

Federal  
Smart Grid  
Task Force

# VOLUNTARY CODE OF CONDUCT: MULTISTAKEHOLDER INITIATIVE

Final Webinar  
December 11, 2014  
1:00 pm Eastern





**Edison Electric Institute**

*Power by Association<sup>SM</sup>*

# ***Responsive Changes to Public Comments***

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**December 11, 2014**

# *Just-in-Time-Disclosures*

- **Comment** – Disclose data practices & policies at the time customers are asked to exercise choice (e.g., when invited to download an app)
- **Consideration** – Protects consumers by focusing what they need to know, when they need to know it.
- **Resolution** – Added to the concepts of Customer Notice & Awareness, and Customer Choice and Consent.

# *Clear and Conspicuous Disclosures*

- **Comment** – Should require that consumer notices be made clearly and conspicuously so consumers will see them. See FTC guidance on effective disclosures in digital advertising.
- **Consideration** – Protects consumers by increasingly the likelihood that notices will be received and understood.
- **Resolution** - Added to the concept of Customer Notice & Awareness: “Notices should be clear and conspicuous.”

# Scope of Possible Exceptions

- **Comment** – Narrow the scope of possible exceptions to conflicts created by existing laws and regulations; delete “prevailing state/local business practices.” Overly broad scope for exemptions limits the value of the Code.
- **Consideration** – We want the Code to be applicable to utilities of all kinds. For customer-owned utilities (i.e., coops), there can be conflicts with policies and practices that are not based in law, but in prevailing business practices.
- **Resolution** – Allow for exceptions based on “...*consensus-driven* state/local, or *utility industry* business practices.”

# *Clarify Organization*

- **Comment** – Clarify organization; needs better structure; not clear how the italicized subsections relate to Concept 2.0, Customer Choice and Consent.
- **Consideration** – VCC is broadly based on FTC fair information practices. Italicized subsections in 2.0 qualify or elaborate the scope of customer choice and consent /control .
- **Resolution** – Added an overview diagram that illustrates the logic of the VCC.

# Overview of the Voluntary Code of Conduct

## Customer Notice & Awareness

**How the customer learns what he or she needs to know to exercise informed choice.** Describes requirements for practices that explain data collection policies and procedures to customers, focusing on customer options and responsibilities.



## Customer Choice & Consent

**How the customer controls his or her data and under what limitations.** Describes requirements for processes that allow the customer to control access to his or her data for Secondary Purposes (i.e., to authorize differential access to multiple Third Parties, limit the duration of access, keep a record of data releases, rescind authorizations, and dispose or de-identify data once authorization or the need for the data has expired). Identifies data types and disclosures that do not require customer consent. Includes a requirement requiring certain data to be obtained directly from the customer.



## Customer Data Access

**How the customer's data is accessed.** Describes requirements for procedures that allow customers to access their data, identify possible inaccuracies, and request they be corrected. Includes the potential for fees for non-standard requests.



## Data Integrity & Security

**How customer data is maintained.** Describes requirements for a cyber security risk management program, and methodologies for creating Aggregated or Anonymized Data.



## Self Enforcement Mgt & Redress

**How the VCC is followed.** Describes requirements for actions by Service Providers who voluntarily adopt the Voluntary Code of Conduct to ensure that they comply with it.

# *Contract Agents Pursuing Secondary Purposes*

- **Comment** – Clarify the treatment of a Contracted Agent which wants to use Customer Data for its own Secondary Purposes.
- **Consideration** – In pursuing its own Secondary Purposes, a Contracted Agent morphs into a Third Party.
- **Resolution** – Amend the definition of a Contracted Agent to reflect this: “To the extent a Contracted Agent wishes to use Customer Data of its own independent Secondary Purposes, it is treated as a Third Party, meaning that it has to receive customer consent to use the data. ”