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**SECTION C – PART III
CUSTOMER PROTECTIONS
APPLICABLE TO ALL CUSTOMERS**

C12. CUSTOMER PROTECTIONS

C12.1 DATA PRIVACY

- A. “Aggregate Data” means any Customer Account Information from which all identifying information has been removed so that the individual data or information of a customer cannot be associated with that customer without extraordinary effort.
- B. “Contractor” or “Company Agent” means an entity or person performing a function or service under contract with or on behalf of the Company, including, but not limited to customer service, demand response, energy management, energy efficiency programs, payment assistance, payroll services, bill collection, or other functions related to providing electric and natural gas service.
- C. “Customer” means a purchaser of electricity or natural gas that is supplied or distributed by a utility for residential or nonresidential purposes.
- D. “Customer Account Information” means *personally* identifiable information including Personal Data and Customer Usage Data. Customer Account Information also includes information received by the Company from the customer for purposes of participating in regulated utility programs, including, but not limited to bill payment assistance, shutoff protection, renewable energy, demand-side management, load management, or energy efficiency.
- E. “Customer Usage Data” [or “Consumption Data”] means customer specific gas and electric usage data, *or weather adjusted data*, including but not limited to ccf, Mcf, therms, dth, kW, kWh, voltage, var, or power factor, and other information that is recorded by the electric or gas meter for the Company and stored in its systems.
- F. “Informed Customer Consent” means, in the case where consent is required: the customer is advised of the (1) data or information to be collected and allowable uses of that data or information by the party seeking consent; (2) the frequency of data or information release and the duration of time for which the consent is valid; and (3) process by which the customer may revoke consent. In no case shall silence by the customer ever be construed to mean Informed Customer Consent. Customer consent must be documented and may be in writing, electronically, or through recording of an oral communication.
- G. “Personal Data” [or “Personally Identifiable Information”] means specific pieces of information collected or known by the Company that can be used to identify or trace to a specific individual and that merit special protection including, but not limited to, the standard types of positive

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C12. CUSTOMER PROTECTIONS (Cont'd.)

- G. identification information used to establish an account. Personal Data [Personally Identifiable Information] includes, but is not limited to, name, address, birth date, telephone number, electronic mail address, Social Security Number, financial account numbers, driver's license number, credit reporting information, bankruptcy or probate information, health information, network, or Internet protocol address.
- H. "Primary Purpose" means the collection, use, or disclosure of information collected by the company or supplied by the customer where there is an authorized business need or emergency response in order to: (1) provide, bill, or collect for, regulated electric or natural gas service; (2) provide for system, grid, or operational needs; (3) provide services as required by state or federal law or as specifically authorized in the Company's approved tariff or; (4) plan, implement, or evaluate, energy assistance, demand response, energy management, renewable energy or energy efficiency programs by the Company or under contract with the Company, under contract with the Commission, or as part of a Commission-authorized program conducted by an entity under the supervision of the Commission, or pursuant to state or federal statutes governing energy assistance.
- I. "Secondary Purpose" means any purpose that is not a Primary Purpose.
- J. "Standard Usage Information" means the usage data that is made available by the electric or gas utility to all similarly situated customers on a regular basis, delivered by the electric or gas utility in a standard format.
- K. "Third-party" means a person or entity that has no contractual relationship with the Company to perform services or act on behalf of the Company.
- L. *"Weather adjusted data" means gas or electric consumption data for a given period that has been normalized using the heating degree days or cooling degrees days during the period.*
- M. *"Written consent" means a form with the customer's signature received by the Company through mail, facsimile, or email. A customer may also digitally sign a form that is transmitted to the Company.*

COLLECTION AND USE OF DATA AND INFORMATION

- A. The Company, its Contractor or Company Agent collects Customer Account Information as necessary to accomplish Primary Purposes only. Informed Customer Consent is NOT necessary for Primary Purposes.
- B. Informed Customer Consent is necessary before collection or use of Customer Account Information for a Secondary Purpose.

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C12. CUSTOMER PROTECTIONS (Cont'd.)

COLLECTION AND USE OF DATA AND INFORMATION (contd.)

- C. The Company will not sell Customer Account Information, except in connection with sales of certain aged receivables to collection firms for purposes of removing this liability from its accounts, unless it receives Informed Customer Consent.

