

# Customer data privacy tariff

2022



*Energy you can depend on*

**The Company's customer data privacy tariffs outline the protections we take to ensure the privacy of your information and data. You may request a copy of our currently approved tariffs by calling 800-242-9137 or you may view the tariffs on our website at [uppermichiganenergy.com](http://uppermichiganenergy.com).**

## **Data privacy definitions**

- A. "Aggregate data" means any customer account information from which all identifying information has been removed so that the individual data or information of a customer cannot be associated with that customer without extraordinary effort.
- B. "Anonymized data" means any customer data, from which all identifying information has been removed so that the individual data or information of a customer cannot be associated with that customer without extraordinary effort.
- C. "Contractor" or "company agent" means an entity or person performing a function or service under contract with or on behalf of the Company, including, but not limited to customer service, energy management, energy efficiency programs, payment assistance, payroll services, bill collection, or other functions related to providing electric service.
- D. "Customer" means a purchaser of electricity that is supplied or distributed by a utility for residential or nonresidential purposes.
- E. "Customer account information" means personally identifiable information including personal data and customer usage data. Customer account information also includes information received by the Company from the customer for purposes of participating in regulated utility programs, including, but not limited to bill payment assistance, shutoff protection, renewable energy, load management, or energy efficiency.
- F. "Customer usage data" [or "consumption data"] means customer specific electric usage data, or weather-adjusted data, including but not limited to kW, kWh, voltage, var, or power factor, and other information that is recorded by the electric meter for the Company and stored in its systems.
- G. "Informed customer consent" means, in the case where consent is required: the customer is advised of the (1) data or information to be collected and allowable uses of that data or information by the party seeking consent; (2) the frequency of data or information release and the duration of time for which the consent is valid; and (3) process by which the customer may revoke consent. In no case shall silence by the customer ever be construed to mean informed customer consent. Customer consent must be documented and may be in writing, electronically, or through recording of an oral communication and shall remain in effect until withdrawn by the customer.
- H. "Personal data" [or "personally identifiable information"] means specific pieces of information collected or known by the Company that can be used to identify or trace to a specific individual and that merit special protection including, but not limited to, the standard types of positive identification information used to establish an account. Personal data [personally identifiable information] includes, but is not limited to, name, address, birth date, telephone number, electronic mail address, Social Security Number, financial account numbers, driver's license number, credit reporting information, bankruptcy or probate information, health information, network, or Internet protocol address.
- I. "Primary purpose" means the collection, use, or disclosure of information collected by the Company or supplied by the customer where there is an authorized business need or emergency response in order to: (1) provide, bill, or collect for, regulated electric service; (2) provide for system, grid, or operational needs; (3) provide services as required by state or federal law or as specifically authorized in the Company's approved tariff or; (4) plan, implement, or evaluate, energy assistance, energy management, renewable

energy or energy efficiency programs by the Company or under contract with the Company, under contract with the Commission, or as part of a Commission-authorized program conducted by an entity under the supervision of the Commission, or pursuant to state or federal statutes governing energy assistance.

- J. "Secondary purpose" means any purpose that is not a primary purpose.
- K. "Standard usage information" means the usage data that is made available by the electric utility to all similarly situated customers on a regular basis, delivered by the electric utility in a standard format.
- L. "Third-party" means a person or entity that has no contractual relationship with the Company to perform services or act on behalf of the Company.
- M. "Weather adjusted data" means electric consumption data for a given period that has been normalized using a stated period's heating or cooling degree days.
- N. "Written consent" means a signed form with the customer's signature received by the Company through mail, facsimile, or email.

## Collection and use of data and information

- A. The Company, its contractor or company agent collects customer account information as necessary to accomplish primary purposes only. Informed customer consent is NOT necessary for primary purposes.
- B. Informed customer consent is necessary before collection or use of customer account information for a secondary purpose.
- C. The Company will not sell customer account information, except in connection with sales of certain aged receivables to collection firms for purposes of removing this liability from its accounts, unless it receives informed customer consent.

## Disclosure without customer consent

- A. The Company shall disclose customer account information when required by law or Commission requests or rules. This includes law enforcement requests supported by warrants or court orders specifically naming the customers whose information is sought, and judicially enforceable subpoenas. The provision of such information will be reasonably limited to the amount authorized by law or reasonably necessary to fulfill a request compelled by law.
- B. Informed customer consent is not required for the disclosure of customer name and address to a provider of a value-added program or service, regardless of whether that provider is a utility affiliate or other entity within the corporate structure, or to a value-added program or service competitor, in compliance with MCL 460.10ee(10)(a) and Mich Admin Code, R 460.10109(2). Shared information (beyond a customer list) will remain encrypted during both transfer and storage. Customer list information will be password protected at no charge. The Commission will not be receiving or retaining any shared information on its website.
- C. Informed customer consent is not required for the disclosure of aggregated data.

