

## 4.17.000-P

# Policy on Information Submitted by Utilities, Program Participants, Contractors and Bidders

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History			
Source	Date	Action/Notes	Next Review Date
Policy Committee	05/24/04	Review and discussion	08/24/2004
Policy Committee	08/24/04	Reviewed for board action	09/09/2004
Board	09/09/04	Action postponed pending further review and discussion	09/21/2004
Board	07/06/05	Approved (R345)	07/2008
Board	05/09/07	Amended (R438)	05/2010
Board	11/07/12	Amended (R648)	11/2015
Board	07/31/14	Amended (R707)	07/2017
Board	09/27/17	Amended (R816)	10/2020
Board	01/29/2025	Approved (R1058)	1/29/2028

**Purpose:** Energy Trust and its contractors acquire information from utilities, program participants and others. This document establishes Energy Trust policy on collection, use and disclosure of information about program participants, that is, information obtained from Energy Trust program participants that refers specifically to the participant by name, address, or other personally identifiable characteristics. This information may include not just data from program participants, but also information from Energy Trust survey respondents and others. This policy also addresses disclosure of contracts and bid information. The policy does not restrict the use of information that made publicly available by sources other than Energy Trust.

### 1. Energy Trust will inform participants of this policy

Participants in Energy Trust programs will be advised of the contents of this policy by appropriate means (e.g., on program application forms, the Energy Trust web site and oral communications). Energy Trust and its contractors will offer participants a copy of this policy.

### 2. Energy Trust protects information provided by its funding utilities

Energy Trust's funding utilities (the utilities) provide Energy Trust with information that refers to specific energy consumers on condition that this information is treated confidentially. This information is covered by Oregon Public Utility Commission (OPUC) administrative rules, OAR 860-086-000, et seq., and "information transfer agreements" negotiated with each funding utility. Energy Trust will not afford access to this information to anyone who has not signed a confidentiality agreement consistent with the applicable administrative rules and information transfer agreements. If Energy Trust obtains written, oral (documented electronically or in writing), or electronic consent from an Energy Trust program participant, information relating to such participant is no longer subject to utility confidentiality agreements, and instead is governed by section 3 of this policy.

Energy Trust uses specific procedures, systems and tools to safeguard this information, and provides regular training to employees and contractors in governing policy and procedures, data collection, storage, use, retention and disposal of this information in order to safeguard

against inappropriate use or disclosure. For further information, see <https://www.energytrust.org/privacy-policy/>.

### **3. Energy Trust use of Participant Information**

- A. Definition of Participant Information. “Participant Information” means personal information obtained from program participants, participants in surveys and other Energy Trust initiatives, which refers specifically to the participant by name, address, or other personally identifiable characteristics. “Participant Information” does not include information that is made publicly available by sources other than Energy Trust, or information that a program participant has consented to allow disclosure.
- B. Compliance with Law. Energy Trust complies with all governing law and regulation pertaining to its use and retention of Participant Information.
- C. Use of Participant Information for Energy Trust Purposes. Energy Trust will use Participant Information only for Energy Trust purposes. For more detail about how Energy Trust uses Participant Information, see the Energy Trust Privacy Policy, <https://www.energytrust.org/privacy-policy/>. These purposes include activities involved in providing energy-saving or renewable energy services to program participants, program design, program delivery, program evaluation, energy use analysis, and other activities. Energy Trust will not provide Participant Information to any other entity without express participant consent, or as provided below in this section 3. Energy Trust will share Participant Information with third parties only in the ways that are described in this policy. Energy Trust does not sell Participant Information.
- D. Protection of Participant Information by Third Parties. Energy Trust may provide Participant Information to Energy Trust contractors who agree in writing to protect such information consistent with this policy. Contractors will consult with their Energy Trust contract manager if in doubt whether disclosure would be appropriate.
- E. Collaborative analysis. Energy Trust analyzes Participant Information and aggregates it with other information to plan, evaluate and report on Energy Trust programs. If consistent with section 3 of this policy and if the shared data do not reveal Participant Information, Energy Trust may share such aggregated information with third-party analysts, recognizing that some of these analysts work for organizations with their own information disclosure policies and requirements.
- F. Using Participant Information in Energy Trust marketing materials. Before using Participant Information in case studies, brochures, press releases, advertisements, marketing or other publicity material, Energy Trust and/or its contractors will obtain express consent from the relevant participants. This express consent will refer specifically to use of Participant Information in marketing materials. Aggregated, non-identifiable participant data may be used without participant consent.
- G. Retention and Destruction of Participant Information. Energy Trust retains Participant Information for only as long as it is needed to meet the purposes stated in Section 3. of this policy, or as required by law or regulation. When Participant Information is no longer needed for such purposes, Energy Trust will securely delete and/or destroy such information.

#### H. Information provided to government entities

- (1) Energy Trust will not report residential program Participant Information to government entities.
  - (2) For non-residential programs, Energy Trust may include some or all of the following information in reports to the legislature, the Oregon Public Utility Commission (“OPUC”) and other government agencies as necessary to meet Energy Trust responsibilities and regulatory requirements:
    - participant name
    - site address
    - general description of type of energy saving or renewable project implemented (e.g., lighting, HVAC, solar PV)
    - Energy Trust services or incentive payments provided to the participant
    - energy saved or generated as a result of Energy Trust services or incentives.
  - (3) Before providing Participant Information other than as specified in this section 3.H, Energy Trust will obtain express participant consent or, in the case of information requested by the OPUC, use the procedure specified in Section 6, below.
- I. Information provided to utilities. Energy Trust will provide Participant Information to electric utilities as specified in OAR 860-086-030(4) and to gas utilities as specified in OAR 860-086-040(3).

#### 4. **Contracts**

- A. Except for contracts that concern personnel matters, and contract provisions containing Participant Information, contracts to which Energy Trust is a party may be made publicly available, subject to Section 4.B below. For purposes of this policy “contract” does not mean program application materials or incentive project funding agreements.
- B. If a contract specifically identifies as confidential sensitive business records or financial or commercial information that is not customarily provided to business competitors, Energy Trust will not publicly disclose such information unless required by judicial order or audit. However, Energy Trust may publicly disclose all other non-Participant Information in the contract.
- C. Subject to judicial order and/or audit requirements, Energy Trust will not disclose information submitted in response to requests for proposals or other solicitations.

#### 5. **Audit**

Energy Trust will afford auditors full access to participant information for purposes of audit.

#### 6. **Resolving issues**

In the event the OPUC requests from Energy Trust information that is protected by this policy, Energy Trust will follow the procedure specified in section 6.e. of the Agreement to Direct Funding to Non-Governmental Entity between Energy Trust and the OPUC (available at [https://www.energytrust.org/wp-content/uploads/2016/11/grant\\_agreement.pdf](https://www.energytrust.org/wp-content/uploads/2016/11/grant_agreement.pdf)).