



**ORDER NUMBER
G-125-18**

IN THE MATTER OF
the *Utilities Commission Act*, RSBC 1996, Chapter 473

and

FortisBC Energy Inc.
Application to Exclude Employee Information from 2015 Data Order G-161-15

BEFORE:

D. J. Enns, Commissioner

on July 12, 2018

ORDER

WHEREAS:

- A. On May 23, 2018, FortisBC Energy Inc. (FEI) submitted an application with the British Columbia Utilities Commission (BCUC) seeking the following:
- an order pursuant to section 99 of the *Utilities Commission Act* (UCA) that Order G-161-15 be varied so as to exclude “Employee Information” as defined in that order; or alternatively,
 - an order pursuant to section 88(2), exempting from Order G-161-15 all “Employee Information” or, at minimum, particular employee data (Pension Data) held by FEI’s pension actuaries, Willis Towers Watson (WTW) (Application).
- B. On October 13, 2015, the BCUC issued Order G-161-15, permitting FEI to store the following classes of data on servers outside of Canada where (i) the data is encrypted or de-identified and (ii) the encryption keys and de-identification keys are located within FEI’s data centres that are located in Canada:
- “Customer Information” means information of or about FEI residential, commercial, or industrial customers.
 - “Employee Information” means information of or about FEI employees.
 - “Sensitive Information” includes:
 1. financial, commercial, scientific or technical information, the disclosure of which could result in undue financial harm or prejudice to FEI; and
 2. information that relates to the security of FEI critical infrastructure and operations, the disclosure of which could pose a potential threat to FEI operations or create or increase the risk of a debilitating impact on the safe and reliable operation of the FEI system.

- C. FEI advises in its May 23, 2018 filing that the Chief Privacy Officer, in a recent internal review, identified that WTW has held the employee information regarding employees who participate in pension plans on US-based servers (Pension Data), without encryption or de-identification, for more than 30 years. This includes former and current employee information. FEI wishes to apprise the BCUC of the issue, and to apply to the BCUC for an order that will determine how FEI proceeds;
- D. FEI submits that the BCUC's jurisdiction under the UCA does not extend to employee data, or alternatively the BCUC should not exercise its jurisdiction in respect of Employee Information; and
- E. The BCUC has reviewed the Application and considers that further process is warranted.

NOW THEREFORE pursuant to sections 99 and 88(2) of the UCA, the BCUC orders as follows:

- 1. A public hearing process is established to consider the below, as set out in the regulatory timetable attached as Appendix A to this order:
 - a. that Order G-161-15 be varied to exclude "Employee Information" as defined in that order; or,
 - b. an exemption of "Employee Information" or, at minimum, Pension Data held by FEI's pension actuaries, Willis Towers Watson (WTW) from Order G-161-15.
- 2. As soon as reasonably possible, FEI is to publish the Application, this order and the Regulatory Timetable on its website and to provide a copy of the Application and this order to registered interveners in the 2015 Application for Removal of the Restriction on the Location of Data and Servers Providing Service to the FEU, currently Restricted to Canada proceeding.
- 3. Parties who wish to participate in the regulatory proceeding are to register with the BCUC by completing a [Request to Intervene form](#), available on the BCUC's website, by the date established in the Regulatory Timetable attached as Appendix A to this order and in accordance with the BCUC's Rules of Practice and Procedure.

DATED at the City of Vancouver, in the Province of British Columbia, this 12th day of July, 2018.

BY ORDER

Original signed by

D. J. Enns
Commissioner
Attachment

FortisBC Energy Inc.
Application to Exclude Employee Information from 2015 Data Order G-161-15

REGULATORY TIMETABLE

Action	Date (2018)
Intervener Registration Deadline	Friday, July 27
FEI Submission on Jurisdiction	Friday, July 27
Intervener Submissions on Jurisdiction	Friday, August 10
FEI Reply Submissions on Jurisdiction	Friday, August 17
Further Process	To be determined