

**VCC NOTICE AND AWARENESS GROUP SUMMARY – EXISTING CONSUMER NOTICE PRACTICES**

**CHART LEGEND**

- **SOURCE:** IDENTIFY SOURCE OF THE NOTICE REQUIREMENT OR LOCATION OF THE NOTICE
- **TYPES OF DATA COVERED BY NOTICE:** IDENTIFY THE INFORMATION TO WHICH THE REQUIREMENT OR NOTICE APPLIES (E.G., CEUD, CONSUMER DATA, LIMITED PII)
- **NOTICE DELIVERY METHOD:** DESCRIBE THE NOTICE DELIVERY REQUIREMENT (E.G., WEBSITE, JUST- IN-TIME, HARD COPY)
- **INFORMATION INCLUDED IN NOTICE:** SPECIFY WHAT INFORMATION ABOUT PRIVACY PRACTICES THE NOTICE PROVIDES; INCLUDE COMMENTS AS APPROPRIATE OR DESIRED
- **CHOICE/CONSENT:** DESCRIBE THE CHOICES OFFERED TO CONSUMERS (E.G., LIMIT ON SECONDARY USES OF THEIR INFORMATION, LIMIT ON DISCLOSURES OF THEIR DATA TO THIRD PARTIES FOR THOSE PARTIES’ OWN PURPOSES; MARKETING OR PROFILING OPT-OUTS) AND SPECIFY WHETHER THE RELEVANT CHOICE IS OPT-IN OR OPT-OUT
- **COMMENTS:** INCLUDE COMMENTS AS APPROPRIATE OR DESIRED (E.G., TO INCLUDE UNIQUE INFORMATION ABOUT THE SPECIFIC NOTICE REQUIREMENT)
- **VOLUNTEER:** VCC NOTICE & AWARENESS GROUP MEMBER RESPONSIBLE FOR SUMMARIZING THE INFORMATION

SOURCE	TYPES OF DATA COVERED BY NOTICE	NOTICE DELIVERY METHOD/LOCATION	INFORMATION INCLUDED IN NOTICE					CHOICE/CONSENT		COMMENTS
			DATA USES (Y/N)	DATA SHARING (Y/N)	DATA SECURITY (Y/N)	DATA RETENTION (Y/N)	DISPUTE RESOLUTION (Y/N)	DATA USE	DATA DISCLOSURE	
UTILITY	<ul style="list-style-type: none"> <li>• DATA COLLECTED ON THE WEBSITE</li> </ul>	WEBSITE	Y	Y	Y	N	N	N	N	
UTILITY	<ul style="list-style-type: none"> <li>• WEBSITE DATA</li> <li>• CEUD</li> <li>• OTHER PERSONAL INFORMATION</li> </ul>	WEBSITE	Y	Y	Y	N	Y	Y	Y	<ul style="list-style-type: none"> <li>• WHAT INFORMATION WE COLLECT FROM AND ABOUT YOU WHEN YOU USE OUR PRODUCTS AND</li> <li>• HOW YOU CAN ACCESS AND REQUEST THAT WE CORRECT THE INFORMATION WE MAINTAIN</li> <li>• ABOUT YOU</li> </ul>

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UTILITY	<ul style="list-style-type: none"> <li>WEBSITE DATA</li> <li>CONSUMER DATA</li> </ul>	WEBSITE	Y	Y	Y	N	Y	Y	Y	<ul style="list-style-type: none"> <li>ACCESS AND CORRECTION</li> </ul>
UTILITY	<ul style="list-style-type: none"> <li>WEBSITE DATA, INCLUDING PII AND CLICKSTREAM DATA</li> </ul>	WEBSITE	Y	Y	Y	N	Y	SUBMITTING DATA = CONSENT		
UTILITY	<ul style="list-style-type: none"> <li>WEBSITE DATA, INCLUDING PII AND CLICKSTREAM DATA</li> </ul>	WEBSITE	Y	Y	Y	N	Y	SOME DATA USES ARE OPTIONAL	NO DISCLOSURE TO THIRD PARTIES	
UTILITY	<ul style="list-style-type: none"> <li>CUSTOMER DATA NECESSARY TO PROVIDE THE REQUESTED SERVICES OR PRODUCTS: NAME, ADDRESS, PHONE, EMAIL, REGISTERED ACCT SERVICES, AND PURCHASED PRODUCTS/SERVICES</li> </ul>	WEBSITE	Y	Y	Y	N	Y	MARKETING OPT-OUT	CUSTOMER INFO IS NOT RELEASED TO THIRD PARTIES WITHOUT WRITTEN AUTHORIZATION, UNLESS REQUIRED OR PERMITTED BY LAW OR REG	

