

4 CSR 240-10.XXX Customer Information Of Electrical Corporations, Gas Corporations, Heating Companies, Water Corporations and Sewer Corporations

PURPOSE: This rule is intended to prevent the misuse of customer information. All matters regarding treatment of customer information and release of specific customer information to an affiliate or a third party nonaffiliate respecting the provision of utility related services may occur without customer consent but must be a matter of written contract between the regulated electrical corporation, gas corporation, heating company, water corporation and sewer corporation (covered utility) and the affiliate or third party nonaffiliate pursuant to the conditions set out in the rule below. All matters regarding treatment of customer information and release of specific customer information to an affiliate or a third party nonaffiliate respecting the provision of a nonutility related service must be limited to situations where there is documented recorded or written customer consent and a written contract between the covered utility and the affiliate or the third party nonaffiliate.

(1) Definitions

(A) Covered utility means, for purposes of this rule, an electrical corporation, gas corporation, heating company, water corporation, or sewer corporation as defined in section 386.020, RSMo., and subject to commission regulation pursuant to Chapters 386 and 393, RSMo.,

~~(B) Customer information means a subset of information in general, and includes but is not limited to one or more of the following items of one or more customers on the system of a covered utility that is identifiable with one or more particular customers: name, address, phone number, social security number, utility service usage, payment history, financial account,~~

~~driver's license number, medical information, and health insurance information. Customer information includes information provided to a covered utility by an affiliated or nonaffiliated third party person, entity, or association.~~

(CB) Information means any data obtained by a covered utility that is not obtainable by nonaffiliated entities or can only be obtained at a competitively prohibitive cost in either time or resources. Information does not include information that is lawfully obtained from publicly available sources, or from federal, state, or local government records lawfully made available to the general public.

1. Aggregate customer information means customer information that is aggregated in such a manner that no single customer is identifiable.

2. Specific customer information means a subset of information in general, and includes but is not limited to, one or more of the following items of one or more customers on the system of a covered utility that is identifiable with one or more particular customers: name, address, phone number, social security number, utility service usage, payment history, financial account, driver's license number, medical information, and health insurance information. Customer information includes information provided to a covered utility by an affiliated or nonaffiliated third party person, entity, or association.

(2) Aggregate customer information may be released without the affected customers' permission. Specific customer information shall be made available to affiliated or unaffiliated

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entities only as specified below, or as otherwise provided by law, subpoena, regulation, ordinance, or orders.

~~(23)~~ Utility Related Services

(A) When any covered utility contracts with an affiliate or a third-party nonaffiliate to perform a utility-related service on behalf of the covered utility and specific customer information to perform the utility-related service is required, the covered utility will provide the affiliate or third-party nonaffiliate with the necessary specific customer information without customer consent under the following contractual terms:

1. The affiliate or third party nonaffiliate shall be directed that the specific customer information remains the sole property of the covered utility;
2. The affiliate or third party nonaffiliate shall be authorized to use the specific customer information solely to perform the contracted for service;
3. The affiliate or third party nonaffiliate shall be expressly prohibited from any other use of the specific customer information with prohibitions to the affiliate or third-party nonaffiliate set out in the contract for any unauthorized use of the specific customer information;
4. The affiliate or third-party nonaffiliate shall be directed to treat the specific customer information as confidential at all times with specified prohibitions set out in the contract for not treating the specific customer information as

confidential; and

5. The affiliate or third-party nonaffiliate shall, as appropriate, be either notified that its access to specific customer information has been terminated and that it shall make no further attempts to access said information, or directed to return to the covered utility, within ten (10) days following the receipt of a written request, all specific customer information provided to the entity. In either case, the affiliate or third-party nonaffiliate shall provide the covered utility with an attestation, in a mutually agreeable form, that all replication of the information has been returned to the covered utility, or the affiliate or third party nonaffiliate may provide to the covered utility an attestation that the affiliate or third party nonaffiliate has destroyed or permanently erased or has had destroyed or had permanently erased all material identifying the specific customer information.

(3) Nonutility Related Services

(A) When an affiliated or nonaffiliated third-party person or entity contracts with the covered utility to perform a nonutility related service and that particular service requires specific customer information, the regulated electrical corporation, gas corporation, heating company, water corporation, or sewer corporation will provide that affiliate or third-party nonaffiliate with specific customer information only with documented recorded or written customer consent.

~~(4) General or Aggregated Customer Information~~

~~(A) General or aggregated customer information shall be made available to affiliates or third party nonaffiliates upon similar terms and conditions.~~

(5) Notification to Commission of Violations of Rule

(A) If a covered utility becomes aware of more than an immaterial amount of its confidential customer information having become public or passed into the possession of an unauthorized entity, the covered utility shall notify the staff counsel's office and public counsel as soon as it has verified that this has occurred.

(6) Waiver

(A) Provisions of this rule may be waived by the Commission for good cause shown.