




DOE VCC Workgroup #4

First Report
June 4, 2013



Workgroup # 4 Membership

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Initial Recommendation

- 1. Create definitions for use by all workgroups to ensure consistency of reference.**

Suggested definitions include:

- Contracted Agent
- Customer
- Data (scope of what the VCC would apply to)
- PII
- Third Party



Workgroup Scope

- Collection and Scope
- Use and Retention
- Individual Access
- Access to Aggregated Data



Data Collection:

Reasons for Data Collection/Data

Minimization

- There appears to be general consensus around the broad principle that data collection should be limited to that information necessary to fulfill the purposes authorized by the customer. Some resources do not expound beyond this general principle while other resources begin to differ as they pursue more specific and prescriptive application of the principle, such as defining primary and secondary purposes for which data collection may or may not require additional written consent.



Data Collection: Reasons for Data Collection/Data Minimization

- Third Party collection should be limited to that information necessary to fulfill the purposes as set forth in the customer's authorization.
- CA and CO define Primary/Secondary use in more specificity
 - CA defines specific primary and secondary purposes.
 - CO uses the phrase "regulated utility service" which may differ somewhat from "core" or "traditional" or other references.



Data Use: Primary and Secondary

- The resources generally agree that there are primary uses that are considered part of the service provided by the utility or third party to the customer, and there are secondary uses that fall outside of that scope.
- Although the scope and details of what constitutes primary versus secondary use differ slightly among the various resources, there is general consensus that primary uses do not require prior consent (because they are part of the service(s) provided to the customer) whereas secondary uses would require additional consent.



Recommendation: Data Collection and Use

- 2. Address the definition of what is “primary” and “secondary” use in the context of VCC.**



Data Retention: Length of Time

- Retain data only as long as needed to fulfill the purpose it was collected for.
- Allowance for legal reasons to retain longer.
- Utilities may have more legal obligations to retain data for a specific period than third parties.
- Several individual states have requirements to retain data from 12 to 36 months.



Recommendation: Retention

- 3. Look at whether there should be differences between utility and third party data retention.**



Retention: Data Disposal

- Companies should securely and irreversibly dispose of or de-identify personal data once they no longer need it, unless they are under a legal obligation to do otherwise.



Retention: Responsibility for Data Previously Shared with Third Parties

- No specific reference to third parties
- Limited reference addresses retention obligations for contracted agents, but does not apply to third parties.



Recommendation: Responsibility for Data Previously Shared with Third Parties

- 4. Recommendation that DOE clarify intent of this reference. Is this limited to record retention issues, or would the scope of this issue more broadly address utility responsibility/liability for customer data once it is released to third parties?**
- 5. Based on DOE clarification, recommendation that the Workgroup examine potential issues and provide further input.**



Data Access Rights: Customer

- Customers have a general right of access to their own data, including energy usage data.



Data Access Rights: Third Party With Consent

- Third parties can gain access to customer data with consent.
- Consent requirements vary.
- Also several standards reference access by subsequent parties.



Data Access Rights: Third Party Without Consent

- Third parties can gain access to customer data for emergencies that threaten imminent life or property.
- Law enforcement can gain access to customer data using accepted legal channels (e.g. warrants, subpoenas, court orders).
- Contracted agents can obtain customer data from a utility to support a primary purpose.
- Some jurisdictions (CA, CO, and PA) have security or contractual conditions for contracted agents.
- PA: Customer data may not be released to a Third Party unless the customer has been notified of the intent to release the data and the customer has been given the opportunity to decline (note: if the customer fails to respond consent is implied rather than positively given).



Methods of Data Access: Customer

- Customers are to have easy, timely access to their detailed usage data.
- Providing customers the ability to download data, but subject to utility/regulator decision on costs and benefits in light of customer base.



Methods of Data Access: Third Party

- Unspecified, methods of access vary among utilities and third parties.
- Some states require that the data be presented in a downloadable format.
- CA: Standardized and downloadable methods of access.
- CO: In electronic machine-readable form, in conformity with nationally recognized open standards and best practices, in a manner that ensures adequate protections for the utility's system security and the continued privacy of the customer data during transmission.



Methods of Data Access: Cost

- Utilities may make data access available at many levels to customers and third parties at no additional cost (costs recovered in cost of service).
- Cost recovery for access to non-standard data formats may use the principle of costs following the cost causer.
- CA: Electric Service Providers get two free requests for data per customer, per year, after which a utility can charge for further data access (based on retail choice requirements).



Recommendation: Data Access Cost

- 6. Further develop cost issues for data access methods.**



Aggregated Data: General Requirements

- Data that is sufficiently anonymous or sufficiently aggregated, can be released to third parties without consent.



Aggregated Data: Standards for Aggregation

- Levels of aggregation that accomplish sufficiently anonymous or sufficiently aggregated differ among resources that address aggregation methods.



Aggregated Data: Whole Building Reports

- Building owners can access whole building data if aggregated with at least 4-5 tenants
- No account threshold for aggregation (effectively need 2 accounts for aggregation)
- Building owners can access whole building data if aggregated at 15/15 level



Recommendation: Aggregated Data

7. Look at standards for aggregation.

8. Look at whether aggregation for whole building data needs a unique standard.



Aggregated Data: Cost

- Limited references to cost.
- CO: Utilities are required to file a tariff identifying potential charges for access to aggregated data reports.
- NY: For access to whole-building data, there is precedence of having customers who request data pay for the utility service (ConEd charges \$102.50 per request, ComEd used to charge approximately \$600). Some utilities have absorbed cost into general funds. Other utilities funding programs through energy efficiency portfolio (ComEd, Puget Sound Energy, PECO).



Aggregated Data: Commitment to Not Reverse Engineer

- No references found.



Recommendation: Commitment to Not Reverse Engineer

- 9. Look at whether such a commitment should be included in VCC.**



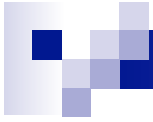
Aggregated Data: Conditions/parameters for researcher access to data

- No specific references found for energy usage data. Examples from other industries may provide guidance.



Recommendation: Conditions /Parameters for Researcher Access to Data

- 10. Look at whether there should be conditions for researcher access to customer data.**



Questions?