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<p>NEST LABS PRIVACY STATEMENT  <a href="http://nest.com/legal/privacy-statement/">HTTP://NEST.COM/LEGAL/PRIVACY-STATEMENT/</a></p>	<p>CUSTOMER PERSONAL INFORMATION, INCLUDING THAT COLLECTED VIA THERMOSTAT (RELATING TO INDIVIDUAL OR HOUSEHOLD)</p>	WEBSITE	Y	Y	Y	Y	N	NEST LABS ONLY USES INFORMATION COLLECTED BY DATA USED ONLY FOR PRIMARY PURPOSES	OPT-IN FOR USE OF CUSTOMER DATA FOR COMMERCIAL OR MARKETING PURPOSE	<ul style="list-style-type: none"> <li></li> </ul>
<p>NEST RUSH HOUR REWARDS DEMAND RESPONSE PROGRAM TERMS (SOUTHERN CALIFORNIA EDISON)  <a href="http://nest.com/legal/energy-partner/sce/">HTTP://NEST.COM/LEGAL/ENERGY-PARTNER/SCE/</a></p>	<p>INTERVAL DATA (CEUD)                      BILLING DATA</p>	WEBSITE	Y	Y	N	N	N	OPT-OUT OF DAILY IMPLEMENTATION OF THE PROGRAM	OPT-IN TO RELEASE DATA OPT-OUT OF AGREEMENT TO RELEASE DATA TO NEST LABS AT ANY TIME	<ul style="list-style-type: none"> <li>• THIS IS THE FORM CUSTOMERS OF SOUTHERN CALIFORNIA EDISON AGREE TO IN ORDER TO ALLOW NEST LABS TO ACT AS AN AGENT AND TO RECEIVE THE CUSTOMER'S BILLING RECORDS, BILLING HISTORY, AND INTERVAL USAGE DATA FOR THE LIMITED PURPOSES OF THE RUSH HOUR REWARDS PROGRAM.</li> </ul>

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NEST RUSH HOUR REWARDS DEMAND RESPONSE PROGRAM TERMS (AUSTIN ENERGY) <a href="http://nest.com/legal/energy-partner/ae/">HTTP://NEST.COM/LEGAL/ENERGY-PARTNER/AE/</a>	CEUD	WEBSITE	Y	Y	N	N	N	OPT-OUT OF DAILY IMPLEMENTATION OF THE PROGRAM	OPT-IN TO RELEASE DATA OPT-OUT OF AGREEMENT TO RELEASE DATA TO NEST LABS AT ANY TIME	<ul style="list-style-type: none"> <li>THIS IS THE FORM CUSTOMERS OF SOUTHERN CALIFORNIA EDISON AGREE TO IN ORDER TO ALLOW NEST LABS TO ACT AS AN AGENT AND TO RECEIVE THE CUSTOMER'S BILLING RECORDS, BILLING HISTORY, AND INTERVAL USAGE DATA FOR THE LIMITED PURPOSES OF THE RUSH HOUR REWARDS PROGRAM.</li> </ul>
CALIFORNIA ONLINE PRIVACY PROTECTION ACT (BASIS FOR CONSUMER PRIVACY NOTICES NATIONWIDE) CAL. SB27	PERSONAL INFORMATION COLLECTED ONLINE	WEBSITE	Y	Y	N	N	N		Y (SB27)	<ul style="list-style-type: none"> <li>PROVIDE A DESCRIPTION OF PROCESS TO ACCESS AND UPDATE INFORMATION, IF SUCH PROCESS EXISTS</li> </ul>

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FIPPS	PERSONAL INFORMATION OR OTHER, AS NOTICE DESCRIBES	<ul style="list-style-type: none"> <li>VARIES:</li> <li>CLEAR</li> <li>CONSPICUOUS</li> <li>PROMINENT</li> <li>READILY ACCESSIBLE</li> <li>UNAVOIDABLE UNDERSTANDABLE</li> </ul>	Y	Y	Y		Y	Y	<ul style="list-style-type: none"> <li>MEANS BY WHICH IT IS COLLECTED IF NOT OBVIOUS (PASSIVELY, BY MEANS OF ELECTRONIC MONITORING, OR ACTIVELY, BY ASKING THE CONSUMER TO PROVIDE THE INFORMATION)</li> <li>WHETHER THE PROVISION OF THE REQUESTED DATA IS VOLUNTARY OR REQUIRED, AND THE CONSEQUENCES OF A REFUSAL TO PROVIDE THE REQUESTED INFORMATION</li> </ul>	
FTC REPORT ON PROTECTING CONSUMER PRIVACY IN AN ERA OF RAPID CHANGE <a href="http://www.ftc.gov/os/2012/03/120326privacyreport.pdf">HTTP://WWW.FTC.GOV/OS/2012/03/120326PRIVACYREPORT.PDF</a>	CONSUMER DATA THAT CAN BE REASONABLY LINKED TO A SPECIFIC CONSUMER, COMPUTER, OR OTHER DEVICE	<ul style="list-style-type: none"> <li>CLEARER, SHORTER, AND MORE STANDARDIZE</li> <li>ENABLE BETTER COMPREHENSION AND COMPARISON OF PRIVACY PRACTICES</li> </ul>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	<ul style="list-style-type: none"> <li>PRIVACY STATEMENTS SHOULD CONTAIN SOME STANDARDIZED ELEMENTS, SUCH AS FORMAT AND TERMINOLOGY, TO ALLOW CONSUMERS TO COMPARE THE PRIVACY PRACTICES OF DIFFERENT COMPANIES AND TO ENCOURAGE COMPANIES TO COMPETE ON PRIVACY.</li> </ul>

