

## 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. ~~All matters regarding treatment of customer information and release of personally identifiable 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 (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 personally identifiable 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 customer consent and a written contract between the utility and the affiliate or the third party nonaffiliate. Each utility shall maintain a Privacy Policy consistent with this rule, and make a copy of the Privacy Policy readily available to its customers.~~

### (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) Customer information means any data respecting one or more customers obtained by a utility that is not obtainable by nonaffiliated entities or can only be obtained at a competitively prohibitive cost in either time or resources and which may include personal customer information.~~

~~(BC)~~ Personally identifiable customer information means ~~a subset of customer~~ 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, ~~or other personally identifiable information.~~ Personally within 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 ~~constitute~~ include anonymized customer data, aggregated customer data, or information that is lawfully included in, or obtained from, ~~publicly available sources,~~ ~~or~~ federal, state, county, or local government records lawfully made available to the general public.

~~(CD)~~ 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.

~~(DE)~~ 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.

~~(DEF)~~ 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.

(FG) 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 ~~Personal~~ Customer Information or Data

(A) Aggregated or anonymized ~~personal~~ 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 ~~personal~~-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 ~~and submitted to the commission for authorization~~. Aggregated or anonymized ~~personal~~-customer information collected by a utility in its provision of utility related service, may otherwise be disclosed to an affiliate or third-party nonaffiliate ~~by the minimum number of customers and the maximum percentage contribution of any one customer to the total of the data for the particular category of data being disclosed in the aggregate or anonymized as determined by agreement between the utility and the affiliate or third party nonaffiliate and submitted to the commission for authorization~~.

(B) In addition to use by affiliates and third-party nonaffiliates, a utility may use aggregated or anonymized ~~personal~~-customer information or data for utility related analysis, reporting, or program management ~~if the individual identity of each customer has been removed in the aggregating or anonymizing process and staff counsel's office and the office of the public counsel are notified of the aggregating or anonymizing process by the utility~~.

(5) Privacy Policy

(A) Each utility shall maintain a Privacy Policy consistent with this rule, ~~provide~~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 ~~personal customer information is required to be made available to either a nonaffiliated third party or a federal, state, or local court or administrative agency pursuant to a federal, state, county, or local statute, rule, subpoena or order, without documented recorded or written customer consent.~~ 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 ~~commission~~ staff counsel's office and the office of the public counsel. The utility shall identify for staff counsel's office and the office of the public counsel how the personal customer information is to be treated without revealing the identity of the utility customer(s).