Foundation Working Group
Response to Stakeholder Feedback

The IESO asked stakeholders to review and provide feedback on draft frameworks for De-Identification and Third Party Access respectively. Feedback was sought from three discrete stakeholder groups:

- The Foundation Working Group (FWG) following the July 22, 2015 FWG meeting
- The IESO Stakeholder Advisory Committee on October 1, 2015
- The broader stakeholder community after posting draft recommendations on the stakeholder webpage for a public comment period that ended October 14, 2015

Below is a summary of feedback received along with the IESO's response. The original feedback has also been posted on the Foundation Stakeholder Engagement webpage.

Proposed De-Identification Framework			
Reference No.	Stakeholder	Comment / Question	IESO Response
1	EDA	It is imperative that the final framework on de-identification of data is applied to all scenarios of providing data to third parties to ensure that the information cannot be used under any circumstances to identify an LDC's customer.	We are recommending that the final framework be applied to each third party request for de-identified data. The goal of de-identification is to enable analysis of large data sets that include personal information, while adequately protecting privacy. De-identification must strike a balance between protecting private information and providing resulting data that is useful for its intended purpose. While the risk of re-identification cannot be reduced to zero, robust de-identification techniques can lower the risk of re-

| | | | identification to a very small percentage. The proposed framework puts forward a risk-based approach for de-identifying data that is consistent with best practices within this field.

Providing access to personal information is addressed in Reference No. 12 below. |
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| 2 | EDA | The EDA recommends that the final rules and protocols established under this de-identification process must not be compromised or diminished under any third party access scenarios that will be proposed by the IESO under the Third Party Access Framework. It is further recommended that Privacy Impact Assessments (PIA) and/or Threat/Risk Assessments (TRA), as discussed under Section 4 of the proposed recommendations, are completed under all third party access scenarios. | The full de-identification process will be applied for each third party request for de-identified data. To the extent that a request is a duplicate of, or very similar to, a previous request, there may be some efficiency in making use of some or all of the analysis undertaken to satisfy the original request. Therefore, as inferred in the comment, requests may ultimately be grouped into scenarios wherein the process can reuse previous work where it is applicable.

The de-identification framework currently includes the requirement to define when PIA's and/or TRA's are needed for servicing specific requests for de-identified data. Whether such assessments will be required for every individual request (including requests for data that contains personal information), for every type of request, or when some other set of criteria are met will be determined should the Foundation recommendations be implemented. |
| 3 | EDA | The EDA recommends that LDCs should have input into the terms and conditions of service that will be defined by the Data Custodian. Furthermore, the EDA recommends that an independent third | Generally, these are details that should be undertaken as part of the implementation of the Foundation recommendations. Ultimately, the negotiations of the terms and conditions will be between the parties to the agreement. However, the IESO agrees that LDCs may |

		party should be assigned the responsibility to rule on and determine the consequences of non-compliance with the de-identification framework to ensure that the de-identification rules are upheld at all times, especially if it is the Data Custodian, i.e. the IESO or its authorized agent, who is non-compliant with the established terms and conditions	identify specific concerns that they would want to see included in the negotiations between the parties to the agreement. Non-compliance with the terms of any agreement and its consequences would have to be considered, including provisions for how consequences for a non-compliant party would be assessed and enforced.
4	MPAC	MPAC data proposed for use in conjunction with the MDMR data does not contain personal information. As such, MPAC can provide property level data, like structure size/year built/heating and cooling details along with Lat/Long coordinates or locational addresses for identification purposes, to be coupled with MDMR data by the data custodian. Alternatively, MPAC can conduct the property matching process by acquiring non-personal information (for example Locational Address or Geo-Code) from the data custodian and return MPAC non-personal data to be integrated with the full MDMR dataset.	The IESO very much appreciates MPAC's willingness to collaborate on the augmentation of and/or matching to the MDM/R data set. Discussions within the FWG have established there is added value to coupling the MDM/R data with MPAC data, particularly information on building characteristics. However, the scope of these pairings is outside the scope of the Foundation project. Although out of Foundation scope, it is clear that MPAC data could be matched with MDM/R data, were the MDM/R data set to be expanded to include geo-location data.