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<p><b>WHITE HOUSE. (FEBRUARY 2012). CONSUMER DATA PRIVACY IN A NETWORKED WORLD: A FRAMEWORK FOR PROTECTING PRIVACY AND PROMOTING INNOVATION IN THE GLOBAL DIGITAL ECONOMY. (CONSUMER PRIVACY BILL OF RIGHTS)</b></p> <p><a href="http://www.whitehouse.gov/sites/default/files/privacy-final.pdf">WWW.WHITEHOUSE.GOV/SITES/DEFAULT/FILES/PRIVACY-FINAL.PDF</a></p>	<p>ANY DATA, INCLUDING AGGREGATED DATA, WHICH CAN BE LINKED TO A SPECIFIC INDIVIDUAL, AND MAY INCLUDE DATA LINKED TO A SPECIFIC COMPUTER OR OTHER DEVICE.</p>	<p>EASILY UNDERSTANDABLE ACCESSIBLE INFORMATION ABOUT A COMPANY'S PRIVACY AND SECURITY PRACTICES</p>	Y	Y	Y		Y	CONTEXTUAL	CONTEXTUAL	<ul style="list-style-type: none"> <li>COMPANIES SHOULD ONLY COLLECT, USE, AND DISCLOSE PERSONAL DATA IN WAYS THAT ARE CONSISTENT WITH THE CONTEXT IN WHICH THE CONSUMERS PROVIDED THE PERSONAL DATA, UNLESS THE LAW REQUIRES OTHERWISE OR ADDITIONAL TRANSPARENCY AND CHOICE ARE PROVIDED</li> </ul>

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COLORADO PUC 4 CCR 723-3	CUSTOMER DATA (INCLUDING CEUD AND AGGREGATE DATA)	<ul style="list-style-type: none"> <li>WEBSITE</li> </ul>	Y	Y	Y	Y			Y	<ul style="list-style-type: none"> <li><b>COLLECTION:</b> INCLUDE AN EXPLANATION OF HOW THIS INFORMATION IS COLLECTED</li> <li><b>ACCESS:</b> EXPLAIN THAT THE CUSTOMER CAN REQUEST HIS OR HER OWN DATA WITHOUT CHARGE</li> <li>EXPLAIN THAT CUSTOMER'S MAY HAVE AN EXPECTATION OF PRIVACY</li> </ul>
CALIFORNIA PUC, SB 1476	USAGE INFORMATION FROM THE AMI THAT CAN "REASONABLY USED TO IDENTIFY" A CUSTOMER	<ul style="list-style-type: none"> <li>NOTICE AT OPENING AN ACCOUNT</li> <li>WEBPAGE</li> <li>LINK IN ALL ELECTRONIC CORRESPONDENCE</li> <li>WRITTEN IN EASILY UNDERSTANDABLE LANGUAGE AND BE NO LONGER THAN NECESSARY</li> </ul>	Y	Y		Y	Y	Y	Y	
Utility (via Web Provider)	Website data, including customer provided pii and clickstream data	Via 3rd Party Website Privacy Notice	Y	Y	Y	N	Y	Y (marketing)	Y (marketing)	

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Multi-State Utility	WEBSITE DATA, INCLUDING CUSTOMER PROVIDED PII AND CLICKSTREAM DATA	Website Privacy Notice	Y	Y	Y	N	N	N	N	
Texas State Statutes	Meter data	N/A	N	N	N	N	N	N	N	Statutes doesn't require customer notification but requires customer consent for disclosure.
Florida Office of Public Counsel Post Workshop on Smart Meter comments	All smart meter data, including aggregate information	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Customers own their smart meter data and utilities have no right to sell or share individual customers' consumption data or share it with other entities, including utility affiliates, without the customers' express written consent.
Utility Post Workshop on Smart Meter comments	Customer data	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Consent required with exceptions.
Utility	Customer-specific data or information	Your Rights document	N	Y	N	N	N	N	N	