



BY E-MAIL

September 28, 2020

Erin Smith
Finance and Regulatory Manager
Festival Hydro Inc.
187 Erie Street
Stratford ON N5A 2M6

Re: Privacy Issue Regarding Personal Information of Your Customers

Dear Ms. Smith,

We are writing to notify you about an issue involving the personal information of a number of your customers.

The Ontario Energy Board (OEB) recently learned that a document containing the personal information of some of your customers was made publicly available through the OEB's webdrawer/Regulatory Document Search (RDS). The document in question was a detailed project level savings file filed by you on August 11, 2017 in connection with your Lost Revenue Adjustment Mechanism (LRAM) claim and would have been posted to the webdrawer by the OEB shortly thereafter. Upon learning that personal information had been inadvertently publicly posted, it was promptly removed from the webdrawer on August 11, 2020.

While the specific data elements vary, the affected personal information of your customers may include one or more of names, postal addresses, email addresses, phone numbers, the energy savings program in which they participated, and the incentive they received.

The OEB's investigation into this matter determined that you did not provide a redacted version of the document in question as required by the OEB's *Rules of Practice and Procedure*.

In response to this matter, the OEB has filed a report with the Information and Privacy Commissioner of Ontario.

We are notifying affected individuals of the disclosure of their personal information in the form set out in Appendix A. This letter is being mailed to 7 of your customers whose personal information was included in the document referred to above and that appeared to the OEB to potentially be residential customers. While the letter invites the customers to contact the OEB if they have any concerns, you should ensure that you are also prepared to respond to inquiries from your customers following their receipt of our letter.

In addition, you should closely monitor the accounts of the customers in question for any unexpected or unusual activity and promptly advise the customer if any is detected.

The OEB has taken steps to help ensure that filings containing personal information are not posted to the webdrawer in the future, and further steps are planned. Among other things, and as you will have seen, the OEB issued a letter to all rate-regulated licensed electricity distributors clarifying the filing requirements for 2021 rates and the treatment of customer information contained in information supporting the clearance of energy- and/or demand-related LRAM Variance Account balances. It is imperative that your future LRAM Variance Account filings be prepared accordingly, and that you ensure that the incident referred to above does not happen in relation to any other filing.

Appendix B sets out Rule 9A of the OEB's *Rules of Practice and Procedure*. As you know, under Rule 9A.01 of the OEB's *Rules of Practice and Procedure*, any person filing a document with the OEB that contains personal information of another person who is not a party to the proceeding must file two versions of the document: one version that redacts the personal information and one version that is an un-redacted version that is marked "Confidential – Personal Information." As outlined in Rule 9A.02, the purpose of requiring two versions is so that the redacted version can be placed on the public record.

The OEB expects that you will review this incident internally and take steps to ensure that your staff involved in making regulatory filings to the OEB are aware of the importance of complying with Rule 9A of the *Rules of Practice and Procedure* and that appropriate processes and training are in place to ensure compliance. We appreciate your prompt attention to this issue.

If you have any questions relating to this letter, please contact IndustryRelations@oeb.ca and include "Privacy Matter" in the subject line of your e-mail.

Sincerely,

Original Signed By

Christine E. Long
Registrar and Board Secretary

Appendix A

Template Notification to be sent to Affected Individuals

Dated: September 28, 2020



September 28, 2020

«USE_NAME»
«USE_ADDRESS»
«USE_CITY» ON «USE_POSTCODE»

Dear «USE_NAME»:

Re: Notice regarding your personal information

The Ontario Energy Board (OEB) is writing to notify you about an issue involving your personal information. We are Ontario's independent energy regulator and we are responsible for setting the rates charged by your electricity utility, Festival Hydro Inc.

Below, we have set out what happened, what personal information may have been involved, and what steps we have taken to ensure that it does not happen again.

What happened?

We recently learned that a document containing your personal information, as well as the personal information of other customers of your utility, was posted by us on a portion of the OEB's website that houses regulatory filings and other documents related to applications, as described below.

