

## Customer Data Access & Privacy

### 1. What is customer data?

Utilities may collect **three kinds** of information from customers that constitute customer data:

- **Customer Account Information** – Individually identifiable information, such as name, address, contact information, account number, payment history and amount billed. It also includes programs the customer participates in such as shutoff protection, payment assistance or energy efficiency programs.
- **Customer Energy Usage Data** – Customer-specific energy use data, typically measured in kilowatt-hours, as collected from a meter.
- **Customer Personal Data** – Specific information collected or known by the utility to establish an account, such as name, address, birthdate, Social Security number, bank accounts, driver's license number, credit reporting information, health information and internet protocol address.

### 2. How do utilities use customer data?

Utilities use customer data for **Primary** and **Secondary Purposes**.

**Primary Purpose** use describes the utilities' core functions and includes collection, use, or disclosure of information collected by the company or supplied by the customer where there is an authorized business need or emergency response to:

- Provide, bill, or collect for regulated electric or natural gas service.
- Provide for system, grid, or operational needs.
- Provide services as required by state or federal law or as specifically authorized in the company's approved tariff.
- Plan, implement, or evaluate, energy assistance, demand response, energy management, or energy efficiency programs as determined by Michigan Public Service Commission (MPSC) authorized programs in response to state statute.

**Secondary Purpose** is defined as any purpose that is not a primary purpose. An example is a third-party requesting customer information from the utility for non-utility marketing purposes without the customer's consent.

### 3. How have utilities traditionally handled customer data?

For over 100 years, utilities have collected customer information and maintained privacy policies to protect it. Utilities today provide a much wider range of services and programs and collect a far greater amount of customer data and information than a decade ago. In the age of digital information, energy efficiency programs where customers' usage patterns are shifting, and customer demand for a wider array of generating options, such as renewable energy, **the MPSC has requested a review and update of utilities' data privacy policies** (also referred to as "tariffs"). The goal is to strike a balance between utility collection, use, and disclosure of customer information to provide safe and reliable service to customers in accordance with applicable energy laws, and the alignment of customers' expectations of how their data is managed, including proper use and protection of sensitive information.

### 4. What has the MPSC done to protect utility customers' data?

The MPSC opened a proceeding in Case No. [U-17102](#) addressing data privacy and issued orders outlining a **model data privacy policy, definitions of terms related to customer data, and recommended guidelines** for the treatment of customer data privacy and data accessibility.

The MPSC directed Michigan's two largest regulated utilities, Consumers Energy Co. and DTE Energy Co., to implement data privacy policies. The MPSC drafted policies in which Consumers and DTE are **required to obtain consent from customers in advance** if they wish to collect, use, or disclose customer information for a Secondary Purpose. Consumers and DTE were directed to **protect customer data from unauthorized use or disclosure** while assuring customers the right to access their data, share their data with third parties, and request to correct their data. To ensure that customers are aware of this, the MPSC directed the utilities to prominently display a link to their customer data privacy tariffs (policies) on their websites.

## 5. How have utilities responded to the MPSC's directives?

Consumers and DTE have adopted data privacy tariffs that follow the direction established by the MPSC. The privacy policies are **posted publicly** on the MPSC website and also posted on [Consumers](#) and [DTE](#)'s websites.

## 6. How has the MPSC instructed other Michigan regulated utilities to address data access and privacy?

In December 2017 the MPSC opened Case No. [U-18485](#) in response to new customer billing rules. Rule 53 ([R 460.153](#)) of the MPSC's Consumer Standards and Billing Practices contains data privacy policy guidelines for utilities as well as customers' access to energy consumption data and confidentiality. **The MPSC required that all regulated Michigan utilities comply with these guidelines and directed the utilities to file data privacy policies by June 2018.**

## 7. What does the MPSC's decision in Case No. U-18485 mean?

The MPSC's October 2018 order in Case No. U-18485 approves the updated data privacy tariffs for all Michigan regulated utilities with the exception of DTE. Tariffs were approved for Michigan Gas Utilities Corporation, Alpena Power Company, Upper Michigan Energy Resources Corporation, Wisconsin Electric Power Company, Presque Isle Electric & Gas Co-op, Northern States Power Company, Upper Peninsula Power Company, Consumers Energy Company, SEMCO Energy Gas Company, and Indiana Michigan Power Company. The approved tariffs provide a framework that **ensures customer information is collected, used, and disclosed appropriately**. DTE is required to file an updated tariff in compliance with Rule 53 by December 14, 2018.

## 8. What are the next steps?

MPSC Staff will work with utilities and stakeholders to **develop more defined, clear and consistent data privacy and accessibility language** and prepare a report by April 15, 2019. Customer data accessibility and privacy policies will continue to be evaluated and refined with the evolving energy landscape and emergence of new technologies.

For more information, visit:

[www.michigan.gov/mpsc](http://www.michigan.gov/mpsc)  
[Consumers Privacy Policy](#)  
[DTE Privacy Policy](#)

Data Privacy Tariff Case Nos. [U-17102](#) & [U-18485](#)

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