receives covered information derived initially from EPIC may disclose such covered information to another entity without customer consents for a primary purpose. The entity disclosing the covered information without customer consent shall, by contract, require the entity receiving the covered information to use the covered information only for such primary purpose and to agree to store, use, and disclose the covered information under policies,

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practices, and notification requirements no less protective than those under which the covered entity from which the covered information was initially derived operates.

16. When EPIC discloses covered information to a third party under this subsection it shall specify by contract unless otherwise ordered by the Commission, that it is a material breach if the third party engages in a pattern of practice of accessing, storing, using, or disclosing the covered information in violation of the third party's contractual obligations to handle the covered information under policies no less protective than those under which the covered entity from which the covered information was initially derived operates.
17. If EPIC finds that a third-party contractor to which it disclosed covered information is engaged in a pattern or practice of accessing, storing, using or disclosing covered information in violation of the third party's contractual obligations related to handling covered information, EPIC shall promptly cease disclosing covered information to such third party.
18. If EPIC or a covered entity to which it has disclosed covered information receives a customer complaint about a Commission-authorized or customer-authorized third party's misuse of data or other violation of this privacy policy, the disclosing entity shall, upon customer request or at the Commission's direction, promptly cease disclosing the customer's information to such third party. The disclosing entity shall notify the Commission of any such complaints or suspected violations.
19. Separate authorization by each customer must be obtained for all disclosures of covered information except as provided for herein.
20. Customers have the right to revoke, at any time, any previously granted authorization given under this policy
21. The consent of a residential customer shall continue without expiration, but an entity receiving information pursuant to a residential customer's authorization shall contact the customer, at least annually, to inform the customer of the authorization granted and to provide an opportunity for revocation. The consent of a non-residential customer shall continue in the same way, but an entity receiving information pursuant to a non-residential customer's authorization shall contact the customer, to inform the customer of the authorization granted and to

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provide an opportunity for revocation either upon the termination of the contract, or annually if there is no contract.

22. No covered entity shall use or disclose covered information for any secondary purpose without obtaining the customer's prior, express, written authorization for each type of secondary purpose. This authorization is not required when information is
 - a. Provided pursuant to a legal process or emergency as described in sections 5-10 above.
 - b. Authorized by the Commission pursuant to its jurisdiction and control.
23. EPIC shall permit customers to cancel authorization for any secondary purpose of their covered information by the same mechanism initially used to grant authorization.
24. EPIC shall permit the use of aggregated usage data that is removed of all personally identifiable information to be used for analysis, reporting, or program management provided that the release of that data does not disclose or reveal specific customer information because of the size of the group, rate classification, or nature of the information.