



Legislation Text

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File #: CB 119319, Version: 1

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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to the City Light Department's Advanced Metering Infrastructure (AMI) Program; adding a new Section 21.49.095 to the Seattle Municipal Code.

WHEREAS, the City Light Department's ("Department") Advanced Metering Infrastructure (AMI) Program to allow meters to transmit usage data to the utility automatically was included in the 2013-2018 City Light Strategic Plan ("Plan"), which was adopted by the Seattle City Council ("Council") in 2012 and updated in 2014 and 2016; and

WHEREAS, the updates to the Plan in 2014 and 2016 included extensive customer engagement and Council due diligence on the privacy and security of data acquired through the AMI Program; and

WHEREAS, the Department began the planned deployment of new advanced meters for more than 400,000 residential and commercial customers under the AMI Program in 2017; and

WHEREAS, The City of Seattle's ("City") Privacy Principles, adopted by Resolution 31570 in 2015, require a Privacy Impact Assessment to outline the privacy impacts of any City project or program that collects, manages, retains, or shares personal information from the public; and

WHEREAS, the Department completed the AMI Privacy Impact Assessment in 2017, and in doing so provided clear guidelines for which types of data advanced meters can collect, who is able to access the data, and for which purposes the data can and cannot be used by the utility; and

WHEREAS, the Department developed and implemented the AMI Program's opt-out policy for residential customers who did not want an advanced meter to transmit their energy usage data; and

WHEREAS, the Department is implementing the AMI Program with safeguards consistent with the City's Privacy Principles and designed to protect customers from having their personal information disclosed; and

WHEREAS, adoption of these safeguards by ordinance will ensure long-term protections for customers' private data and information; and

WHEREAS, it is therefore appropriate for the City to reaffirm the AMI Program's safeguards protecting customers' personal information and ensuring the program is used only for utility-related purposes;

NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. A new Section 21.49.095 is added to the Seattle Municipal Code as follows:

**21.49.095 Advanced metering infrastructure**

A. Definitions. The following definitions apply to this Section 21.49.095:

“Account data” means a customer's name, address or partial address, dates of service provided, phone/fax numbers, e-mail addresses, utility account numbers, device identifiers, serial numbers, and other information specific to identifying an individual's utility service.

“Advanced meter” means an electronic device capable of measuring electrical consumption multiple times per billing cycle.

“Aggregated and anonymized data” is a dataset containing no account data or other personally identifying customer information, and combining data elements from multiple customers, such that re-identifying any individual customer or their customer electrical consumption data from that dataset is impossible by any party and by all means reasonably likely to be used to do so.

“AMI Program” means the Department's Advanced Metering Infrastructure Program.

“Customer electrical consumption data” means data about a customer's electrical usage that is collected via an advanced meter, including raw meter data and customer energy usage data, whether or not maintained in

conjunction with account data.

“Third-party contractor” means any entity in a contractual relationship with the Department relating to the AMI Program.

B. Customer electrical consumption data protections

1. The Department and its third-party contractors, or other City departments, shall not use, share, disclose, sell, or otherwise make accessible to any third-party any customer electrical consumption data, except as provided in subsection 21.49.095.C.

2. The Department and its third-party contractors shall not provide an incentive or discount to any customer for any use, sharing, disclosure, sale, or other third-party access to customer electrical consumption data.

3. The Department shall not be held responsible for any violations committed by its third-party contractors under this Section 21.49.095.

C. Exceptions

1. The Department and its third-party contractors, or other City departments, may use customer electrical consumption data only for purposes related to: providing utility service to that customer; implementing energy efficiency programs; managing the electrical grid, including but not limited to planning, designing, and operating the Department’s electrical systems; and/or managing equipment failures.

2. The Department may share, disclose, or otherwise make accessible to a third-party contractor customer electrical consumption data only if that third-party contractor is contractually bound to the protections set forth in subsections 21.49.095.B and 21.49.095.C.1.

3. The Department may share, disclose, or otherwise make accessible to a third-party contractor aggregated and anonymized data for developing and implementing energy efficiency programs and services. Any third-party contractor who receives the data may not share, disclose, or otherwise make it accessible to any other entity and shall be contractually bound to the protections set forth in subsections 21.49.095.B and

21.49.095.C.1.

4. If the Department or its third-party contractors allow a customer access to that customer's electrical consumption data, such access shall not be conditioned upon any agreement to the sharing of account data or electrical consumption data with any third party.

D. Personal information

1. Customer electrical consumption data and account data constitute personal information as the term is defined in the City's Privacy Program, Attachment A to Resolution 31570.

2. The Department must delete customer electrical consumption data as soon as such data is no longer required for the purposes set forth in subsection 21.49.095.C.1, unless otherwise required by superseding law.

E. Opt-out. The Department shall provide residential customers an option to opt out of the AMI Program, and program eligibility and fees shall be publicized through AMI Program customer communications and materials. Any customer exercising such an opt-out will be provided an alternative to the advanced meter. Customers choosing to opt out prior to installation of an advanced meter may not be charged any additional fee for opting out, other than the one-time administrative fee and an additional meter-reading fee, which may only be assessed once per reading cycle, and only if an actual reading at the meter occurs. Any such fee may not exceed the actual costs associated with manually reading a customer's meter.

F. Security procedures. The Department shall use industry best practices, including robust encryption, anonymization, and/or limiting remote access, to protect customer electrical consumption data from unauthorized access, destruction, use, modification, or disclosure, and shall require any third-party contractor who may have access to any such data to do the same.

G. Disclosures required by law. Nothing in this Section 21.49.095 shall preclude the Department from disclosing information or records as required under state or federal law.

H. Third-party contractors. The Department intends to hold each and every third-party contractor

accountable to all the privacy and security provisions set forth in this Section 21.49.095, and to report any potential and actual breaches of electronic security to the City Council within 30 days of detecting such a breach.

Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Monica Martinez Simmons, City Clerk

(Seal)