

March 25, 2010 NIST Smart Grid Privacy Subgroup Meeting Notes

Minutes by Rebecca Herold

Please send this distribution list any necessary corrections or additions.

Thanks to all of you participating and contributing your valuable time and resources to our group's work! We are a diverse group, with often differing viewpoints, but our collaboration and respectful consideration of all viewpoints will result in a much more valuable privacy chapter.

Next full group meeting:

Thursday, April 1, 2010 at 11:00am est
No fooling! ☺

Here are my summary notes from this week's meeting:

1) Review Workplan For Getting Privacy Chapter Completed

- Each team complete content creation/update work by April 28 to incorporate into one document.
- **All** privacy subgroup members review this resulting updated chapter document, discuss, provide feedback and make changes.
- Submit to Annabelle and Tanya for their final edits by May 17.
- Final NISTIR 7628 will be published in June.

2) Team 1: General Privacy Discussion

- Team 1 update on work so far: Rebecca Herold - team leader
- New section to add to the chapter
- Communications via direct email to date
- Should be able to get draft of this section to entire group for review sometime during the week of March 29.

3) Team 5: Definitions

- Team 5 update on work so far: Rebecca Herold – team co-leader
- New section to add to the chapter
- Terms currently being defined (**remember, Mark is working with all NISTIR subgroups to get the energy-specific terms defined. In interim just use "energy data" or something similar and then we can replace with the chosen terms during final edits**)
 - Personally Identifiable Information (PII)
 - Personal Information
 - Composite Personal Information

- Privacy Impact Assessment
- Fair Information Practices
- Data Anonymization
- Re-identification
- Private Information
- Confidential Information
- Confidentiality
- Because we begin the chapter with a discussion of privacy it is not on this list. Let's revisit whether or not it should be after group has reviewed the privacy discussion section.
- Any other terms being used by the teams that should be defined? There were a few:
 - Frances asked about Market Data: Is it confidential? A customer has a PD converter and wants VAR support. The negotiated price. If the prices are associated with specific individual. Is this confidential data?
 - Energy Supply data? Reminder: Mark is establishing the energy terms with all of the subgroups.
 - Proprietary data. Data may not be about individuals but still needs protection.
 - Smart device data.
- Gail suggested we look at the International Security, Trust and Privacy Alliance (ISPTA) for information that may be useful regarding not only term definitions, but also about the recommended terms used in privacy-related agreements.
<http://www.istpa.org/>
- PEV data: out of scope? If in the smart grid it should be covered.
- Should be able to get draft to entire group for review sometime during next week

4) Team 2: Legal & Regulatory

- Team 2 update on work so far: Sarah Cortes – team leader
- Weekly days/times for team meetings: Wednesdays at 11:00am eastern time
- New section (that we've been discussing in our group since last July) to add to the chapter.
- Focusing on creating an overview in the first part of this section discussing how many laws may be applicable. As just a few examples:
 - Red Flags Rule: Part of FACTA
 - CALEA: Law may be a good law to use as an example of law enforcement getting access to smart grid data.
- Does the Energy Independence and Security Act of 2007 cover privacy issues for the smart grid? No, there is no mention of privacy within this regulation. (NOTE: For meeting notes readers you can find this regulation at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_bills&docid=f:h6enr.txt.pdf)
- 2nd part of analysis will discuss that some existing laws may be used for privacy
- Will also cover what's unique with regard to legal issues when it comes to the smart grid.
- Also contractual considerations
- Could be good for smart grid entities to have a policy to require sharing with individuals their personal information on file at their request.

- Providing information about how to protect any piece of data is different than recommending a legal requirement to do it.

5) Team 3: Use Cases

- Team 3 update on work so far: Gail Magnuson – team leader
- Weekly days/times for team members to meet: Thursdays at 10:00am eastern time.
- New section to add to the chapter
- Moving forward we want to make certain that existing use cases are used if they impact privacy.
- Have a wonderful set of use cases that, thanks to Hovanes, are categorized.
- Goal for next meeting is to look at use cases that relate to customers, look at the agreements with individuals, and data that is considered to be personal, and looking at privacy related issues. Data may not be about whom it is collected (eg., landlords and renters).
- Discussed issues about who owns the data. ***This is a legal issue to address within the Legal section.***
- Gail described a scenario for a landlord, renter, contracts in place, etc. It covered a wide range of the privacy issues and concerns we've discussed over the past several months.

6) Team 4: Expansion of Privacy Concerns and Issues

- Team 4 update on work so far: Eric Ackerman – team leader
- Weekly days/times for team members to meet: Wednesdays at 10:00am eastern time.
- Team 4 scope is focusing on updating and adding to the current sections 4.2, 4.3 and 4.4 in the published 2nd draft version of the privacy chapter.
- Eric indicated that he is confused by PIAs and believes most utilities will be as well, as it is currently written in the published draft 2 of the privacy chapter.
- Team 4 would also like to re-work the information about the PIA within section 4.1 to help address the confusion Eric indicates is likely within utilities.
- ***NOTE: Since this is a PIA report, clarifying the wording is fine, but not changing the wording findings in ways that would change the meaning.***
- A situation where USB devices push data directly from smart appliance to the smart grid was mentioned. This should be looked into; if verified this would be something to cover.
- Google power meter allows customers to opt-in. Google is now a fully certified power broker/trader. So, it may be putting data back into smart grid. Something else to look into. What are the privacy implications here?
- Eric indicated that he wanted it noted that his view, for the record, is that the smart grid is an infrastructure that is built, controlled and owned by state utilities. Third parties will be on the smart grid, but will not put data into it directly..
- Whether or not third parties can put data directly into the smart grid is something that this team needs to look into.

7) Other Comments

- Lillie asked, does the Underwriter's Laboratory have any impacts to the smart grid? Safety code discussion is being discussed in other NIST smart grid subgroups. Perhaps beta tests in people's homes. Probably outside scope of privacy. But, let's put it out there for the other groups to consider.
- Reminder: With regard to data our privacy group is covering, the scope is data within the smart grid.
- ***NOTE: We need to make sure we also cover the operational issues related to and unique to the smart grid as they impact privacy.***
- Rebecca will re-send the draft slide-set from November that was used to communicate our group's work at Grid Interop. We need to be sure we're addressing the issues listed.

We look forward to hearing all your thoughts and views and seeing everyone participate in respectful debate on any issues where there may be differences of opinions.

We are a very diverse group, coming from many different perspectives, which is fantastic for our group's goal of creating feasible, practical, privacy suggestions that will be of most value...to consumers, utilities, vendors, and all others that are part of the Smart Grid...to all our privacy chapter readers! And, to those lawmakers and standards makers who will use our document in making strong policies and regulations.

As we are working on the next, final version, always keep in mind that we must be sure to frame the issues/concerns/etc. within the Smart Grid, and point out how they are unique to the Smart Grid. There ***WILL*** be data that is not unique to the Smart Grid (such as many different types of PII and other personal information), however there will be privacy concerns related to that information that ***WILL*** be unique to the Smart Grid, and we need to make sure we clearly explain them.

Thanks!

Rebecca