

## **20 CSR 4240-10.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 personally identifiable customer information.

### **(1) Definitions**

(A) 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) Personally identifiable customer information means information or data that could potentially identify a specific utility customer, including, but not limited to, a utility customer's name, address, phone number, date of birth, social security number, payment history, financial account number, unique electronic identifier or routing code, driver's license number, medical information, health insurance information, customer specific utility service usage data, such as the history, quantity, quality, or timing of water, natural gas, steam heat, or electricity usage, or electricity production. Personally identifiable customer information may include information provided to a utility by an affiliated or nonaffiliated third-party person, entity, or association. Personally identifiable customer information does not include anonymized customer data, aggregated customer data, or information that is lawfully included in, or obtained from, federal, state, county, or local government records lawfully made available to the general public.

(C) Anonymized customer information or data is customer data that has been processed in such a manner that it can no longer be attributed to a specific customer.

(D) Aggregated customer information or data is the aggregation of any anonymized data associated with at least fifteen (15) customers within a customer class, so long as no single customer's data comprises 15 percent or more of the total aggregated customer data.

(E) Utility related services includes those services provided by a utility in furtherance of the provision of regulated utility service pursuant to Chapters 386 and 393, RSMo., as well as actions taken by the utility to support customer use of those services, and pursuant to a utility's commission approved tariffs.

(F) Utility service usage data is information gathered by a utility's metering or similar systems that measure that data in increments such as therms, decatherms, cubic feet, British thermal units, kilowatts, kilowatt hours, voltage, var, gallons, or other applicable measurement method.

(2) Utility Related Services

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

1. The affiliate or third-party nonaffiliate shall be authorized to use the personally identifiable customer information solely to perform the contracted for service and the personally identifiable customer information does not become the property of the affiliate or third-party nonaffiliate;
2. The affiliate or third-party nonaffiliate shall be expressly prohibited from any other use of the personally identifiable customer information with prohibitions

to the affiliate or third-party nonaffiliate set out in the contract for any unauthorized use of the personally identifiable customer information;

3. The affiliate or third-party nonaffiliate shall be directed to treat the personally identifiable customer information as confidential at all times with specific prohibitions set out in the contract for not treating the personally identifiable customer information as confidential; and

4. The affiliate or third-party nonaffiliate, as appropriate, shall be by the utility either directed that its access to personally identifiable customer information has been terminated and that it shall make no further attempts to access said information, or directed to return to the utility, within ten (10) days following the receipt of a written request, all personally identifiable customer information provided to the affiliate or third-party nonaffiliate. In either case, the affiliate or third-party nonaffiliate shall provide the utility with an attestation that all replication of the personally identifiable customer information, if any, has been returned to the utility, permanently erased from its systems, or the affiliate or third-party nonaffiliate may provide to the utility an attestation that the affiliate or third-party nonaffiliate has destroyed, or permanently erased, or has had destroyed or permanently erased, all material identifying the personally identifiable customer information.

(3) Nonutility Related Services

(A) Utilities shall not provide any affiliate or nonaffiliate third-party with personally identifiable customer information for a nonutility related service without first obtaining

recorded verbal or written affirmative customer consent, unless otherwise provided by law or the commission's rules or orders. The utility must maintain a record of each instance of affirmative consent authorizing disclosure of personally identifiable customer information.

(4) Aggregated or Anonymized Customer Information or Data

(A) Aggregated or anonymized customer information or data may be disclosed to affiliates or third-party nonaffiliates upon similar terms and conditions. A utility may disclose aggregated or anonymized customer information or data for a particular category or categories of data collected in the provision of utility service as determined by agreement between the utility and the affiliate or third-party nonaffiliate. Aggregated or anonymized customer information collected by a utility in its provision of utility related service, may otherwise be disclosed to an affiliate or third-party nonaffiliate.

(B) In addition to use by affiliates and third-party nonaffiliates, a utility may use aggregated or anonymized customer information or data for utility related analysis, reporting, or program management.

(5) Privacy Policy

(A) Each utility shall maintain a Privacy Policy consistent with this rule, make available a copy of the Privacy Policy to customers upon establishment of service, and subsequently make the Privacy Policy readily available to its customers by advising them that a copy is available upon request. A utility's Privacy Policy shall identify what personal customer information obtained by the utility shall be made available to affiliates and nonaffiliate third-parties without the consent of the customer. The Privacy Policy also shall identify applicable

(federal, state, county, city, etc.) laws, rules, orders, or judicial processes, (e.g., subpoenas or court orders) and utility tariffs, which support, limit, or prohibit disclosure, if known.

(6) Other Notification Required Respecting Personal Customer Information

(A) A utility shall notify staff counsel's office and the office of the public counsel if there is an incident that warrants reporting to the attorney general of a "breach of security" or "breach" as defined by Section 407.1500.1 RSMo., and the utility shall provide a copy of that report to the staff counsel's office and the office of the public counsel.