

Newfoundland Power Personal Information Policy

Background:

In April of 2000, the Government of Canada passed the *Personal Information Protection and Electronic Documents Act (the Act)*. This is a federal act that applies to all federally governed organizations. Effective January 1, 2004 the application of the Act expands to provincially operated companies.

The purpose of the Act is to protect individuals, whether they are customers or suppliers of a business from “inappropriate” use of personal information obtained to facilitate normal business transactions.

The interpretation of Newfoundland Power’s Personal Information Policy is subject to the provisions of the Personal Information Protection and Electronic Documents Act, the Public Utilities Act, and other applicable legislation, regulations, tariffs, agreements, the order of any court with lawful jurisdiction over Newfoundland Power, or any other lawful authority.

Purpose:

The purpose of this policy is to protect the privacy of an individual in accordance with the Act. The overriding principle is that Newfoundland Power has a right to collect, use or disclose personal information for business purposes that a reasonable person would consider appropriate within the circumstances.

This policy is intended to protect the rights of the Company as well as the rights of individual customers and suppliers. Areas of focus include defining inappropriate use, the need for accuracy, issues surrounding disclosure, and the security of information collected and maintained by the Company. The Company’s objective is to continue to provide reliable electrical service to customers with the respect and trust of its customers and the general public.

Scope of Policy:

In the course of its business, Newfoundland Power receives personal information from two distinct groups of individuals--customers and various suppliers.

Under normal circumstances, Newfoundland Power will not collect, use or disclose customers’ personal information for any other purpose than that for which it was intended, being the provision of electrical service and/or to support the participation in other related programs and services. Similarly, Newfoundland Power will not collect, use or disclose suppliers’ personal information for any other purpose than that for which it was intended, being the acquisition of supplies and services necessary for the provision

of electrical service and other related programs and services to Newfoundland Power's customers.

Exceptions to the above are in accordance with those set forth in the Personal Information Protection and Electronic Documents Act and/or the Public Utilities Act.

Personal information means information (whether factual or subjective) about an identifiable individual, regardless of the format in which it is recorded. Personal information collected and recorded by the Company includes:

- a. ID numbers,
- b. billing and electricity consumption records,
- c. service and equipment,
- d. credit information,
- e. work orders and work summaries,
- f. service complaints,
- g. program participation,
- h. supplier performance issues,
- i. information obtained for the purpose of supplier registration with Newfoundland Power and the negotiation and implementation of contracts, and
- j. any other relevant information regarding the provision of electrical service as provided under the Public Utilities Act.

For the purposes of this Policy, personal information **does not** include information about customers or suppliers that is maintained in the aggregate, that is, a form that cannot lead to the identification of an individual.

Summary of Principles

There are 10 principles or criteria outlined in the Act that reflect the intention of the legislation. They are summarized below. A full description on measures and processes that are implemented to ensure the Company's compliance with each follows.

- 1) Accountability – the Company is responsible for the personal information under its control and should designate an individual(s) to be accountable for the Company's compliance with the Act.
- 2) Identified purpose – the purpose for which information is collected shall be identified by the Company at or before the time the information is collected.
- 3) Consent – the knowledge and informed consent of the individual are required for the collection, use, or disclosure of personal information, except where exempted by law.

- 4) Limiting collection – the collection of personal information shall be limited to that which is necessary for business purposes identified by the Company. Information shall be collected by fair and lawful means.
- 5) Limited use, disclosure and retention – personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the informed consent of the individual or as required by law. Personal information shall be retained only for as long as necessary for the fulfillment of those purposes.
- 6) Accuracy – personal information should be accurate, complete and up to date as necessary for the purposes for which it is to be used.
- 7) Safeguards – personal information shall be protected by appropriate security safeguards based on the sensitivity of the data.
- 8) Openness – the organization shall make available to individuals specific information about its policies and practices relating to the management of personal information.
- 9) Individual access – upon request, an individual shall be informed of the existence, use, and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the completeness and accuracy of the information and have it amended as appropriate.
- 10) Challenging compliance – an individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the Company’s compliance.

Measures to support compliance

The Company is committed to compliance with the Act. This policy will be supported with a commitment to 1) review and modify policy and procedures where appropriate, 2) develop and execute communications and training plans, and 3) implement measures to support compliance in accordance with the criteria set out in the Act. The following outlines the Company’s position on each of these criteria.

1. Accountability

Newfoundland Power is responsible for the personal information under its control, including personal information that has been transferred to a third party for processing.

- a) Newfoundland Power shall use contractual or other means to ensure a comparable level of protection while personal information is in the hands of a third party.
- b) Newfoundland Power has designated a *Personal Information Officer* who is responsible for Newfoundland Power's compliance with the Code.

The Personal Information Officer can be contacted at:

Personal Information Officer
Newfoundland Power
55 Kenmount Road
St. John's, Newfoundland A1B 3P6
709-737-5600

OR

Click [here](#) to send an email to the Privacy Officer!

