



To: Honorable Public Utilities Board

Submitted by: _____/s/_____

Rebecca Irwin
AGM – Customer Resources

From: Rebecca Irwin
AGM – Customer Resources

Approved by: _____/s/_____

Nicolas Procos
General Manager

Subject: Approve and Adopt Alameda Municipal Power’s Energy inView Web Portal Privacy, Information Security and Energy Usage Data Policy

RECOMMENDATION

By resolution, approve and adopt Alameda Municipal Power’s (AMP) Energy inView Web Portal Privacy, Information Security and Energy Usage Data Policy.

BACKGROUND

One of the biggest concerns among visitors to websites is how their personal information is going to be used and protected. With the installation of smart meters on residential and commercial properties in Alameda and the forthcoming launch of AMP’s Energy inView customer web portal to house interval data and billing data, it is important that customers feel confident that AMP is protecting their personal information online.

A privacy policy explains to site users and customers exactly how their information will be used and details what information is tracked and how it is tabulated. It assures customers that their personal data such as home addresses, telephone numbers and account information will not be used in any way other than those defined in the policy. Such a policy acts as another effective means of being transparent and building trust with customers.

DISCUSSION

AMP maintains and displays online a privacy policy for each of its customer-facing websites or portals. Staff is recommending this new policy for the Energy inView customer web portal to clarify for customers how the utility is using, managing, and securing their smart meter information and billing information.

The privacy policy includes descriptions of the information the customer provides to AMP and the information that AMP receives as a result of the customer’s use of the Energy inView web portal as well as how AMP uses that information and how long AMP stores the information.

The policy goes on to describe the safeguards AMP has implemented to protect the Energy inView data and how AMP will manage any breach of data.

NEXT STEPS

Upon Board approval, AMP's Energy inView Web Portal Privacy, Information Security and Energy Usage Data Policy will be posted to the Energy inView customer web portal, which is slated to go live in Fall 2017.

FINANCIAL IMPACT

There is no financial impact at this time.

LINKS TO BOARD POLICY AND OBJECTIVES

- Goal 1.1: Ensure that customers have a positive experience
- Goal 4.1: Achieve total AMI deployment
- Goal 4.4: Maintain sufficient level of cybersecurity

EXHIBIT

- A. Resolution
- B. AMP's Energy inView Web Portal Privacy, Information Security and Energy Usage Data Policy

CITY OF ALAMEDA
ALAMEDA MUNICIPAL POWER

RESOLUTION NO. _____

APPROVE AND ADOPT ALAMEDA MUNICIPAL POWER'S ENERGY INVIEW WEB
PORTAL PRIVACY, INFORMATION SECURITY AND ENERGY USAGE DATA POLICY

WHEREAS, one of the biggest concerns among visitors to websites is how their personal information is going to be used and protected; and

WHEREAS, with the installation of smart meters on residential and commercial properties and the forthcoming launch of AMP's Energy inView customer web portal to house interval data and billing information, it is important that customers feel confident that AMP is protecting their personal information online; and

WHEREAS, a web portal privacy, information security and energy usage data policy acts as another effective means of being transparent and building trust with customers;

NOW, THEREFORE, BE IT RESOLVED that the Public Utilities Board of the City of Alameda approves Alameda Municipal Power's Privacy, Information Security and Energy Usage Data Policy for the utility's Energy inView customer web portal.

Approved as to Form

By: _____/s/_____
Alan M. Cohen
Assistant City Attorney

AGENDA ITEM NO: 4.G.
MEETING DATE: 06/26/2017
EXHIBIT A

Alameda Municipal Power's Energy inView Web Portal Privacy, Information Security & Energy Usage Data Policy

Effective Date: July 1, 2017

This privacy policy has been compiled to better serve those who are concerned with how their 'Personally identifiable information' (PII) is being used online. PII, as used in US privacy law and information security, is information that can be used on its own or with other information to identify, contact, or locate a single person, or to identify an individual in context. Please read our privacy policy carefully to get a clear understanding of how we collect, use, protect or otherwise handle your Personally Identifiable Information in accordance with our Energy inView Web Portal.