Proposed Third Party Access Framework			
Reference No.	Stakeholder	Comment / Question	IESO Response
5	EDA	It is critical that the IESO undertake the	The final report on the Foundation recommendations

		appropriate cost benefit analysis before establishing and implementing such a framework	will include the need, prior to implementation, to develop cost estimates to assess which Foundation options, if any, to carry forward.
6	EDA	Costs associated with implementing any third party access platform should not be borne by the LDCs or their customers, but by the third parties who are interested in receiving the data.	There has been considerable discussion at FWG sessions on the issue of who should bear the costs of a third party access service, with diverse views being expressed, including the EDA's position. Should the implementation of the Foundation recommendations go forward, the development of a cost recovery model for third party access services would be an important element of the initiative. Statutory and regulatory requirements may factor into these determinations as well.
7	EDA	Since third parties will be accessing the LDC customers' smart meter data, the EDA recommends that LDCs should have input into the terms and conditions that will be established by the IESO/Data Custodian.	See IESO Response to Reference No. 3.
8	EDA	The IESO needs to set up a process by which they can track the third parties who are accessing the MDM/R data and their reasons for accessing the data, for privacy and security reasons.	The first option in the Third Party Access (TPA) framework is to develop broadly useful "canned" reports that would be downloadable by anyone from the IESO's public website. These reports would not be considered data access requests because of the nature of their availability and who accesses them would not be tracked. This is a similar construct to the wholesale energy market reports currently downloadable from the IESO's website.

The remaining three options in the TPA framework are all considered data requests and will be logged/tracked |

			as noted in the <u>Proposed De-Identifying Information Framework Recommendation</u>, Section 4. *Requirements for a De-Identification Process*: 2nd bullet: "Define the rules and procedures for prioritizing, managing and fulfilling/declining and logging all data access requests."
9	EDA	The EDA is concerned that the requestor may already have personalized data that it is providing to the Data Custodian to match with the MDM/R data prior to the data set being de-identified. The data requestor can then use that personalized data set against the IESO's de-identified data to re-identify customers. As part of the terms and conditions agreement signed by the third party, the requestor should be required to state that it will not be using any data sets (IESO's or other sources) to re-identify customers.	This is addressed is the <u>Proposed De-Identifying Information Framework Recommendation</u>, Section 4. *Requirements for a De-Identification Process*: 6th bullet and all its sub-bullets. Furthermore, there are provisions in the recommended Third Party Access framework that require the data requestor to pass on these provisions to all other recipients of the data.
10	EDA	The information required under subsection 2 of the "basic rules of access" should be provided to the LDCs whose data is being requested by the third party.	If access to personal information is granted to a third party, this has been addressed in the <u>Proposed Framework for Third Party Access</u>, Section 4. *Personal Information Requests that are Fulfilled by the Data Custodian*, 2nd paragraph, last sentence: "*such access requests would also be communicated to the LDCs whose customers' personal data is being accessed.*" Communications regarding access requests to de-identified data would be worked out as part of an implementation of the Foundation recommendations.

| 11 | EDA | Costs related to independent audits undertaken by the Data Custodian (Section 4d) should not be paid for by the LDCs or their customers. | The specifics under Section 4d refer to audits of the data requestor and any other data recipients, and not to audits of the Data Custodian. The details of the funding of these costs would need to be determined, should the implementation of the Foundation recommendations go forward.

