

MADRI MEETING
SMART METERS AND DISTRIBUTED RESOURCE DATA ISSUES

DATA NEEDS, ACCESS TO DATA
AND CONSUMER PROTECTION

CONSUMER PRIVACY CONCERNS AND HOW TO ADDRESS THEM

Paula M. Carmody
Maryland People's Counsel

Baltimore, Maryland
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Consumer Concerns

- Smart grid and demand response initiatives have heightened 3rd party interest in customer information and data
- BUT consumers have concerns:
 - Utility protection of personal information and data
 - Customer control of 3rd party access to personal information and data
 - Customer right to access own data

Consumer Concerns

**Personal Information and Data Privacy is
important to consumers!!!**

Consumer Information and Privacy: What are we talking about?

- Confidential Data
 - Personally Identifiable Information (PII)
 - Name, address, location, telephone, email address
 - Social security number (SSN)
 - Account number
 - Financial: Bank or credit card numbers; credit check info
 - Unique digital networking information (including Network/IP, LAN)
 - Any unique identifying information or data
 - Energy Usage Data
 - Anonymous Data (if it allows identification of customer)
- Non-Confidential Information
 - Aggregate Use Data
 - Public Data

Personal Information and Data Privacy Issues: Utilities and Third Parties

- Management – Privacy Policies and Functions
 - Governance Structure
 - Inventory of personal data collected, stored and used
 - Internal policies and procedures
 - Employee security and training
 - Data transfer protocols
 - 3rd party compliance procedures
 - Monitoring and audit procedures
- Definitions
 - Personally identifiable information
 - Data
 - Individual
 - Aggregated
 - Anonymous
 - Third parties
 - Vendors
 - Independent contractors
- Notice and Purpose of Data Collection

Personal Information and Data Privacy Issues: Utilities and Third Parties

- Data collection
 - Scope
 - Necessary information
 - Granularity
- Data retention
 - Security safeguards
 - Time period
 - Disposal
- Customer Right to Access Own Data
 - Scope
 - Granularity
 - Form
 - Customer right to release to 3rd parties

Personal Information and Data Privacy Issues: Utilities and Third Parties

- Authorization Requirements for Disclosure of Information
 - When Is Customer Permission Needed?
 - Utility Contractors
 - Vendors
 - Competitive Energy Suppliers
 - Energy efficiency and management; demand response; education
 - Research
 - Individual data
 - Anonymous data
 - Aggregated data
 - Customer-Initiated
 - Green Button
 - Method
 - Written
 - Electronic
 - Form
 - Affirmative consent (the opt-in v. opt-out issue)

Personal Information and Data Privacy Principles Utilities and Third Parties

- Disclosures on Data Sharing and Limitations on Data Use
 - Researchers
 - Government Agencies
 - Emergency management
 - Energy assistance and other programs
- Data security
- Laws and Protocols for handling security breaches
 - Disclosure of breaches
- Accuracy of customer data
- Customer complaint process

Explicit customer information and data privacy rules should be established, followed and enforced

- Who should the privacy rules apply to?
 - Utilities
 - Third party vendors

- Who is responsible for establishing privacy rules?

<ul style="list-style-type: none"> • Utilities → • Traditional non-disclosure rules • New: California, Colorado and Oklahoma privacy laws (smart meter initiatives) • Utility contractor requirements 	State legislatures and regulators
<ul style="list-style-type: none"> • Third party vendors → → 	Federal/state law Voluntary Code of Conduct

- Who is responsible for enforcement action?

<ul style="list-style-type: none"> • Utilities → • Non-compliance with law, regulations or orders 	State regulators
<ul style="list-style-type: none"> • Third party vendors → • FTC – “unfair and deceptive practices” (Facebook settlement) • State Consumer Protection Acts – “unfair and deceptive practices” (AG Google letter) • State Personal Information Laws and Data Breach Notice Requirements 	Federal/state agencies

- Questions:
 - Can the regulator hold the utility responsible for violations by the utility contractor?
 - Can the regulator hold the utility responsible for violations by the third party?

Smart Grid and Privacy Resources

- Vermont Law School – Institute for Energy and the Environment: “Model Privacy Policy for Smart Grid Data”
- DOE: Federal Smart Grid Task Force Voluntary Code of Conduct Multi-stakeholder Process (Ongoing)
- SEEACTION: “A Regulator’s Privacy Guide to Third Party Data Access for Energy Efficiency” (December 18, 2012)
- Critical Consumer Issues Forum (CCIF): “Grid Modernization Issues with a Focus on Consumers” (July 2011, p. 4)
- White House Report: “A Policy Framework for the 21st Century Grid: Enabling Our Secure Energy Future (June 2011, pp. 46-48)
- NRRI: “Smart Grid Data: Must There Be Conflict Between Energy Management and Consumer Privacy?” (December 2010)
- DOE Report on “Data Access and Privacy Issues Related to Smart Grid Technologies” (October 5, 2010)
- NASUCA, AARP et al.: “The Need for Essential Consumer Protections: Smart Metering and the Move to Time-Based Pricing” (August 2010, p. 19)
- NIST: “Guidelines for Smart Grid Cybersecurity: Vol. 2, Privacy and the Smart Grid” (August 2010)
- DOE Request for Information: Implementing the National Broadband Plan by Empowering Consumers and the Smart Grid: NASUCA Comments (July 12, 2010)

Smart Grid and Privacy Resources

- NARUC Resolutions on Smart Grid (2009 and 2010)
- NASUCA Resolutions on Smart Grid (2009-1 and 2009-3)
- NAESB REQ21: Third Party Access to Smart Meter Based Information
- TRUSTe: Trusted Smart Grid Seal Program
<http://www.truste.com/consumer-privacy/TRUSTed-smart-grid>

Other Privacy Resources

- FTC Report: “Protecting Consumer Privacy in an Era of Rapid Change” (March 2012)
- FTC Fair Information Practices (FIP)
- White House: “Consumer Data Privacy in a Networked World” (Consumer Privacy Bill of Rights) (February 2012)
 - <http://www.whitehouse.gov/sites/default/files/privacy-final.pdf>
- NAAG Presidential Initiative (MD AG Douglas Gansler): Privacy in the Digital Age
- Attorneys General February 22, 2012 letter to Google
 - <http://www.naag.org/assets/files/pdf/signons/20120222.Google%20Privacy%20Policy%20Final.pdf>

Thank you

Paula M. Carmody
Maryland People's Counsel
Office of People's Counsel
6 St. Paul Street, Suite 2102
Baltimore, MD 21202
410-767-8150
paulac@opc.state.md.us
www.opc.state.md.us