As used in this Policy, "we," "our" and "us" refers to Alameda Municipal Power (AMP) and our Service Providers. By registering at or using the Site, **you** (as defined below) agree to this Policy (without change by you) on your own behalf.

Definitions. The following definitions also apply to this Policy:

- By "**Aggregate Data**," we mean Energy inView Data or Personally Identifiable Information (PII) from which personally identifying information has been removed such that, under applicable laws or in the ordinary course of business, (a) you reasonably cannot be identified, and (b) the Smart Meter service location or the appliances or devices in it reasonably cannot be identified as being yours. An example of Aggregate Data is data about total use of electricity for all residences, or for all businesses in a geographic area. You acknowledge that Aggregate Data is not protected or private data and is not covered by the protections in this Policy.
- By "**Disclose**" we mean all of this: using, accessing (or barring access), processing, fulfilling, disclosing, receiving, displaying, sharing, transmitting, transferring, storing, retaining, combining, investigating, verifying, proving, enforcing and otherwise dealing with, voluntarily or involuntarily, Energy inView data.
- By "**Energy inView Data**" we mean: (i) information about usage of electricity that we may provide from time to time; (ii) other information referenced in this Policy that is obtained by us via the Smart Meter; and (iii) all information deriving from or added to the collected information. Energy inView Data also includes information (now or later) relating to installation, billing, maintenance or update of the Smart Meter. It also includes other information identified in this Policy as Energy Usage Data. Energy inView Data does not include Aggregate Data.
- By "**Personally Identifiable Information**" or "**PII**," we mean, to the extent required by law and in the ordinary course of business, the following: information (1) that personally identifies you, (2) that relates to you in a way which reasonably would identify you or a device only used by you (like your computer, phone or tablet); (3) that we already have about you (e.g., for your AMP account); or (4) that we collect on or through the Smart Meter or the Site. PII does not include: (a) any of the foregoing information that is in public records or that is otherwise available to the general public; (b) Aggregate Data; or (c) Energy inView Data that doesn't meet the definition of PII.
- By "**Service Providers**" we mean (collectively) third parties that provide services to us or help us perform (or perform for us) contracts or obligations, including subcontractors, agents, and other entities or individuals with whom we work from time to time, including but not limited to companies that install

Smart Meters or provide management or other services relating to them. "Service Providers" also includes service providers to our Service Providers (i.e., third parties who provide services to them).

- By "**Site**", we mean the website where you can access Energy inView Data associated with your service account and other available Smart Meter services.
- By "**Smart Meter**," we mean a device that is installed by us (or on our behalf) that measures energy consumption of a location (such as a residence or business). This energy consumption information is called Energy inView Data. Unlike a traditional mechanical meter, smart meters can record energy consumption in shorter intervals and then communicate that information back to the utility using two-way radio communications.
- By "**you**", we mean an individual or an entity (i.e., residential or commercial) who is shown on our records (as they change over time) as the customer who has an obligation to pay for, or a right to receive, AMP services involving an installed Smart Meter ("**Customer**"), or any other user of this Site who is authorized to use the Site by us or by Customer. NO OTHER PERSONS ARE AUTHORIZED TO USE THIS SITE.

1. Information That You Affirmatively Provide To Us

When you visit the Site you may be asked to provide information in connection with particular things you request or do.

To register for a Site user account you will be asked to provide the name and account number associated with your AMP service account along with your phone number or other details. You will also create a login and password which you agree to keep confidential.

Other information that you may provide us includes: billing and payment information used to pay your energy bill, including financial information; information you provide to determine eligibility or participate in certain energy programs or services; and information you fill out in any form on our Energy inView portal, mobile applications, or otherwise, such as signing up for outage alerts and bill notifications.