## Disclosure to company agents and contractors

- A. The Company shall disclose only the necessary customer account information to company agents and contractors working on behalf of the Company for primary purposes and any other function relating to providing electric service without obtaining informed customer consent.
- B. Contracts between the Company and its company agents or contractors specify that all company agents and contractors are held to the same confidentiality and privacy standards as the company, its employees, and its operations. These contracts also prohibit company agents or contractors from using any information supplied by the Company for any purpose not defined in the applicable contract.

- C. The Company requires its company agents and contractors who maintain customer account information to implement and maintain reasonable data security procedures and practices appropriate to the private nature of the information received. These data security procedures and practices shall be designed to protect the customer account information from unauthorized access, destruction, use, modification, or disclosure. The data security procedures and practices adopted by the contactor or company agent shall meet or exceed the data privacy and security policies and procedures used by the Company to protect customer account information.
- D. The Company requires company agents and contractors to return or destroy any customer account information that it maintained and that is no longer necessary for the purpose for which it was transferred.
- E. The Company maintains records of the disclosure of customer data to company agents and contractors in accordance with company record retention policies and Commission rules. These records include all contracts with the company agent or contractor and all executed non-disclosure agreements.
- C. A customer may request their consumption data by simply calling Customer Service at 800-242-9137 or by requesting such information online at the Company's website at [uppermichiganenergy.com](http://uppermichiganenergy.com). Upon positive verification, the information will be provided by the end of the following business day.
- D. Customers have the opportunity to request corrections or amendments to customer account information that the Company maintains.
- E. Customers have the right to share their own customer account information with third parties of their choice to obtain services or products provided by those third parties. These services or products may include, but are not limited to, in-home displays, or energy audits.
- F. A customer may request that his or her customer account information be released to a third party of the customer's choice. Such requests may be obtained by calling Customer Service at 800-242-9137, or by requesting such online at the Company's website [uppermichiganenergy.com](http://uppermichiganenergy.com). Once the Company obtains informed customer consent from the customer, the Company shall release the requested customer account data to the third party by the end of the following business day. The Company will provide the requested data in a readily accessible format, including but not limited to Excel, PDF, or Word.

## Customer access to data

- A. The customer has a right to know what customer account information the Company maintains about the customer. The Company shall not provide data to a customer which the Company considers proprietary or used for internal Company business. The Company will make a reasonable effort to respond to requests for this information within 14 calendar days of being contacted by the customer.
  - B. The Company will provide to customers upon request, a clear and concise statement of the customer's actual energy usage, or weather adjusted consumption data for each billing period during the last twelve months, or both. The Company will notify customers at least once each year that customers may request energy usage, or weather adjusted consumption data or both.
  - G. Fulfilling certain requests for data in accordance with the provisions of this tariff is consistent with the provision of normal utility service to customers. When the data requested is standard usage information, the request will be fulfilled without charge. Some requests for information extend beyond standard usage information. Fulfilling these requests requires special data processing that is not a part of normal utility service and results in expenses that would not otherwise be incurred. Such requests are fulfilled at
- The Company is not responsible for loss, theft, alteration, or misuse of the data by third parties or customers after the information has been transferred to the customer or the customer's designated third party.

the discretion of the Company within the parameters of this customer data privacy tariff. The costs of fulfilling any special requests shall be borne solely by the customer, or third party if deemed appropriate, and be based on the specifics of the data request and the associated costs of developing, processing, and transmitting the requested data.

## **Customer notice of privacy policies**

- A. New customers receive a copy of the privacy policy upon the initiation of utility service from the Company. Existing customers receive a copy of the privacy policy once per year by whatever method is used to transmit the bill and whenever the privacy policy is amended.
- B. Notice of the Company's privacy policies will be made available and is prominently posted on the Company's website. The notice includes a customer service phone number and Internet address where customers can direct additional questions or obtain additional information.

## **Limitation of liability**

- A. The Company and each of its directors, officers, affiliates, and employees that disclose customer information, customer usage data, personal data or aggregated data to customers, company agents, or contractors, as provided in this tariff, shall not be liable or responsible for any claims for loss or damages resulting from such disclosure.

