

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 by covered utilities, affiliates and third party nonaffiliates.

(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(s), driver's license number, medical information, and health insurance information. Financial account(s) include all forms of financial information associated with the customer's account including but not limited to: financial institution account and financial institution routing numbers, credit and debit card numbers; trust information. Customer information includes information provided to a covered utility by an affiliated or nonaffiliated third party person, entity or association through all means the covered utility has the opportunity to collect and obtain customer information by virtue of its covered utility standing and includes customer information contained within the covered utility's customer information and meter reading systems, customer responses to survey instruments and all covered utility processes and systems.

Information means any data obtained by a covered utility that is not obtainable by affiliated or third party nonaffiliated entities or can only be obtained at a competitively prohibitive cost in either time or resources. Covered utilities shall only collect, store and use as much customer information as is reasonably necessary to perform the regulated utility service.

(C) Utility related service is defined as all services required in the provision of regulated utility service as specified in RSMO 386 and 393.

(2) Customer Information Protections and Customer Rights

(A) The following provisions apply to customer information provided to covered utilities affiliated and third party nonaffiliates.

(B) Customer information collected, stored and used by the covered utility, affiliate, and third party nonaffiliates as identified in 1 (B) is solely owned by the customer. The covered utility, affiliate and third party nonaffiliated may collect, store, use and disclose such information consistent with the provisions of this rule. Ownership of: customer name, address, phone number, social security number, utility service usage, payment history, financial account(s) including all forms of financial information associated with the customer's account including but not limited to: financial institution account and financial institution routing numbers, credit and debit card numbers; trust information is solely owned by the customer. The customer has the right and complete discretion to authorize release of their covered utility service usage information to any third party including suppliers of conservation and load management services as well as service aggregators. Such customer release of utility service usage information includes complete customer access to all incremental service usage collected by the utility.

The customer shall further have complete discretion to withhold all other customer information from such conservation and load management services as well as service aggregators as defined in 1 (B) above except for customer information necessary in the performance of the regulated utility service.

(C) Customers have the right to revoke, at any time, a previously granted authorization to a third party affiliate or non-affiliate providing nonutility services. Customer consent for the release of information is not required when the information (1) is requested pursuant to a legal process (2) provided in situations of imminent threat to life or property (3) authorized by the Commission pursuant to its jurisdiction and control.

(D) Customer consent for the release of information to an affiliate or third-party nonaffiliate which has been revoked at any time by any customer, will require reauthorization by such customers for future uses and transfers of their information for any and all non-utility purposes of their information.

(E) Should customer inquiries arise as to the past, present or intended future use of their information with the covered utility, affiliates or third party nonaffiliated entities, the utility shall be able to both verbally explain and provide written attestation to the customer, upon customer request, as to all manners in which their information is being used.

(F) At any such time that the covered utility and or any party that the covered utility has provided customer information and or permitted or directed access to customer information (including to or with an affiliate or third party nonaffiliated entity) and initiates an investigation into an internal or external breach or misuse of customer information, the covered utility will attempt to notify the customer through two (2) phone

call attempts and will notify the customer by written notification provided by first class mail. The covered utility will also notify the customer through all other means of communication the customer has requested to be communicated with such as through e-mail and text messaging. All notifications will occur within 24 hours after the initiation of an investigation of customer information breach or misuse. The covered utility will subsequently confirm the results of its investigation to the customer in the same manners as prescribed herein. Should misuse or breach of customer information have been concluded, the covered utility will offer, at a minimum, credit monitoring services to all affected customers. Covered utility notifications of all initiated investigations and their conclusions as described in 2 (F) shall likewise be provided to staff counsel's office and to OPC within three business days of occurring.

(3) 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 nonaffiliated shall be directed that the specific customer information remains the sole property of the customer and is within and under the present control and direction 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 and shall not disclose customer information to any person or party except as otherwise allowed by an order of the Commission. Should such unauthorized disclosure occur, the covered utility shall assume liability.

5. The affiliate or third party nonaffiliate shall be 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 with an attestation 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 has had destroyed all material identifying the specific customer information.

6. All matters regarding the treatment of customer information and release of specific customer information to an affiliate or a third party nonaffiliated 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 nonaffiliated pursuant to conditions set out in the rule.

(4) 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 affiliated or nonaffiliated third party person or entity requests specific utility 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 written or retained recorded customer consent (both of which must be able to be demonstrated and/or produced by the utility) and a written contract between the covered utility and the affiliate or the third party nonaffiliate specifying the precise manner in which the information will be used.

(5) Customer Privacy Notification

(A) The covered utility shall develop, post on its website and provide to each customer at least once per year, the Company's privacy policy which shall specify the covered utility's policies to protect and use customer information as well as the customer's information protections as described in 2 (A) through (F) above.

(6) Notification to Commission of Violations of Rule

(A) If a covered utility becomes aware of any 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 such has occurred. At such time of notification, the covered utility will provide the staff counsel's office and public counsel with the covered utility's actions and plans for providing customer notification of the same.

(7) Waiver

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