2. Information That We Get From Your Use of the Energy inView Web Portal or Mobile App

In order to access the Energy inView Web Portal, you need a service account with AMP and a smart meter installed on your residence or business. We associate your personally identifying information (PII) with your web portal account (see No. 1 regarding any policies regarding that account information).

We automatically collect Energy inView Data from the Smart Meter in order to support our Smart Meter services (including this Site), billing and other operations. Examples of data that we automatically collect from your Smart Meter includes: register read data, load profile data, event and alert data, and other data available now or later via the Smart Meter that we let you know about in or with your billing statement, your use of the Site, in an AMP newsletter or in another notice from us.

We also collect information about visits to our web portal and mobile applications, such as the number of visitors and the number of users that click on certain links or use certain services. This information is used to improve the web portal design and usability, to identify system performance issues, or for other internal purposes.

3. How We Use Information

AMP uses, stores and processes the information that you provide or make available for the following purposes:

- to authenticate and confirm your identity when you access your AMP Energy inView account,

- to analyze it in order to optimize services, provide more accurate billing, restore power more quickly during outages,
- to provide for system, power grid, or operational needs (including but not limited to doing things like addressing outages and load balancing),
- to provide new or required services,
- to plan, implement, or evaluate demand response, energy or efficiency programs,
- to conduct system load analysis or rate case analysis. The data used for these analytics are tied to a Smart Meter or service location and no account or private customer information is used for data analytics, and
- to send you messages related to your energy services, administrative messages, technical notices, updates, alerts, and other information that you request.

4. How Long We Keep Information

Energy inView Data collected by the Smart Meter will be stored by AMP for a minimum of three years; thereafter, AMP will archive the data for seven years.

5. Other Information You Provide to Third Party Websites; Links.

The Site may contain links to websites of third parties that we do not control (except for links to another site of ours, such as our main site for AMP). We provide the links merely for your information or convenience. When you choose to click on a link, you will leave the Site and this Policy will no longer apply. Instead, Acceptable Use Agreement and privacy policies (if any) created by the third-party website will apply, so do not use third-party sites unless you agree with those rules and policies.

6. How We Disclose Personal Information or Other Energy inView Data

In general, we Disclose Energy inView Data to operate our business as required or allowed by law and to fulfill our mission and goals as a utility. We have already described some Smart Meter Disclosures, but we also disclose it for the following purposes:

- **To provide and manage the Site and our business:** We also disclose Energy inView data to create, manage and bill your Energy inView account. We may Disclose Energy inView data to install and operate the Smart Meter, to provide the Site and its services and customer support, and otherwise to operate our business. We may also use Energy inView data attempt to prevent potentially illegal or harmful activities and to enforce our contracts and policies, including this Policy and the Terms and Conditions Agreement.
- **To communicate with you:** We may Disclose Energy inView data to contact you or to respond to your requests of us from time to time. For example, we may contact you about your utility account or Energy inView Data or to help you and/or us (such as to suggest different rate or energy consumption plans as they become available, special programs, or generic or tailored energy management tips).
- **When authorized by you:** We may use and Disclose Energy inView Data when authorized by you.
- **To enable Service Providers to provide services to you:** We may work with Service Providers to do things we may do. We may Disclose Energy inView Data to them and they may disclose Energy inView Data to us and their Service Providers, subject to applicable law.

7. What We Will Not Do With Energy inView Data.

As described in Nos. 3 and 6, there are many reasons we will disclose Energy inView data. However and regardless of the foregoing, we will endeavor not to disclose PII or Energy inView Data to third parties for their use in marketing their products or services to you.

8. Security

We implement what we believe to be the most stringent administrative, technical and physical safeguards to protect Energy inView Data from unauthorized access, destruction, use, modification or disclosure. Our Service Providers provide assurance that the Smart Meter system components underwent rigorous cyber-security design, build, and testing. Additionally, our Service Providers follow all industry standards and provide best-in-class security including NISTIR (NIST Interagency Report) 7628, NERC CIP 002-009, OpenSG AMI-SEC, and DOE Interoperability and Cyber Security Plan. However, we do not guarantee security. If applicable law imposes any non-disclaimable duty on us about security, you agree that the standard used to measure our compliance with that duty will be willful misconduct.