Annual audits of the SME and the MDM/R are included in the SME operating costs, funded through the current meter/month cost recovery charge. |
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| 12 | EDA | The EDA does not support the access of personally identifiable electricity information to any third party without the customer's consent, including giving access to federal, provincial and municipal governments. | The IESO recognizes there are several different perspectives from stakeholders on this issue. This has been noted and will be reflected in the recommendations. |
| 13 | EDA | There is no scenario for which the federal, provincial or municipal government would require personalized customer data for policy planning purposes. | Stakeholders have identified different scenarios for which this data is required. One use case the FWG discussed is municipalities that need to match building address and building characteristics with energy consumption data to facilitate community energy planning, including the development of Community Energy Plans, to inform infrastructure development, energy conservation and demand response program design and policy development. |
| 14 | MPAC | Re third party access: Some data suppliers, like MPAC, will require use of the data for limited periods of time. It might be wise to add "length of time data is required" to the criteria for submitted requests as well as | The current version of the Third Party Access framework document has been amended to incorporate this suggestion. |

		prioritization criteria in the request fulfillment assessment process.	
15	Halton Hills Hydro	Halton Hills Hydro is in support of options 1,2 and 4[1] – Standard Reports, access requests and a portal or interface for access requests as long the data being considered in all three categories is de-identified.	The IESO is proposing a robust de-identification process, with the understanding that there are further details to be worked out, should the implementation of the Foundation recommendations go forward.
16	Halton Hills Hydro	Halton Hills Hydro does not support option 3[1] – personal electricity data as a valid scenario. Any requests for personal data need to go directly to the LDC and it is at the LDC's discretion whether or not to provide that information. We do not support having this information released by a third party or to a third party.	See IESO Response to Reference No. 12.
17	Just Energy	Just Energy supports scenario 4 access criteria but submits that the request for personal electricity consumption data, alone or matched with other data sets to authorized third parties (personal information), should be made available to all authorized third parties not just the subset of recommended requestors…The data would support product offerings tailored to the consumer needs and usage and provide value to consumers. Just Energy submits that the recommendation	Just Energy's interest in this information being made available to all third parties is understood and appreciated. However, the objectives of the Foundation project do not include supporting the development and offering of products or services to individual customers. The Green Button Initiative, under development by the Ministry of Energy, targets the specific types of applications Just Energy is interested in. Foundation, MDAP and the Green Button Initiative have been carefully defined to minimize any overlap between the three offerings.

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[1] The Third Party Access (TPA) framework put forward four options, only one of which proposed access to personal information. The version of the TPA framework Halton Hills Hydro is referring to has access to personal information as option #3. The current version of the TPA framework document reordered the options, with the access to personal information becoming option #4.

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		as to whom should be provided access should be revisited and amended to include retailers.	
18	EnerNOC	EnerNOC recommends that if access to the MDMR data set is made available to third parties this should include commercial entities, recognizing that appropriate security and privacy safeguards would be in place.	The Third Party Access framework identifies scenarios under which third parties are able to access data along with obligations and privacy considerations. The framework recommends that commercial entities have access to de-identified data.
19	EDA	EDA does not agree with the IESO's third party access recommendation to provide personal information to governments, and requested that the FWG member LDCs' view on this recommendation be reflected as follows: "We heard from the local distribution company (LDC) members of the FWG that they have a responsibility to protect the privacy of their customers' personal information. Therefore, some LDCs would only disclose personal information in compliance with legislative and regulatory requirements, or with customer consent."	The IESO has incorporated the requested FWG LDC members' view into the third party access recommendations.
20	London Hydro	The de-identification of information is not a new field and there is likely a public perception that nowhere is de-identification more paramount than in the medical field (with respect to protected health information). Therefore, it would be appropriate to indicate that the recommendations on data de-identification	This suggestion has been incorporated into introduction to the recommendations on data de-identification.

		are largely based on already established prudent and proven practices from other fields.	

