CITY OF POMONA
Administrative Policy

SUBJECT:			EFFECTIVE DATE:
ADVANCED METERING INFRASTRUCTURE (AMI) DATA SECURITY AND PRIVACY POLICY			**October 1, 2020**
POLICY #:	SUPERSEDES	STAFF CONTACT	# OF PAGES:
PCE-06	**N/A**		**5**

1.0 Purpose

To ensure the privacy and security of AMI data and customer usage information for Pomona Choice Energy a Community Choice Aggregation.

2.0 Organizations affected

City of Pomona
All City of Pomona Departments
Pomona Choice Energy

3.0 References

California Public Utilities Commission (CPUC) Decision 12-08-045

4.0 Definitions

4.1 Advanced Metering Infrastructure (AMI) Data
Data collected from systems that measure, collect and analyze energy usage, and communicate with metering devices such as electricity meters, either on request or on a schedule. These systems generally include hardware, software, communications, consumer energy displays and controllers, customer associated systems, Meter Data Management (MDM) software, and supplier business systems.

4.2 Aggregate Usage Data
Customers energy usage and usage-related data (such as billing, program participation, or account information) that has been summed, averaged, or otherwise processed such that the result does not contain information at the level of individual customers and an individual customer cannot reasonably be re-identified.

4.3 Covered Information – Customer Information

Any usage information obtained through the use of the capabilities of Advanced Metering Infrastructure when associated with any information that can reasonably be used to identify an individual, family, household or residence, or non-residential customer, except that covered information does not include usage information from which identifying information has been removed such that an individual, family, household, or residence, or non-residential customers cannot reasonably be identified or re-identified. Covered information, however, does not include information provided to the Commission pursuant to its oversight responsibilities.

4.4 Primary Purposes

The "Primary Purposes" for the collection of storage, use or disclosure of covered information are to:

- Provide or bill for electrical power,
- Provide for system, grid or operational needs,
- Provide services as required by state, or federal laws or as specifically authorized by an order of the Commission, or
- Plan, implement, or evaluate demand response, energy management, or energy efficiency programs under contract with a Community Choice Aggregator or an Electrical Services Provider (when providing service to residential or small commercial customers), under contract with the Commission, or as part of a Commission authorized program conducted by a governmental entity under the supervision of the Commission.

4.5 Secondary Purpose

Secondary Purpose means any purpose that is not a primary purpose.

5.0 Policy

5.1 Pomona Choice Energy shall implement reasonable administrative, technical, and physical safeguards to protect covered information from unauthorized access, destruction, use, modification or disclosure.

5.2 Pomona Choice Energy and third parties shall provide reasonable training to all employees and contractors who use, store, or process covered information.

5.3 Pomona Choice Energy shall collect, store, use, and disclose only as much covered information as is reasonably necessary or as authorized by the Commission to accomplish a specific primary purpose.

6.0 Procedure

Transparency and Notification

6.1 Pomona Choice Energy shall provide customers with meaningful, clear, accurate, specific, and comprehensive notice regarding the accessing, collection, storage, use and disclosure of AMI data; provided, however, that Pomona Choice Energy is using AMI data solely for a primary purpose on behalf of and under contract with utilities it is not required to provide notice separate from that provided by the utility.

6.2 Pomona Choice Energy shall provide written notice when confirming a new customer account and at least once per year. The notice shall inform customers how they may obtain a copy of Pomona Choice Energy's notice regarding the accessing, collection, storage, use and disclosure of AMI data and shall provide a conspicuous link to the notice on the home page of their website and include a link to their notice in electronic correspondence to customers.

- The notice hall be labeled Notice of Accessing, Collecting, Storing, Using and Disclosing Energy Usage Information and shall be written in easily understandable language and be no longer than is necessary to convey the requisite information.

- The notice and the posted privacy policy shall state clearly the identity of Pomona Choice Energy, the effective date of the notice or posted privacy policy, Pomona Choice Energy's process for altering the notice or posted privacy policy including how the customer will be informed of any alterations and where prior versions will be made available to customers, and the title and contact information including email address, postal address, and telephone number of an official at Pomona Choice Energy who can assist the customer with privacy questions, concerns, or complaints regarding the collection, storage, use, or distribution of covered information.

- The notice shall provide an explicit description of each category of covered information collected, used, stored, or disclosed, and for each category of covered information, the reasonably specific purpose for which it will be collected, stored, used, or disclosed, each category of covered information that is disclosed to third parties, and, for each such category, a description of the means by which customers may view, inquire about, or dispute their covered information, and the means, if any, by which customers may limit the collection, use, storage, or disclosure of covered information and the consequences to customers if they exercise such limits.

6.3 Pomona Choice Energy shall provide to customers upon request convenient and secure access to their covered information in an easily readable format that is at a level no less detailed than that at which the covered entity discloses the data to third parties.

Use, Disclosure, and Customer Authorization

6.4 Pomona Choice Energy may disclose covered information without customer consent to a third party acting under contract with the Commission for the purpose of providing services authorized pursuant to an order or resolution of the Commission or to a governmental entity for the purpose of providing energy efficiency or energy efficiency evaluation services pursuant to an order or resolution of the Commission.

6.5 Pomona Choice Energy may disclose covered information to a third party without customer consent when explicitly ordered to do so by the Commission, or for a primary purpose being carried out under contract with and behalf of Pomona Choice Energy provided that the covered entity disclosing the data shall, by contract, require the third party to agree to access, collect, store, use, and disclose the covered information under policies, practices, and notification requirements no less protective than those under which the covered entity itself operates.

6.6 Any entity that receives covered information derived initially from Pomona Choice Energy may disclose such covered information to another entity without customer consent for a primary purpose, provided that the entity disclosing the covered information shall, by contract, require the entity receiving the covered information to use the covered information only for such primary purpose and to agree to store, use, and disclose the covered information under policies, practices, and notification requirements no less protective than those under which the covered entity from which the covered information was initially derived operates.

6.7 When Pomona Choice Energy discloses covered information to a third party under this subsection it shall specify by contract, unless otherwise ordered by the Commission, that it shall be considered a material breach if the third party engages in a pattern or practice of accessing, storing, using, or disclosing the covered information in violation of the third party's contractual obligations to handle the covered information under policies no less protective than those under which the covered entity from which the covered information was initially derived operates.

6.8 If Pomona Choice Energy finds that a third-party contract to which it disclosed covered information is engaged in a pattern or practice of accessing, storing,

using, or disclosing covered information in violation of the third party's contractual obligations related to handling covered information, Pomona Choice Energy shall promptly cease disclosing covered information to such third party.

6.9 Separate authorization by each customer must be obtained for all disclosures of covered information except as provided for herein.

6.10 Pomona Choice Energy shall permit customers to cancel authorization for any secondary purpose of their covered information by the same mechanism initially used to grant authorization.

6.11 Pomona Choice Energy shall permit the use of aggregated usage data that is removed of all personally identifiable information to be used for analysis, reporting, or program management provided that the release of that data does not disclose or reveal specific customer information because of the size of the group, rate classification, or nature of the information.

James W. Makshanoff, City Manager

9/25/2020
Date