You are part of security. You agree not to share your account credentials (like your user name, password or answers to challenge questions etc.) with anyone. If you do share them, the person you share with, and any person they share with, will be able to access your Energy inView data. You assume all risks, for yourself and others in the building served by a Smart Meter, by sharing your credentials. You also agree that we may treat all use of your access credentials as a use authorized by you.

9. Your Consent to Electronic Notification of PII Breach Incidents

If your Personally Identifiable Information (PII) is compromised we will (a) post the notice on the Site and email you notice that we have done so, or (b) simply send you the notice by email. We may send the email to any email address that we have in our records for you, and you agree to maintain a functioning email account.

10. Accessing and Managing Your Information

Most customers have secure access to information about them through their monthly bills or their online account on our web portal. To help protect your privacy and provide you with quality service, we rely on you to provide us with complete and accurate information. If you think the information we have about you is inaccurate or outdated, please contact us to update or correct the information.

We offer certain choices about how we communicate with you and what information you provide to us. In some cases, you have the right to limit, or opt out of, the information you provide to us.

- **Your Account:** As a customer, you may sign up for online access to your Energy inView account to get instant access to your bill, make payments, view your energy usage, and receive important alerts. If you choose to sign up for online access, you will be asked to provide your email address. You have the right to decline to provide your email access; however, you will not be able to take advantage of our online services such as electronic billing and payments as well as outage or bill notifications.
- **Email notifications and text alerts:** If you have opted in to receive email communications or text alerts from us, you can opt out of receiving these emails or alerts at any time by following the unsubscribe process in the footer of the email or by texting "STOP" in response to a text message. You can also opt out by updating the preferences section on your Energy inView account in the web portal.

11. Requesting Correction of Energy inView data; Identity Theft

You may access Energy inView Data that we make available by logging into your Site account. Typically, Energy inView Data may not be corrected (for example, you may not change the amount of energy you used). Of course, billing errors and the like may be corrected through our ordinary business procedures.

- **If you Move or Sell, etc.** If you move from or sell the property where a Smart Meter was installed (“Previous Location”), we may automatically terminate your Site account. You may re-register for a new Site account that is associated with any Smart Meter at your new location (assuming it is one of AMP’s meters and that you sign up for service at the new location in our service area). You will no longer be able to access Energy inView Data relevant to your usage at the Previous Location nor the usage of the new occupants. The new occupants of your Previous Location will only be able to access Energy inView Data effective of their date of move in.
- **Identity Theft.** If you believe that you are a victim of identity theft, you may be entitled by law to request information from us. You can do this by writing us at our address in “Contacting Us.” After we receive all the information we need to process your request, we will provide without charge, the information that we still have and that we are required by law to provide (without waiving any of our rights or defenses).

12. Amendments

None at this time.

13. Enforcement of Our Policy.

We have procedures for taking appropriate action against those who violate this Policy when they are required to follow it. For example, we might discipline an employee who willfully violates this Policy (subject to applicable law).

As noted, this Policy is part of and supplemented by AMP’s Acceptable Use Agreement, including but not limited to terms regarding governing law and forum, arbitration, disclaimers, exclusions of and limitations on damages. If there is a conflict between the Acceptable Use Agreement and this Policy, the latest version of this Policy will control. As a contract, we and you are bound by this Policy, and there are no third-party beneficiaries of this Policy, including anyone (other than you) that visits, lives or works in the location served by the Smart Meter.

14. Contacting Us. We are Alameda Municipal Power (AMP) and our contact information for matters relating to this policy is below. Use this address when sending a notice required under this Policy (such as for correction of PI or a request for information regarding Identity Theft).

Alameda Municipal Power
2000 Grand Street
Alameda, CA 94501-0263