



California ISO

**Records Availability Policy**  
**Version # 4.7**



**Effective July 13, 2020**

### REVISION HISTORY

<b>VERSION NO.</b>	<b>DATE</b>	<b>SUGGESTED REVIEW DATE</b>	<b>REVISED BY</b>	<b>DESCRIPTION</b>
1.0	10/22/1998	-	Board of Governors	Policy Adopted
2.0	11/29/2001	-	Board of Governors	Amended by the Board of Governors
3.0	03/26/2010	-	Board of Governors	Amended by the Board of Governors
3.1	03/11/2011	-	Legal Department	Updated ISO logo and made non-substantive changes
4.0	9/13/2012	9/13/2013	Board of Governors	Updated section 7.1 on fees for copies; change of title for records request coordinator and associated email address; other non-substantive revisions to improve readability, general revisions to comply new ISO standard policy format
4.1	7/8/2013	7/8/2014	Legal Department	Non-substantive revisions
4.2	5/20/2014	5/20/2015	Legal Department	2014 annual review. Non-substantive revisions
<b>VERSION NO.</b>	<b>DATE REVIEW STARTED</b>	<b>EFFECTIVE DATE</b>	<b>REVISED BY</b>	<b>DESCRIPTION</b>
4.3	2/27/2015	4/30/2015	John Spomer	Updated revision history table to match new standard. 2015 annual review.
4.4	2/26/16	6/21/2017	John Spomer	2016/2017 annual review. Updated copyright
4.5	8/3/2018	8/15/2018	John Spomer	Annual review; no changes.
4.6	7/26/2019	10/25/2019	John Spomer	Annual review; no changes.
4.7	6/3/2020	7/13/2020	John Spomer	Annual review; minor wording change in Section 6.2

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## 1.0 INTRODUCTION

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The California Independent System Operator Corporation provides access to corporate records in a manner that affords the public the greatest possible access consistent with other duties of the corporation.

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## 2.0 SCOPE

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This policy applies to requests by the general public for ISO corporate records. Requests for information not found in ISO corporate records are not covered by this policy.

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## 3.0 DEFINITIONS

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**Record** — includes any writing that contains information relating to the conduct of ISO business or that is prepared, owned, used, or retained by the ISO, regardless of physical form or characteristics.

**Records Request Coordinator** — the ISO employee designated as such by the ISO Chief Executive Officer.

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## 4.0 ROLES AND RESPONSIBILITIES

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### 4.1 Board of Governors

The ISO Board of Governors (Board) is responsible for determining what information created by, or in possession of the ISO, shall be kept confidential in order to achieve the ISO's mandated role in ensuring efficient use and reliable operation of the electric transmission grid.

The Board is also responsible for deciding appeals to denied requests for corporate records.

### 4.2 Records Request Coordinator

The Records Request Coordinator is responsible for receiving, tracking and responding to incoming requests for ISO records.

### 4.3 Corporate Secretary

The Corporate Secretary, or his or her designee, is responsible for generally ensuring compliance with this policy and coordinating hearings with the Board regarding appeals to denied requests for records.

#### 4.4 Records Requestor

Individuals or entities requesting records from the ISO are expected to follow the procedure described in this policy to make requests and appeal denied requests.

#### 4.5 Accountability and Ownership

The Corporate Secretary, or his or her designee, is responsible for the annual review of this policy to ensure that it is aligned with best practices. Should substantive changes to this policy be required, the Corporate Secretary will seek Board approval of the proposed changes.

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### 5.0 RECORDS AVAILABILITY

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All ISO records are available to the public except as specified in section 5.2. Notwithstanding section 5.2, the Board may, subject to applicable laws, choose to make any such materials available to the public on a case-by-case basis.

#### 5.1 Requests Met Through Other Means

Certain records of the ISO are required by the Federal Energy Regulatory Commission to be made available in a specific manner, such as information required to be posted on the ISO Open Access Same-Time Information System (OASIS), and certain additional materials are required to be maintained by the ISO as confidential. To ensure fair and non-discriminatory access to such public information, the ISO will respond to any requests for such information by reference to the mechanism mandated by FERC for public access.

Requestors will be referred to the applicable public agency for documents that are not submitted by the ISO and are maintained by the public agency as part of its proceedings involving the ISO. For example, the ISO will make available copies of its pleadings filed with FERC, but it will refer requestors to FERC for copies of pleadings filed by any other party.

#### 5.2 Confidential Records

The Board has determined that the following types of records should, in general, be kept confidential in order to achieve the ISO's mandated role in ensuring efficient use and reliable operation of the electric transmission grid.

- Preliminary drafts, notes and memoranda that are not retained by the ISO in the ordinary course of business.
- Records that contain information required to be kept confidential or otherwise not subject to disclosure by the ISO articles of incorporation or bylaws or by any ISO

tariff or agreement accepted by FERC for filing and currently in effect. Examples of such records include, without limitation, individual bids for supplemental energy and ancillary services, individual adjustment bids for congestion management that are not designated by a scheduling coordinator as available, transactions between scheduling coordinators, individual generator outage programs (other than the identity of such generator under special circumstances set forth in the ISO tariff), critical energy infrastructure information ("CEII") and market monitoring activities. See ISO tariff section titled "Confidentiality," available on the ISO website at [www.caiso.com](http://www.caiso.com).

