Applicability

1 Section 103.1 applies to:
   (a) a market participant; and
   (b) the ISO.

Requirements

Confidential Records

2(1) Any record that the ISO receives from a market participant which:
   (a) is not in the public domain; or
   (b) in the opinion of the ISO is commercially sensitive;
must be treated by the ISO as confidential, unless it is a record which fits into one of the exception categories set out in subsection 2(6).

(2) The ISO must treat as confidential any record described in subsection 2(1)(a) that identifies the market participant's name or any of its facilities, unless the ISO gives the market participant written notice that such information will not be treated as confidential.

(3) If the ISO gives written notice as set out in subsection 2(2) above, the market participant has seven (7) business days from the date such notice is given to provide reasons to the ISO why the record should be treated as confidential, and the ISO will consider those reasons before making a final determination regarding the treatment of the record.

(4) Any record that a market participant receives from the ISO that is not in the public domain must be treated by the market participant as confidential, unless it is a record which fits into one of the exception categories set out in subsection 2(6).

(5) Notwithstanding subsection 2(1), the ISO may disclose a confidential record in order to fulfill its duties and responsibilities under the Act or other legislation, and in making such a disclosure will make reasonable efforts to ensure that a person receiving that confidential record does not further disclose the record.

(6) A record will not be treated as confidential to the extent it:
   (a) must be disclosed, used or reproduced by law or by a lawful requirement of any government or governmental body, authority or agency having jurisdiction over the ISO, a market participant or their affiliates;
   (b) is disclosed, used or reproduced:
      (i) under the authority of the ISO rules, the ISO tariff or the reliability standards;
      (ii) with the consent of the provider; or
      (iii) as an unidentifiable component when aggregated or otherwise consolidated with another record; or
(c) is disclosed to protect the safety of personnel or equipment, or to protect or enhance the reliability of the interconnected electric system.

(7) The ISO and a market participant may share a confidential record with their respective representatives but only if those representatives are aware of the confidential nature of the record and agree to treat it as confidential.

Disclosure to Market Surveillance Administrator

3 In accordance with section 2(1) of the Market Surveillance Regulation, the Market Surveillance Administrator has the right to receive and the ISO will make available to the Market Surveillance Administrator confidential and other records relating to a market participant that are held or become available to the ISO pursuant to its mandate under the Act.

Revision History

Effective Description
Supersedes October 1, 2009 Version