

Subject: Disclosure of Information

Policy No: C-11
Revision 4th

Original Issue Date: 01/17/03

Last Revised: 04/24/2019

Last Reviewed: 04/24/19

Page 1 of 3

SCOPE:

The purpose of this Policy is to identify the nature and availability to members and others of information maintained by United Power. This policy is subject to provisions of § 7-136-101 through 107, C.R.S. and state and federal privacy statutes and regulations which shall control over this policy in the case of any inconsistency.

1. General Information

The following information and materials routinely utilized by United Power in conducting its business shall be available to its members upon request:

- A. Rate schedules, rules and regulations and other tariff sheets.
- B. Articles of Incorporation and Bylaws.
- C. Published policies adopted by the Board of Directors.
- D. Pamphlets, brochures and similar material.
- E. Newsletters and published operating statistics.
- F. List of names and business addresses of current Board of Directors and Officers..
- G. Other information and material routinely distributed to consumers and the public.
- H. Minutes of Membership Meetings.
- I. Approved Minutes of the Board of Directors' Meetings.
- J. IRS Form 990.
- K. Colorado Secretary of State Filings

The Chief Executive Officer and designees shall have the authority to provide the general information described above to those members requesting such information. If the member is unable to obtain the information from the **publicly referenced** resources provided or the information is not available on a public resource, then the member must submit the *Information Request Form C-11a*, and the request will be processed under Section 4.

2. Restricted Corporate Records

The following information and materials shall be considered restricted corporate records:

- A. Accounting records.
- B. Any information which constitutes a trade secret, process, program, trademark or other legally protected confidential information.
- C. Any information that is protected as a trade secret, process, program, trademark or other legally protected confidential information by contract.

Member's requests for the above information require the submission of the *Information Request Form C-11a* and will be processed under Section 4.

Subject: Disclosure of Information			Policy No: C-11
			Revision 4 th
Original Issue Date: 01/17/03	Last Revised: 04/24/2019	Last Reviewed: 04/24/19	Page 2 of 3

3. Restricted Member Information

- A. Information about a member maintained by United Power may be disclosed only at the request of or with the permission of the member, except as specified in Sections 3B, 3C and 3D. Such member information may include:
- 1) Names
 - 2) Addresses
 - 3) Telephone Numbers
 - 4) Social Security Numbers
 - 5) Location
 - 6) Payment Record
 - 7) Usage History
- B. Restricted member information described in Section 3A may be disclosed to and shared with commercial and consumer credit reporting agencies for credit-related activities such as the reporting of bad debts.
- C. Any record of its members in a form that permits preparation of a list of names and addresses of all members unless requested by a bona fide director candidate in which case a list shall be made available upon request. The candidate must sign an agreement that the information will only be used for the bona fide purpose of sending information about such candidate's candidacy for a Board seat as set forth in § 40-9.5-110(1)(b), C.R.S., and for no other purpose. Candidates must agree to comply with said statute, and agree to injunctive, or similar, relief to prohibit violations of the statute and this policy. In this regard, the candidate must also agree to personal and subject matter jurisdiction in the County and/or District Court, 17th Judicial District, Colorado.
- D. In order to assist in criminal investigations, member information may be released to previously identified personnel at federal, state or local law enforcement agencies only by the Chief Executive Officer or designees upon service of a valid issued subpoena requiring such disclosure. If a subpoena does not accompany the request, the request shall be directed to legal counsel.

Requests for information about a member not covered in Sections 2B or 2D require the submission of the *Information Request Form C-11a* and will be processed under Section 4.

Subject: Disclosure of Information

Policy No: C-11
Revision 4th

Original Issue Date: 01/17/03

Last Revised: 04/24/2019

Last Reviewed: 04/24/19

Page 3 of 3

4. Inspection or Release of Restricted Records

- A. United Power shall maintain its records in printed form or in another form capable of conversion into printed form within a reasonable time.
- B. Unless stated otherwise in this policy, all requests for restricted information and material shall be made in writing on the *Information Request Form C-11a* attached to and made a part of this policy. Such requests shall be handled in the following manner:
 - 1) The executed *Information Request Form C-11a* shall be forwarded to the Chief Executive Officer or designees for review and to confirm that:
 - a) The member has been a member for at least three months immediately preceding the demand to inspect or copy is made;
 - b) The demand is made in good faith and for a proper purpose;
 - c) The member describes with reasonable particularity the purpose and the records the member desires to inspect; and
 - d) The records are directly connected with the described purpose.
 - 2) In the event the Chief Executive Officer believes that a request is not in United Power's best interest, a legal opinion will be sought. The Chief Executive Officer may under certain circumstances consult legal counsel or the Board of Directors.
 - 3) Upon approval of the request for information, United Power shall, within 5 business days, provide such information to the member during normal business hours.
 - 4) Any person whose request for restricted information is granted, in whole or in part shall be required to pay a fee covering all of United Power's costs reasonably incurred in making such information available. Payment shall be made at or before the time such information is made available.

ACCOUNTABILITY:

The Chief Executive Officer and designated staff shall be responsible for implementing the terms of this policy in consultation with United Power's Corporate Attorney.