The document in question was filed with the OEB by your utility on August 11, 2017 in connection with their rate application and would have become publicly accessible shortly thereafter. Upon learning about this matter, we immediately commenced an investigation and took steps to ensure that the personal information was removed from our site and was no longer publicly available. A description of the personal information that may have been involved is outlined below.

By way of background, regulatory filings are part of a standard process through which your utility seeks approval from the OEB for the rates it charges. Our rules state that where a filing contains personal information, your utility is required to file two copies. One is an unredacted copy for OEB internal use only. The other is a redacted copy from which the personal information has been removed or blacked out so that it can be posted online and be publicly available. While it is the case that your utility did not file a redacted version or identify that their filing contained personal information, this omission should have been noticed by the OEB and we sincerely apologize for not having done so.

The document in question was accessible from the web-based filing system where the OEB posts applications and related materials that are filed by electricity utilities and others in relation

to hearings before the OEB. We call this the “webdrawer”, and it is used by industry participants and other interested parties that want to see documents relating to a given case. In order to access a document in the webdrawer, a person must know the name of the applicant or the OEB file number for the application, and then select from among the list of case files the document that they wish to view. In this specific case, because the document was an excel spreadsheet it may also have been necessary to select from one of a number of tabs to view the content.

What personal information was involved?

Our investigation determined that while the affected personal information varied by document, it may have included one or more of your name, postal address, email address, phone number, the electricity utility from which you receive service, the energy savings program that you participated in, and the incentive you received. Importantly, neither your utility account number nor your banking or credit card information was included.

Our response

Once we learned that a document containing this personal information was available through our website, we took immediate steps to investigate the matter and remove it. We also notified the Information & Privacy Commissioner of Ontario (IPC). We have contacted your utility to alert them to what happened, and to express our expectation that they take steps to ensure that they follow our rules regarding regulatory filings that contain personal information. Other steps have been taken by the OEB, and more are planned, to help ensure that filings containing personal information are not made publicly available.

What you can do

Please be alert to any requests for your personal information, particularly by email, phone or text message. If you receive an unexpected request for personal information, take steps to verify its legitimacy. The OEB does not contact electricity customers asking for personal information except in response to a complaint, inquiry or other communication initiated by the customer.

For more information

If you have any questions concerning this matter, we invite you to contact Visha Gandhi, the OEB's Manager of Public Information. Ms. Gandhi can be reached by email at visha.gandhi@oeb.ca or by telephone at 416-440-7702 or tollfree at 1-877-632-2727.

You also have the right to make a complaint to the IPC. Further information is available on the IPC's website at: <https://www.ipc.on.ca/privacy-individuals/filing-a-privacy-complaint>.

We sincerely regret any inconvenience that this incident may have caused.

Sincerely,



Theodore Antonopoulos
Vice-President, Applications

Appendix B

Rule 9A of the OEB's *Rules of Practice and Procedure*

9A Filing of Documents that Contain Personal Information

9A.01 Any person filing a document that contains personal information, as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*, of another person who is not a party to the proceeding shall file two versions of the document as follows:

- (a) one version of the document must be a non-confidential, redacted version of the document from which the personal information has been deleted or stricken; and
- (b) the second version of the document must be a confidential, un-redacted version of the document that includes the personal information and should be marked "Confidential—Personal Information".

9A.02 The non-confidential, redacted version of the document from which the personal information has been deleted or stricken will be placed on the public record. The confidential, un-redacted version of the document will be held in confidence and will not be placed on the public record. Neither the confidential, un-redacted version of the document nor the personal information contained in it will be provided to any other party, including a person from whom the Board has accepted a Declaration and Undertaking under the *Practice Directions*, unless the Board determines that either (a) the redacted information is not personal information, as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*, or (b) the disclosure of the personal information would be in accordance with the *Freedom of Information and Protection of Privacy Act*.