- Records pertaining to matters properly discussed in an executive session in accordance with the ISO Open Meeting Policy then in effect.
- Records, disclosure of which is exempted or prohibited pursuant to federal or state law, including but not limited to provisions of the California Evidence Code relating to privilege, work product and trade secrets.
- Records pertaining to hardware or software programs developed or licensed by the ISO or the software programs themselves, to the extent that such materials are proprietary to the ISO or are deemed confidential in any agreement entered into with the ISO.
- Records that refer to commercially sensitive matters, disclosure of which may affect the competitive positions of ISO market participants, or otherwise compromise the efficiency of the market as a whole or of the efficient and nondiscriminatory access to the transmission grid.
- Personnel, medical, or similar files, except for dates of employment of personnel identified by the requestor.
- Records classified, or properly classifiable, as "Confidential" or "Restricted" under the ISO supporting security practices and procedures then in effect.
- Records for which the Board determines that the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record.

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## 6.0 PROCEDURE

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### 6.1 Requesting Copies of Records

All requests for copies of records must be made in writing and directed by U.S. Postal Service or e-mail to:

Records Request Coordinator  
California ISO  
P.O. Box 639014  
Folsom, CA 95763-9014

Email: [recordsrequestcoordinator@caiso.com](mailto:recordsrequestcoordinator@caiso.com)

Facsimile: (916) 608-7222

All requests must be sufficiently clear to reasonably describe an identifiable record. A request that does not meet these criteria may be returned. Reasonable restrictions may be imposed upon general requests for voluminous records – see section 7.0 below for more information. Copies will not be provided if disclosure would infringe a copyright. Computer data will be provided in a form determined by the ISO.

### 6.2 Response Time

As soon as practicable, but within ten (10) business days after the receipt of a record request, the ISO will notify the requestor whether it will comply with the request or, if not, the basis for denying the request.

The ISO will make readily compiled records available as soon as practicable, but not later than ten (10) business days after determination of the record's availability.

Additional time may be required if there is a large amount of material to compile or if there is a question regarding the status of the requested records as available under this policy. In either case, the requestor will be notified within the applicable above-referenced ten (10) business day period and will be given an approximate date by which the response or any record(s) will be available.

### 6.3 Third Party Records in ISO Custody

Some records in ISO possession or custody belong to a third party. If the scope of a records request includes a third party's records, the ISO will refer the request directly to the third party for appropriate resolution. The ISO will not take further action unless and until the third party authorizes the ISO in writing to release the requested records.

### 6.4 Subpoenas

This policy does not apply to subpoenas issued against the ISO for document production. All such subpoenas shall be referred to the General Counsel unless otherwise directed by that office.

### **6.5 Inspection**

Records responsive to a request will be made available for inspection by appointment during the hours of 9:00 A.M. to 5:00 P.M. at the Folsom office of the ISO, Monday through Friday, ISO holidays excepted.

The Records Request Coordinator, or a designated representative, will be available to assist the requestor during the inspection. The requestor will be provided with the records and a workspace. The Records Request Coordinator or the designated representative will ensure that no records are removed or altered. If the requestor asks for photocopies of certain records, the Records Request Coordinator will arrange for the copies to be made and mailed as soon as practicable within ten (10) business days, or by mutual agreement.

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## **7.0 FEES**

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### **7.1 Copies**

There will be no fee for processing a request for fewer than thirty (30) pages of documents. For thirty (30) or more pages, the direct cost of scanning, photocopying or printing will be charged to the requestor. Fees will be calculated based on the cumulative page count, to include records requested in follow up requests by the same requestor.

The ISO may require advance payment before the request is processed. Postage also will be charged if it exceeds a nominal amount. The ISO will deliver copies in electronic format by email at no additional charge. In the event of a conflict between this section and any applicable legal or regulatory requirement, the latter shall apply.

### **7.2 Search Time**

The intent of this policy is to assist the public in locating existing, identifiable publicly available records created by the ISO in its normal course of business. Staff time will not be charged for this service.

This policy is not intended to cover requests for analysis or summary of ISO records not already publicly provided in board presentations or otherwise posted to the ISO website (see section 7.3).

### **7.3 Compilations of Corporate Information**



Requests that require analysis and summary of ISO records are not requests for an existing identifiable record and, therefore, are not subject to this policy. However, the Board or the Chief Executive Officer, or his or her designee, may agree to create a new record, provided the requestor agrees to compensate the ISO for all costs associated with the task, including, but not limited to, staff time incurred in creating the new record. No information will be released until such costs are paid.

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## 8.0 APPEAL

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Any request denied under this policy may be appealed to the Board within thirty (30) calendar days from the date of the denial by filing a notice with the Corporate Secretary (see section 12 for contact information). The decision of the Board shall be final and binding. The process that will be followed for handling any such appeal is described in the “Standard Procedures for Appeal of Records Request Determinations,” a copy of which is located on the ISO’s public website.

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## 9.0 COMMUNICATIONS

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A current version of this policy will be available on the ISO website. Any substantive revisions to this policy will be approved by the Board and posted as an updated version of the policy on the ISO website.

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## 10.0 COMPLIANCE

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The Records Availability Policy supports the ISO corporate core values of transparency, open communication, and prompt and effective customer service. This policy also helps to ensure that the ISO is in compliance with its tariff and state law.

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## 11.0 RESOURCES

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Below is a list of additional resources that are relevant to this policy.

- [ISO Tariff](#)
- [Open Meeting Policy](#)
- [OASIS](#)

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## 12.0 CONTACTS

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- A. For questions regarding this policy, please contact the Records Request Coordinator at [recordsrequestcoordinator@caiso.com](mailto:recordsrequestcoordinator@caiso.com).
- B. Appeals should be filed with the Corporate Secretary via mail to:

California ISO

P.O. Box 639014  
Folsom, CA 95630

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**13.0 APPROVAL**

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This policy has been reviewed and approved by:

**Vice President, General Counsel, Chief Compliance Officer and Corporate Secretary:**

Roger Collanton  
Name

Signature on file  
Signature

7/13/2020  
Date