

KOOTENAI ELECTRIC COOPERATIVE, INC.

Policy No. 3-6B

- I. SUBJECT: Nonmember Requests for Information & Adoption of a Financial Privacy Policy
- II. OBJECTIVE:
  - A. To respect the privacy of members and their business.
  - B. To facilitate development of positive industry practices by exchange of non-confidential information among public power entities.
  - C. To meet the business needs of the Cooperative in obtaining necessary resources.
  - D. To comply with all applicable legal requirements concerning members' financial privacy.
- III. POLICY:
  - A. Information specific to a member of the Cooperative which identifies that member shall not be provided to anyone other than the identified member without a written request by the member; with the exception that the Cooperative may supply to other electric power suppliers an accurate credit history of the member's account with the Cooperative.
  - B. Information disclosing system improvements, power supply and system operations may be disclosed to the appropriate extent to BPA and other power suppliers; CFC, RUS and other institutions from whom KEC has obtained or is seeking financing; and vendors and credit reporting services, the Idaho State Tax Commission, the Internal Revenue Service, and other agencies and municipal corporations with legitimate taxing authority over the Cooperative; and to municipal corporations, county officials, and state and federal agencies concerned with emergency services; and to duly retained consultants and agents.
  - C. The Cooperative shall supply information to the appropriate extent to organizations of which the Cooperative is a member for the purpose of advancing the interests of public power. Information of similar nature may

be provided to organizations within or related to the electric industry upon written certification of the General Manager or his designee.

- D. The Cooperative shall take all reasonable efforts to refrain from disclosing personal information concerning a member or a member's account without first obtaining the member's permission. Provided, the Cooperative may disclose such personal information without first obtaining the member's permission in the following events:
1. General Disclosures. The Cooperative may provide limited member information to government agencies, their subcontractors or other related or affiliated entities and organizations for energy efficiency rebates or other KEC board-approved special projects. Such information may also be used from time to time by the Cooperative's outside auditors, consultants and others hired by the Cooperative to assist in carrying out financial, management or other activities and functions. Any such disclosure shall require the General Manager's prior approval.
  2. Banking Disclosures. To the extent the Cooperative makes loans and extends credit, it shall comply with all federal and state laws and regulations which govern the disclosure or sharing of financial information. Such laws include, yet are not limited to, the Fair Credit Reporting Act and Title V of the Gramm-Leach-Bliley Act.
  3. Legal Disclosures. The Cooperative may provide limited member information: (i) in response to valid legal process or judicial proceeding, such as a search warrant, subpoena and/or court order; (ii) in response to requests consistent with law enforcement's or other governmental agencies' investigative powers; (iii) in response to requests properly presented pursuant to the Idaho or Federal Rules of Civil Procedure; or (iv) when the Cooperative, in its sole and absolute discretion, has a good faith belief that disclosure is otherwise permitted, authorized, necessary, appropriate and/or required by law.
  4. Scope of Disclosure. The Cooperative will take reasonable steps to limit the scope and consequence of any of such disclosure.
- E. Except to the extent set forth above in this policy, the Cooperative shall not disclose any nonpublic personal information about its customers or former customers. Member and customer lists shall not be sold to nonaffiliated

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third parties even if permitted by law. The Cooperative adopts the financial privacy policy set forth in Appendix "2" of this Policy. The Cooperative shall give the notices required by law to its customers.

- F. The Cooperative shall make available to nonmembers information which constitutes public information, including the Cooperative's IRS Form 990, to the extent required by law.

IV. RESPONSIBILITY:

It shall be the responsibility of the General Manager to administer this policy.

Adopted: 08/21/87  
Amended: 07/19/90  
          10/22/92  
          05/31/01  
          12/22/08  
          12/20/11

Attested: \_\_\_\_\_  
                                  Secretary

## APPENDIX "2"

To the extent that the Cooperative is by law a "financial institution" by virtue of its making loans or extending credit, the following is adopted as the financial privacy policy of the Cooperative. This financial privacy policy shall be applicable to the members of the Cooperative who are "customers" of the Cooperative and they shall be provided with a copy of this policy prior to or at the time of applying for a loan and annually thereafter.

### FINANCIAL PRIVACY POLICY OF KOOTENAI ELECTRIC COOPERATIVE, INC.

#### Privacy Notice To Our Customers

Kootenai Electric Cooperative, Inc. ("KEC") strongly believes in protecting the confidentiality and security of information we collect about you. This notice refers to KEC by using the term "us," "we," or "our." This notice describes our privacy policy and describes how we treat the information we receive ("Information") about you.

**Why We Collect and How We Use Information:** We collect and use Information for business purposes with respect to making loans or extending credit. These business purposes include evaluating a request for a loan under certain programs administered by us. Additionally, we sometimes report member information to various governmental entities as part of the design, implementation, administration and verification of energy conservation programs and services.

**How We Collect Information:** We get most Information directly from you, including from the application or other forms you complete which contain Information concerning your employment, earnings, debts and assets. We also have Information about your transactions with us, including your history of paying power bills. We may collect Information about you from a consumer reporting agency, such as the number of open credit accounts you have or Information on delinquent credit accounts. We may obtain Information from other parties, such as your work history from an employer.

**How We Protect Information:** Our employees are required to protect the confidentiality of Information. Employees may access Information only when there is an appropriate reason to do so, such as to administer a loan or offer you our products or services. We maintain physical, electronic and procedural safeguards to protect Information; these safeguards comply with all applicable laws.

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**Information Disclosure:** We may disclose any Information internally to employees when we believe it necessary for the conducting of our business. We also disclose Information when required by law to do so, such as when served with a subpoena or a search warrant. We do not disclose any nonpublic personal Information about our customers or former customers to anyone, except as permitted by law. In general, our disclosures are to parties that provide services to us so that we may more efficiently process the transactions and services you request. We may share information concerning your transactions with us, such as your payment history, to credit reporting agencies. We do not share, internally or externally, personally identifiable medical information for any purpose except to process transactions or to provide services you have requested. We do not provide your name, address or telephone number to telemarketers or others who might attempt to solicit business from you.