2. Identifying Purposes

- a) Newfoundland Power collects, uses and discloses personal information for the following purposes:
 - i) Establishing and maintaining a customer relationship for the delivery of electrical services and related services and programs in accordance with the provisions of the Public Utilities Act, including keeping records of the customer relationship,
 - ii) administering its billing and accounting systems,
 - iii) making credit approvals and related practices such as monitoring customer payment histories, evaluating customer credit standing and exchanging credit information with credit reporting agencies and bureaus,
 - iv) assessing electrical system requirements,
 - v) researching and developing new products and / or programs to better serve customers,
 - vi) ensuring compliance with regulatory, legal or other applicable legislation and
 - vii) establishing and maintaining a supplier relationship to support the acquisition of materials and services necessary for the delivery of electrical services in accordance with the provisions of the Public Utilities Act.
- b) Newfoundland Power employees will explain to customers and suppliers the identified purpose(s) of the information at the time of collection. In

the case where an employee is not comfortable responding to a question or concern from a customer, he or she may refer the matter to the Personal Information Officer for response.

- c) Unless otherwise required by law, the Company will require fresh consent from a customer or supplier for any change in the intended purpose of personal information that has been previously collected by the Company.

3. Consent

The knowledge and consent of the customer or supplier is required for the collection, use and/or disclosure of personal information. Newfoundland Power is entitled to require sufficient personal information from its customers and suppliers to facilitate commercial relations with that customer or supplier, including the extension of credit and the payment of accounts.

- a) Consent must be meaningful to the customer / supplier from whom it is being collected. The identified purpose must be explained in such a manner that the customer or supplier will understand how the personal information will be used or disclosed by the Company.
- b) Newfoundland Power will require fresh consent from the customer / supplier for any use or disclosure of personal information different from the original identified purpose.
- c) Consent can take various forms, oral and written, explicit and implied, and can be obtained at or before the supply of a product or service. Regardless of the form, the Company will make written or computer based records of the consent.
- d) Newfoundland Power will take into account the sensitivity of the personal information and the reasonable expectations of the customer or supplier in determining the appropriate form of consent.
- e) In most cases, the “current” use of Newfoundland Power’s electrical service, products or programs will constitute implied consent for the collection, use, and/or disclosure of personal information with respect to providing that service, products or programs.
- f) If an application for service is taken over the phone, then the customer’s consent is to be recorded on the application form at the time of the call, whether printed or computer based.
- g) Consent can be withdrawn at any time, subject to legal or contractual restrictions, and with reasonable notice. Newfoundland Power is obliged

to inform the customer of the implications upon withdrawal of consent with respect to the continued supply of electricity or any related services, products or programs.

- h) In order to maintain the integrity of the credit reporting system, withdrawal of consent to the disclosure of personal information regarding credit information to credit reporting agencies or bureaus is not permitted.

4. Limiting Collection

The collection of personal information by the Company will be limited to that which is reasonably necessary for the identified business purpose and will be collected using fair and lawful means.

- a) Newfoundland Power will specify the type of personal information to be collected as a part of its information handling policy and practice.
- b) Newfoundland Power may collect personal information from sources other than the customer or supplier, including credit bureaus, employers, personal references or other third parties who represent that they have the authority to disclose personal information.

5. Limiting Use, Disclosure and Retention

Under normal circumstances, the Company will not use personal information for any other purpose than that which was intended (and communicated during the identifying of purpose), unless it obtains fresh consent from the customer or supplier.

- a) Special circumstances where personal information may be collected, used or disclosed without the customer's or supplier's consent or knowledge would be in accordance with the provisions of the governing legislation, such as to a third party acting for Newfoundland Power for the purpose of collecting a debt, in compliance with a subpoena or other court order, or otherwise in accordance with the law. Other examples include situations where it would be clearly in the interests of the customer or supplier, but where consent cannot be obtained in a timely manner, or in the case of an emergency where the life, health or security of the customer or supplier is threatened or otherwise at risk. The approval of the Personal Information Officer, or their delegate, would be obtained prior to such collection, use or disclosure in such rare circumstances.

- b) Personal information will be retained for as long as necessary to fulfill the identified purpose(s). Normally, personal information in the commercial records of Newfoundland Power will be maintained for a minimum of seven (7) years following the termination of the commercial relations between Newfoundland Power and the customer or supplier to which it relates.
- c) If Newfoundland Power intends to use a customer's or supplier's personal information for a new purpose, then it will document the new purpose and obtain the fresh consent of the customer or supplier [see Section 3 b) - Consent].
- d) If a customer or supplier requests access to their personal information, then Newfoundland Power must retain their personal information until the request process, including appeals, has been completed.
- e) Only Newfoundland Power employees who require access for business reasons will be granted access to personal information.

6. Accuracy

Newfoundland Power will keep personal information accurate, complete and up to date as is reasonably necessary to fulfill the identified purpose(s) and to minimize the possibility that inappropriate personal information may be used to make a decision about a customer or a supplier.