DISCLOSURE WITHOUT CUSTOMER CONSENT

- A. The Company shall disclose Customer Account Information when required by law or Commission requests or rules. This includes law enforcement requests supported by warrants or court orders specifically naming the customers whose information is sought, and judicially enforceable subpoenas. The provision of such information will be reasonably limited to the amount authorized by law or reasonably necessary to fulfill a request compelled by law.
- B. Informed Customer Consent is not required for the disclosure of customer name and address to a provider of appliance repair services in compliance with MCL 460.10a(9)(a).
- C. Informed Customer Consent is not required for the disclosure of Aggregated Data.
- D. Informed Customer Consent is not required for the disclosure of Customer Account Information when individual or public safety is at risk.
- E. Informed Customer Consent is not required for the disclosure of customer name and address to a provider of a value-added program or service, regardless of whether that provider is a utility affiliate or other entity within the corporate structure or a third party provider, in compliance with MCL 460.10ee(10)(a) and Mich Admin Code, R 460.10109(2) or a value-added program or service competitor in compliance with MCL 460.10ee(10)(a) and Mich Admin Code, R460.10109(2).*

DISCLOSURE TO COMPANY AGENTS AND CONTRACTORS

- A. The Company shall disclose only the necessary Customer Account Information to Company Agents and Contractors working on behalf of the company for Primary Purposes and any other function relating to providing electric or natural gas services without obtaining Informed Customer Consent.
- B. Contracts between the Company and its Company Agents or Contractors specify that all Company Agents and Contractors are held to the same confidentiality and privacy standards as the Company, its employees, and its operations. These contracts also prohibit Company Agents or Contractors from using any information supplied by the Company for any purpose not defined in the applicable contract.

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C12. CUSTOMER PROTECTIONS (Cont'd.)

DISCLOSURE TO COMPANY AGENTS AND CONTRACTORS (contd.)

- C. The Company requires its Company Agents and Contractors who maintain Customer Account Information to implement and maintain reasonable data security procedures and practices appropriate to the private nature of the information received. These data security procedures and practices shall be designed to protect the Customer Account Information from unauthorized access, destruction, use, modification, or disclosure. The data security procedures and practices adopted by the Contactor or Company Agent shall meet or exceed the data privacy and security policies and procedures used by the Company to protect Customer Account Information. The Company requires Company Agents and Contractors to return or destroy any Customer Account Information that it maintained and that is no longer necessary for the purpose for which it was transferred.
- D. The Company maintains records of the disclosure of customer data to Company Agents and Contractors in accordance with Company record retention policies and Commission rules. These records include all contracts with the Company Agent or Contractor and all executed non-disclosure agreements.

CUSTOMER ACCESS TO DATA

- A. The Customer has a right to know what Customer Account Information the Company maintains about the Customer. The Company shall not provide data to a customer which the Company considers proprietary or used for internal Company business. The Company will make a reasonable effort to respond to requests for this information within 10 business days of being contacted by the Customer.
- B. The Company will provide to customers upon request, a clear and concise statement of the customer's actual energy usage, or weather adjusted consumption data for each billing period during the last 12 months, or both. The Company will notify customers at least once each year that customers may request energy usage, or weather adjusted consumption data, or both.
- C. The Company's website (customer data privacy link at bottom of the homepage) will provide clear instructions for customers on how to access up to 12 months of customer usage data through their online account, as well as instructions on how to share their usage data with third parties. Customer usage data will be delivered in comma delimited, (csv), or xml format.
- D. Customers have the right to share their own Customer Account Information with third parties of their choice to obtain services or products provided by those third parties. These services or products may include, but are not limited to, in-home displays, energy audits, or demand response programs. The Customer must

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C12. CUSTOMER PROTECTIONS (Cont'd.)

CUSTOMER ACCESS TO DATA (contd.)

provide the Company with signed Written Consent via a Standard Company form that authorizes a Third-party access to their Customer Account Information. This form can be provided to the customer upon request by telephone to the Company 1-800 number, or downloaded from the Company's website. Once Written Consent has been received and validated, the Company shall release the requested customer data to the specific Third-party within 10 business days. The Company is not responsible for unauthorized disclosure or use of this information by a Third-party.

- E. Customers have the opportunity to request corrections or amendments to Customer Account Information that the Company maintains.

- F. Fulfilling certain requests for data in accordance with the provisions of this tariff is consistent with the provision of normal utility service to Customers. When the data requested is Standard Usage Information, the request will be fulfilled without charge. Some requests for information extend beyond Standard Usage Information. Fulfilling these requests requires special data processing that is not a part of normal utility service and results in expenses that would not otherwise be incurred. Such requests are fulfilled at the discretion of the Company within the parameters of this Customer Data Privacy tariff. The costs of fulfilling any special requests shall be borne solely by the Customer, or third party if deemed appropriate, and be based on the specifics of the data request and the associated costs of developing, processing, and transmitting the requested data.

CUSTOMER NOTICE OF PRIVACY POLICIES

- A. New Customers receive a copy of the privacy policy upon the initiation of utility service from the Company. Existing Customers receive a copy of the privacy policy once per year by whatever method is used to transmit the bill and whenever the privacy policy is amended.

- B. Notice of the Company's privacy policies will be made available and is prominently posted on the Company's website. The notice includes a customer service phone number and Internet address where Customers can direct additional questions or obtain additional information.

LIMITATION OF LIABILITY

The Company and each of its directors, officers, affiliates, and employees that disclose Customer Information, Customer Usage Data, Personal Data or Aggregated Data to Customers, Company Agents, or Contractors, as provided in this tariff, shall not be liable or responsible for any claims for loss or damages resulting from such disclosure.

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