

CONSUMER PRIVACY AND CUSTOMER DATA ACCESS ISSUES

In part as a result of the recent workshops, the Commission is aware of consumer privacy protection or customer data access issues related to smart grid and advanced metering deployments that might need to be considered by the Commission. To provide additional background to parties seeking to comment in Case No. 11-277-GE-UNC, the Commission is posting the following list of such issues to its website. The Commission is not requesting substantive comments on these issues at this time. If the Commission determines that it should address these issues, interested parties will have subsequent opportunities to provide input.

I. Consumer Privacy Protection

A. Privacy Protection Practices

1. During the last forty years, government, private, and international standards organizations have developed Fair Information Practice Principles to guide the handling of private and confidential information in business and in a variety of other contexts.¹ Are there Fair Information Practice Principles or other guidelines that provide an appropriate starting point for developing policies related to managing customer information gathered from utility advanced metering or smart grid deployments?
2. The NIST Report incorporates the results of a more than year long effort by privacy and industry experts to identify appropriate privacy practices for the smart grid. It includes recommended privacy practices in ten areas:

¹ The NIST Report cites the following as examples of such guidelines: the American Institute of Certified Public Accountants' (AICPA) Generally Accepted Privacy Principles (GAPPs), see: "AICPA's Generally Accepted Privacy Principles" at <http://www.compliancebuilding.com/2009/01/09/aicpas-generally-accepted-privacy-principles/>; the Organization for Economic Cooperation and Development's (OECD) Privacy Principles, see: OECD "Guidelines on the Protection of Privacy and Transborder Flows of Personal Data" at http://www.oecd.org/document/20/0,3343,en_2649_34255_15589524_1_1_1_1,00.html; and the information security management principles of the International Organization for Standardization (ISO) and International Electrotechnical Commission (IEC) Joint Technical Committee (JTC) found in International Standard ISO/IEC 27001, see: http://webstore.iec.ch/preview/info_isoiec27001%7Bed1.0%7Den.pdf.

- a. Management and accountability
- b. Notice and purpose
- c. Choice and consent
- d. Collection and scope
- e. Use and retention
- f. Individual access
- g. Disclosure and limiting use
- h. Security and safeguards
- i. Accuracy and quality
- j. Openness, monitoring, and enabling consumers to challenge compliance with published privacy policies

For details on the Report's recommendations, see NIST Report, Volume 2 at 18 - 23. Do some or all of the privacy practices recommended in the NIST Report provide an appropriate starting point for developing policies for utilities with smart grid or advanced metering programs?

3. Should utilities with advanced metering or smart grid programs conduct a Privacy Impact Assessment (PIA)?² If so, what, if any, policies might be needed with respect to such PIAs?
4. Are there any approaches to configuring or using advanced metering or smart grid technologies that should be considered to mitigate privacy concerns, consistent with achieving the benefits of deploying such technologies?³

² The NIST Report recommends that organizations handling detailed energy usage information conduct a PIA. NIST Report, Volume 2 at 24.

³ For example, the NIST Report suggests that privacy concerns might be mitigated by limiting the transfer of information from the meter to the utility's back office to that which is needed for billing and operational purposes. NIST Report, Volume 2 at 37 - 38.

5. Are there other privacy protection practices that the Commission should consider for utilities with smart grid or advanced metering programs?

B. Third-party Access to Information

1. Are there practices that should be followed or conditions that should be applied by a distribution utility providing energy usage information from advanced metering to a customer's authorized energy service provider or to others who may be authorized by the customer to receive such information? If so, what, if any, policies might be needed in this area?
2. Should any privacy protection requirements for data from advanced metering or smart grid programs apply to governmental aggregators and competitive retail service providers?

C. Public Education

1. What steps should be taken to educate consumers on privacy related issues associated with advanced metering and smart grid programs and related utility privacy protection policies?
2. What, if any, additional information on privacy protection should utilities post on their websites?

II. Customer Access to Usage and Other Information

A. Customer Access to Actionable Information

1. Given the value to consumers of information that enables them to more efficiently manage their energy use, how should different approaches to providing customers access to their detailed energy usage data be evaluated?
2. For a customer with advanced metering, should detailed consumption and pricing data (including information that the utility might be required to provide under Rule 4901:1-10-24(F)(1), O.A.C.) be

made available to the customer through a secure web portal?

3. For a customer with advanced metering, should detailed consumption information, if requested, be available in near real time through a secure channel directly from the meter into the home or business for use by home displays, building energy management systems, or other devices?

B. Landlord - Tenant

1. In circumstances where a tenant or other consumer occupant of a home or building is not the utility's customer, what access, if any, should the tenant or consumer occupant have to information from the utility about their energy usage?
2. In circumstances where a landlord or building owner is not the utility's customer, what access, if any, should the landlord or building owner have to information from the utility about energy usage in their building?

III. Baseline Information

- A. For utilities with smart grid or advanced metering programs, what are your privacy protection policies?
- B. For utilities with smart grid or advanced metering programs, what steps has your company undertaken to assess the privacy impacts of its program and review its privacy protection policies?