- a) Updates will be routinely applied only when necessary to fulfill the identified purpose.
- b) Personal information that is used on an on-going basis will be accurate and up to date, unless limits to the requirement for accuracy are clearly set out. As a part of this process, the last revision date will be made available to users so they can determine the appropriateness of its use.

7. Safeguards

Personal information will be protected using security safeguards appropriate to the sensitivity of the personal information.

- a) The nature of the safeguards will be commercially reasonable and include:
 - i) Physical measures, including locked filing cabinets and restricted accessibility to offices.

- ii) Organizational measures, including security clearances and limited access.
 - iii) Electronic measures, such as passwords and encryption.
 - iv) Procedures regarding the proper disposal or destruction of personal information.
 - v) Contractual agreements regarding disclosure of personal information to third parties that set forth the confidentiality of the information and the uses to which it may be put.
- b) Newfoundland Power will promote the importance of confidentiality of personal information to its employees.

8. Openness

Newfoundland Power will make available specific information about its policies and practices relating to the management of personal information to its customers and suppliers.

The information will be made readily available through on-line access, toll-free numbers, and printed material and include:

- i) The name, title and address of the person accountable for Newfoundland Power's compliance with the Act and to whom complaints or inquiries can be forwarded.
- ii) The means whereby a customer or supplier can gain access to personal information relating specifically to him/her.
- iii) A description of the type of personal information held by Newfoundland Power, including a general description of its use.

9. Customer Access

Under normal circumstances, Newfoundland Power will provide any customer or supplier who requests in writing full access to personal information specific to him or her. This will include disclosure of the content of the information, the source from which it came, a description of the use, and a list of any third party who may have received the personal information. An exception to the above will be made where disclosure could reveal the personal information of another person.

- a) Newfoundland Power will assist any customer or supplier in preparing a request for access if advised by the customer/supplier that they need assistance.

- b) Newfoundland Power's response to a request for access to personal information shall be:
 - i) Within a reasonable time (under normal circumstances, within 30 days of receipt)*,
 - ii) at minimal or no cost to the customer or supplier, and
 - iii) in a form that is generally understandable (i.e., abbreviations or codes should be explained).

*NOTE: Newfoundland Power may extend the time for response:

- i) by an additional 30 days, to avoid unreasonable interference with Newfoundland Power's activities or for purposes of consultation; or
 - ii) by the time required to convert the personal information into an alternative format.
- c) Under either circumstance, Newfoundland Power will provide written notice to the customer or supplier advising him or her of the extended time for delivery along with an explanation of the reason for the extension and his/her right to appeal to the Commissioner regarding the extended time.
- d) There are some circumstances that may prohibit Newfoundland Power from providing customers and/or suppliers access to their own personal information. Exceptions should be limited and specific with reasons made available to the person making the request. Examples of reasons to not provide complete access may include:
 - i) Prohibitive cost,
 - ii) the information contains references to other customers or suppliers (unless the third parties personal information can be separated or the third party gives their consent for disclosure in writing),
 - iii) the personal information can not be disclosed for legal, security or commercial proprietary reasons, or
 - iv) the personal information is subject to solicitor – client or litigation privilege.
- e) In cases where it is appropriate to charge a reasonable fee, Newfoundland Power will advise the customer/supplier making the request of the estimated cost and obtain his/her approval.
- f) Where a request for access to personal information is denied, Newfoundland Power will respond within a reasonable amount of time [see 9 b) above] and in writing to advise the requestor(s) of the reason for refusal and their right to appeal as per the provisions in the Act.

- g) A customer or supplier has the right to request amendments and challenge the accuracy and completeness of their personal information based on the appropriateness of its use.
 - i) Where a customer or supplier can reasonably justify that their personal information is not appropriately accurate for the intended purpose, Newfoundland Power will amend its records accordingly and advise third parties to whom the personal information has been disclosed.
 - ii) Where Newfoundland Power disagrees with the appropriateness of an amendment, it will record the customer's or supplier's challenge and advise third parties to whom the personal information has been disclosed of the challenge.

10. Challenging Compliance

- a) A customer or supplier can challenge Newfoundland Power's compliance with the Act by contacting the Personal Information Officer at the address set out in Section 1 (b) - Accountability.
- b) Within 60 days of the receipt, the Personal Information Officer will investigate the complaint and provide a written response to the customer or supplier regarding his/her findings. Where justified, Newfoundland Power will take appropriate steps in resolving the complaint, including the review and amendment of its policies and practices.
- c) A customer/supplier who is not satisfied with the response of Newfoundland Power may file a further appeal (and or complaint) with the federal Privacy Commissioner at the following address:

The Privacy Commissioner of Canada
112 Kent Street
Ottawa, Ontario K1A 1H3

Tel: 1-800-282-1378
e-mail: privcan@fox.nstn.ca