
HOUSE BILL 2264

State of Washington 64th Legislature 2015 2nd Special Session

By Representatives Smith and Haler

Read first time 06/04/15. Referred to Committee on Technology & Economic Development.

1 AN ACT Relating to amending the statewide minimum privacy policy
2 for disclosure of customer energy use information; and amending RCW
3 19.29A.---

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 19.29A.--- and 2015 c 285 s 3 are each amended to
6 read as follows:

7 (1) An electric utility may not sell private or proprietary
8 customer information.

9 (2) An electric utility may not disclose private or proprietary
10 customer information with or to its affiliates, subsidiaries, or any
11 other third party for the purposes of marketing services or product
12 offerings to a retail electric customer who does not already
13 subscribe to that service or product, unless the utility has first
14 obtained the customer's written or electronic permission to do so.

15 (3) The utility must:

16 (a) Obtain a retail electric customer's prior permission for each
17 instance of disclosure of his or her private or proprietary customer
18 information to an affiliate, subsidiary, or other third party for
19 purposes of marketing services or products that the customer does not
20 already subscribe to; and

1 (b) Maintain a record for each instance of permission for
2 disclosing a retail electric customer's private or proprietary
3 customer information.

4 (4) An electric utility must retain the following information for
5 each instance of a retail electric customer's consent for disclosure
6 of his or her private or proprietary customer information if provided
7 electronically:

8 (a) The confirmation of consent for the disclosure of private
9 customer information;

10 (b) A list of the date of the consent and the affiliates,
11 subsidiaries, or third parties to which the customer has authorized
12 disclosure of his or her private or proprietary customer information;
13 and

14 (c) A confirmation that the name, service address, and account
15 number exactly matches the utility record for such account.

16 (5)(a) This section does not require customer permission for or
17 prevent disclosure of private or proprietary customer information by
18 an electric utility to a third party with which the utility has a
19 contract where such contract is directly related to conduct of the
20 utility's business, provided that the contract prohibits the third
21 party from further disclosing or selling any private or proprietary
22 customer information obtained from the utility to a party that is not
23 the utility and not a party to the contract with the utility.

24 (b) The legislature finds that the disclosure or sale of private
25 or proprietary customer information by a third party, when prohibited
26 by a contract under this subsection (5), is a matter vitally
27 affecting the public interest for the purpose of applying the
28 consumer protection act, chapter 19.86 RCW, to the third party.
29 Disclosure or sale of private or proprietary customer information by
30 a third party, when prohibited by a contract under this subsection
31 (5), is not reasonable in relation to the development and
32 preservation of business and is an unfair or deceptive act in trade
33 or commerce and an unfair method of competition for the purpose of
34 applying the consumer protection act, chapter 19.86 RCW.

35 (6) This section does not prevent disclosure of the essential
36 terms and conditions of special contracts.

37 (7) This section does not prevent the electric utility from
38 inserting any marketing information into the retail electric
39 customer's billing package.

1 (8) An electric utility may collect and release retail electric
2 customer information in aggregate form if the aggregated information
3 does not allow any specific customer to be identified.

4 ~~(9) ((The legislature finds that the practices covered by this
5 section are matters vitally affecting the public interest for the
6 purpose of applying the consumer protection act, chapter 19.86 RCW. A
7 violation of this section is not reasonable in relation to the
8 development and preservation of business and is an unfair or
9 deceptive act in trade or commerce and an unfair method of
10 competition for the purpose of applying the consumer protection act,
11 chapter 19.86 RCW.~~

12 ~~(10))~~ The statewide minimum privacy policy established in
13 subsections (1) through (8) of this section must, in the case of an
14 investor-owned utility, be enforced by the commission by rule or
15 order.

16 (10) The statewide minimum privacy policy established in
17 subsections (1) through (8) of this section must, in the case of a
18 consumer-owned utility, be implemented by the utility through a
19 policy adopted by the governing board within one year of the
20 effective date of this section that includes provisions ensuring
21 compliance with subsections (1) through (8) of this section. The
22 policy must include procedures, consistent with applicable law, for
23 investigation and resolution of complaints by a retail electric
24 customer whose private or proprietary information may have been sold
25 by the consumer-owned utility or disclosed by the utility for the
26 purposes of marketing services or product offerings in violation of
27 this section.

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