RESOLUTION NO. 2016-36

A RESOLUTION authorizing adoption of the attached utility customer data privacy policy.

WHEREAS, utility customers are being offered an increasing amount of innovative technology choices for energy management on the customer’s side of the meter such as solar energy, smart thermostats and hot water heaters, smart metering, two-way power flow capability from electric vehicle charging and discharging into the grid, and aggregated home and business energy management services; and

WHEREAS, protecting our customer’s privacy and their personal data, known as their personally identifying information, is a top priority for the City of Ellensburg; and

WHEREAS, the City of Ellensburg and other parties are subject to various state laws addressing the treatment of customer data by the City, third parties and customers, including RCW 19.29A.100 (Data Privacy); RCW 42.56.330(2) (Exemption from Public Disclosure of certain customer data); RCW 42.56.590 (Notification of Data Breach); and RCW 42.56.335 (Law Enforcement); and

WHEREAS, the attached Utility Data Privacy Policy addresses provisions of the City of Ellensburg’s policy and these state laws that protect customers’ data privacy and provide remedies for both the utility and the customer in the event of an unauthorized data disclosure or breach; and

NOW THEREFORE, BE IT RESOLVED, by the City Council for the City of Ellensburg as follows:

Section 1. The City of Ellensburg does hereby adopt the attached Utility Data Privacy Policy to protect our customers’ data, and provide an avenue for our customers to work with the City to be notified of, investigate, identify, and seek to resolve, any disclosure or breach of their personally identifying information.

Section 2. This resolution shall take effect and be in force immediately upon its adoption.

ADOPTED by the City Council of the City of Ellensburg this 3rd day of October, 2016.

Mayor

Attest: City Clerk
1. POLICY:

The City of Ellensburg ("City"), through the Finance Department, collects and uses customer data to perform essential business operations such as operating and maintaining its utility systems including the fiber optic network, managing outages and processing customer bills. In using this data, the City will conform to applicable laws and regulations to keep this information private and secure to the extent allowed by law. The City respects customer privacy and is committed to protecting it through our compliance with this policy.

2. PUBLIC RECORDS ACT COMPLIANCE:

The City is a Washington Municipal Corporation subject to the Public Records Act, Chapter 42.56 RCW. Under the Act the customer addresses, telephone numbers, electronic contact information, and customer-specific utility usage and billing information in increments less than a billing cycle are exempt from public disclosure except to law enforcement and specific child support agencies. Other information regarding a customer's account maintained by the City is disclosable to persons making a public records request.

A customer may request to be notified if their records are subject to a Public Records request before the request is fulfilled.

3. SALE OR DISCLOSURE CUSTOMER INFORMATION (RCW 19.29A.100):

The City will not sell private or proprietary customer information. The City will not disclose private or proprietary customer information with or to any other third party for the purposes of marketing services or product offerings to a customer who does not already subscribe to that service or product, unless the City has first obtained the customer's written or electronic permission to do so.

4. DEFINITIONS:

- "Proprietary customer information" means: (a) Information that relates to the source, technical configuration, destination, and utility customer's payment history, and household data that is made available by the customer solely by virtue of the utility-customer relationship; and (b) information contained in a retail utility customer's bill.

- "Private customer information" includes a retail utility customer's name, address, telephone number, and other personally identifying information.
5. INFORMATION PROVIDED TO THE CITY:

The City collects both Proprietary and Private Customer information, directly from the customer and/or by visits to the City's website.

- Examples of ways a customer provides information to the City may include: application for credit, phone, emails, faxes, survey responses, transactions you carry out on the City website.

- Information the City collects through automatic data collection technologies may include: details of your visits to the City website, including traffic data, location data, logs and other communication data and the resources that you access and use on the City website. It may also include information about customer computer and Internet connection, including your IP address, operating system and browser type.

6. HOW WE USE YOUR INFORMATION:

The City may use information that it collects or that a customer provides to us, including any personal information to: create monthly billings, provide notices about a customer account, or the utility, enhance your customer experience, and provide a customer with information, products or services that they may request or authorize from the City.

7. SHARING INFORMATION WITH A THIRD PARTY:

The City provides information about customer accounts and data to third parties for billing and collection purposes, to complete a customer initiated transaction, or to comply with any court order, law or legal process, including a response to any government or regulatory request.

The City may share aggregated information with third parties as long as the information does not allow any specific customer to be identified.

The City may use e-mail as a form of communication regarding account billings, a customer's individual utility services, utility updates and maintenance, and other available utility services. Customer e-mail will not be disclosed to other parties for non-utility related purposes.

The City shall not provide or sell customer information for private gain or commercial purposes.
8. ENSURING NETWORK SECURITY:

It is important we maintain customer privacy and protection. Your Private Customer Information is encrypted and protected on a secure network. The advanced meters do have several layers of protection; however, no Private Customer Information is transmitted through the advanced meters.

9. CUSTOMER'S RIGHTS TO CONTROL AND MODIFY INFORMATION:

The customer may review and modify his or her personal information at any time with proper verification.

Customers will be given the option to opt-out of non-bill related emails.

10. COMPLAINT PROCESS:

Customers who believe that their Private or Proprietary Customer Information has been sold by the City or disclosed by the City for the purposes of marketing services or product offerings in violation of this Policy may contact the City’s Customer Service division at (509) 962-7201. Customer Service will investigate the complaint and report its findings to the Customer within 30 days. If the Customer is dissatisfied with the investigation, the Customer may ask for a hearing before the City’s hearings officer.

11. CHANGES TO CITY PRIVACY POLICY:

It is the City’s policy to post the most current privacy policy on the City website. The date the privacy policy was last revised is identified within the policy. Please visit City website or contact customer service periodically and check for any changes.