Other Feedback			
Reference Number	**Stakeholder**	**Comment/Question**	**IESO Response**
21	EnerNOC	As the Foundation Working Group and the MDAP project proceed, EnerNOC recommends that the IESO consider collecting the following data to improve the value of MDMR data for analysis: • Business or organization name • Premise-level and site-level business type identification codes o Preferable to have the business code at both the customer/billing account level and at a service agreement/premise level • Floor area	In the context of stakeholder discussions on geo-location, the IESO sought to determine the minimum set of information needed to enable further use of energy consumption data in the MDM/R, without imposing too burdensome and costly an implementation on the LDCs and the Smart Metering Entity (SME). The application of this criteria resulted in the addition of premise address information and premise occupant change information being recommended, with the possible addition of premise GPS coordinates. This discussion is covered in the July 22nd meeting summary. The data recommended by EnerNOC would be a consideration for an implementation of the MDM/R Data Access Platform initiative or some other platform.
22	London Hydro	The proposed recommendations are put forward as recommendations of the Foundation Working Group (FWG). London Hydro can't endorse these as the FWG recommendations as the Terms of Reference stated that there would be no voting and no requirement to achieve	The IESO will amend the document to reflect that the recommendations are IESO recommendations informed by input from the Foundation Working Group.

		consensus.	
23	London Hydro	Preference should be given to developing Green Button standard over the development of MDAP and Foundation.	All three projects (Green Button, Foundation and MDAP) have discrete aims and are being pursued in parallel. The Green Button Initiative allows an individual customer to access their own smart meter data only and supports the ability of that customer to share only their own data with a third party. The Foundation project is an IESO initiative intended to enhance the value of the data in the MDMR and to determine the rules of third party access to a broad set of stakeholders while complying with privacy legislation. The MDAP Project is led by the Ontario Ministry of Energy. The scope of the MDAP Project is to develop a business case for the contemplated platform whose objectives would include: - enhancing the value of electricity consumption data by adding new data sources (e.g. weather); and, - providing new interfaces and functionality for data access by current users of the MDM/R; - supporting access for authorized classes of users such as researchers, commercial enterprises and other third parties; and, - supporting authorized access to de-identified data for research purposes and analysis.
24	London Hydro	Foundation project is a stepping stone to	The Foundation project, as described in Reference No.

		MDAP, and must be considered in the context of MDAP	23, is separate from MDAP, led by the Ministry of Energy, and could have value in the absence of MDAP. However, MDAP could build on the Foundation project and there is value in coordination between the two projects. Coordination is currently achieved by having IESO staff supporting both projects with cross communication on matters that are thought to overlap between the two initiatives.
25	SAC	With respect to the foundation work, the real test here is whether products and services will be created that meet the single most important demand by customers, lower electricity bills without compromising reliability. The focus should be on benefits, not features. Also a model needs to be adopted whereby customers are not shouldering the entire expense of this work. Users and service providers who utilize or benefit from this data should pay into a deferral account to offset costs.	The use cases examined during the Foundation project have identified (but not quantified) potential benefit to customers, some being direct and others being indirect.

Also, see the IESO Responses to Reference Nos. 5 and 6. |
| 26 | SAC | A process (or assurance) needs to be developed to manage the potential for any breach in data or contractual breach. | Implementation of the Foundation recommendations would include the development of contractual agreements between the Data Custodian and those third parties gaining access to the information. Such agreements would include appropriate terms and conditions regarding breaches. The recommended Data De-identification framework also mentions more |

			detailed obligations to be developed around the use of the data. See also, the IESO Responses to Reference Nos. 1 and 2.
27	SAC	The need is there to enhance the data associated with general service customers greater than 50 kW in order to provide opportunities for cost savings through programs like demand response and peak energy management. It was also recommended that a process to get early sign-off from these customers would be useful given potential concerns of sharing commercially sensitive data.	The Foundation scope is limited to those customer classes (residential and small business less than 50 kw) currently serviced by the MDM/R. However, the issues discussed in these frameworks are certainly transferrable and could be applied to any discussion to expand customer classes as part of the MDAP project.
28	SAC	A cost analysis should be completed before moving to implementation.	See IESO Response to Reference No. 5.