

Privacy and Confidentiality of Customer Information

1. Background and Purpose.

a. **Public Records Laws.** Water Authority of Dickson County (the “Authority”) is a public and governmental entity organized and existing under and by virtue of one or more private acts of the Tennessee General Assembly. As such its records, reports, and other information in its possession, including information pertaining to the Authority’s customers (collectively and severally, “Customer Information”), is subject to the provisions of applicable laws governing the disclosure of public records, including but not limited to the provisions of Tenn. Code Ann. § 10-7-501 *et seq.* (collectively and severally “Public Records Laws”). Generally, unless expressly exempted from disclosure by applicable federal or state statute, Customer Information in the hands of the Authority is subject to disclosure upon submission of a request conforming to applicable Public Records Laws.

b. **Financial Privacy Statutes.** In connection with providing water and wastewater services to its customers and other activities within the scope of the Authority’s statutory powers, the Authority from time to time engages in activities that are or may be classified as “financial activities” within the scope of the Gramm-Leach-Bliley Act of 1999 (as amended), 15 U.S.C. § 6801, in connection with which the Authority may require to be disclosed to it “nonpublic personal information” as defined therein. Additionally the Authority reasonably expects to come into the possession of information in respect of its customers or other persons which is protected by one or more provisions of applicable Tennessee law. Such nonpublic personal information and other protected information is hereinafter referred to as “Customer Personal Identification”. The federal and state statutes, rules, regulations, and decrees (collectively and severally, “Privacy Laws”) governing and restricting the disclosure of such “nonpublic personal information” and other sensitive customer-related information constitute exceptions to the application of Public Records Laws and, to the extent of any inconsistency with the Public Records Laws, the Privacy Laws protecting such disclosure control.

c. **Use of Customer Personal Information.** Irrespective its protection from disclosure under and pursuant to Privacy Laws, the Authority generally recognizes that use of Customer Personal Information for any purpose other than such as is necessary or expedient to provide services to its present and prospective customers; to administer its customer relationships with its customers; to collect fees, charges, and other sums due and payable to it in the course of its customer relationships; to communicate with its customers in respect of individual customer relationships or to communicate emergency or other exigent information to its customers, is

generally an inappropriate use of Customer Personal Information.

d. Purpose. It is the purpose of this policy formally to establish the Authority's policies and procedures for the collection, use, and dissemination of Customer Personal Information.

2. Collection of Customer Personal Information.

a. Definition. For purposes of this policy, "Customer Personal Information" shall include, but shall not necessarily be limited to, information in respect of any person's personal or financial affairs and which is within the scope of "nonpublic personal information" as defined by 15 U.S.C. § 6809(4), or which is otherwise of a nature as could expose a person to personal or financial loss in the event of disclosure to persons not authorized by such person to receive the same. Without limiting the scope of the foregoing definition, the following data shall be "Customer Personal Information" in respect of the Authority's prospective, current, and former customers:

i. A person's Taxpayer Identification Number, whether in the form of a Social Security Number, an Employer Identification Number, or other identification number issued by the Internal Revenue Service in respect of such person;

ii. A person's account number(s) maintained in respect of any depository account or credit card or other credit account;

iii. A person's mobile telephone number or unlisted or otherwise non-publicly-available telephone number;

iv. Identifying information in respect of a person's employer;

v. A person's credit score;

vi. The nature of any person's domestic relationship(s) with any other person; *provided*, however, that the status of any such other person as a prospective, current, or former customer of the Authority shall not be deemed to be Customer Personal Information; and,

vii. Financial statements, statements of assets, income, or liabilities, or other financial or economic data in respect of a person.

b. Collection of Customer Personal Information.

i. Applications. The Authority will collect Customer Personal Information in connection with submission of an application by a person for water and sewer service in the form(s) prescribed by the Authority from time to time. Customer Personal Information in respect of the applicant shall be collected and maintained on a separate page from the application, but

shall be incorporated by reference into such application. Specific Customer Personal Information collected shall be such as will be reasonably useful to the Authority in determining the validity of other information provided by the applicant, the eligibility of the applicant to receive water or sewer service under and pursuant thereto, or the enforcement of the Authority's rights or remedies in the event of a breach by a customer of the terms, covenants, or conditions of the service application.

ii. **Billing, Payment, and Collection.** Upon enrollment of a customer for paperless billing and/or payment services, including via e-mail; text messaging; electronic funds transfers; ACH transfers; auto-draft payments; PayPal, Venmo, CashApp or other third-party payment systems; or otherwise, the Authority will collect such Customer Personal Information as is necessary to establish and implement such paperless billing and/or payment services.

3. Use and Dissemination of Customer Personal Information.

a. **Generally.** The Authority will make use of Customer Personal Information for purposes reasonably related to the establishment, administration, and enforcement of the Authority's customer relationships with its prospective, current, or former customers, including but not limited to the establishment of a customer relationship; billing a customer for rates, fees, and other charges authorized by the Authority's board of commissioners from time to time; collection of money due and payable to the Authority from a prospective, current, or former customer; and, enforcement of the Authority's legal rights and remedies in respect of a prospective, current, or former customer.

b. Communications.

i. **Individual Communications.** The Authority will not originate contact via text message to any person who is not a current customer of the Authority or a former customer then owing a balance due for water or wastewater service previously provided. The Authority will not originate a specifically-addressed text message to any person the substance or subject of which is unrelated either to (i) the specific customer relationship of the person whose number is contacted, or (ii) matters of general concern, emergency or otherwise, to all customers of the Authority.

ii. **Communication of Information of Public Concern.** From time to time the Authority may find itself in an exigent situation in which rapid and large-scale communications with members of the general public is necessary for purposes of public safety and health. The Authority may use Customer Personal Information in connection with initiating such communications, including via e-mail and text messaging.

c. Marketing and Customer Communications.

i. **Authority Services.** The Authority may use Customer Personal Information for purposes of informing its current customers of changes to the Authority's terms of service;

for offerings of new service(s) to current customers, e.g. newly-available billing and payment services; and for soliciting feedback and other input from its current customers in respect of the Authority's performance as the provider of necessary utility services to members of the public.

ii. Other Marketing. The Authority will not use or authorize the use of Customer Personal Information for purposes of promoting, soliciting, or otherwise marketing the goods or services of any person or entity, irrespective of whether private or governmental.

iii. Use by Third Parties. The Authority may from time to time engage vendors to provide services to itself in respect of its relationships with its customers. Such services may include, but are not necessarily limited to, meter reading; creation and sending of statements for services provided to customers; accepting payment from customers; data processing and analysis in respect of usage, billing, and payment metrics; and, retention of Authority records which the Authority is by law obliged to maintain in physical or electronic format. To the extent necessary for such third parties to provide services to the Authority as contemplated by the Authority's relationships with those vendors, the Authority will provide Customer Personal Information to the vendor(s) requiring the same to perform according to the tenor of their respective agreements with the Authority.

4. Other Uses and Dissemination Prohibited; Requests for Disclosure.

a. General Prohibition. Except as required or permitted in this policy, as amended from time to time, the Authority shall not collect, use, or disseminate to third parties Customer Personal Information. If a request to use or disclose Customer Personal Information is received by the Authority and such use or disclosure is not authorized by the provisions of the Privacy Laws and the provisions of this policy, the Authority will refuse such disclosure until ordered to make such disclosure by order of a court of competent jurisdiction.

b. Redaction. If Customer Personal Information is contained in a record subject to disclosure pursuant to the Public Records Laws, prior to disclosing such record, the Authority shall redact all Customer Personal Information contained in such record.