

ISO Rules

Part 100 General

Division 103 Administration

Section 103.1 Confidentiality



Applicability

- 1 Section 103.1 applies to:
 - (a) a **market participant**, except where the **market participant** is the **legal owner** of a **transmission facility** where the person who is eligible to apply for the construction and operation of the **transmission facility** was determined by a competitive process developed by the **ISO** in accordance with the **Act**; 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

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(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
2016-11-29	Revisions to the Applicability section
	Supersedes October 1, 2009 Version