

ORCAS POWER AND LIGHT COOPERATIVE

MEMBER SERVICE POLICY 16

INFORMATION REQUESTS

1. Purpose

To establish procedures for identifying and responding to requests for routine, non-routine, member related, or emergency response information so as not to compromise the Cooperative's position in sensitive situations or interest in working cooperatively with the media and the membership.

OPALCO is a non-profit mutual corporation incorporated under the Revised Code of Washington RCW 24.06. A cooperative corporation has the same rights a private business corporation with regard to confidentiality of information and the obligations to furnish such information. These obligations are covered by the statutes and common law of the state and govern the access which members and others may have to request cooperative data and records. OPALCO is not subject to regulation by the Washington Utility Trade Commission. Additionally, Rock Island Communications is a wholly owned subsidiary and as a separate entity not covered by OPALCO policies.

2. Release of Routine Information

OPALCO strives to inform and educate the members on governance, financial, and routine business of the Cooperative. OPALCO publishes extensive information on the website including the following routine documents:

- Bylaws & Articles of Incorporation
- Policies
- United States Department of Agriculture Financial and Operating Report Electric Distribution (RUS Form 7)
- Annual Budgets
- Quarterly Financial Reports
- Year-end Unaudited Financials
- Independent Annual Audit Statements
- IRS Return of Organization Exempt from Income Tax (Form 990)
- Guiding documents (Integrated Resource Plan, Mission & Values)
- Rates and Tariffs
- Monthly Board Reports
- Other reports as deemed relevant by the General Manager

Releasing information will be done in a timely manner to ensure the regulatory bodies have reviewed and approved documents before they are made public. The release timing of RUS Form 7, Form 990 Tax Report, and audit public disclosure documents will be posted on OPALCO's website once the IRS publicly discloses Form 990 tax report.

3. Release of Non-Routine Information and Documents

3.1 A request by a member for a document or publication that cannot be classified as routine shall be accompanied by the Cooperative's "Member Information Request Form", attached hereto and a part of this policy. The Member Information Request Form should be completed and signed by the member.

3.1.1 The completed form shall be submitted to the General Manager. If the Non-Routine Information and/or Documents are reasonably available, the General Manager may make them available to the requesting member. "Reasonably available" shall mean:

- 3.1.1.1 That the request is being made in good faith;
 - 3.1.1.2 That the information requested and the purpose for which it is requested are materially germane to the requesting person's needs and interests as a member of the Cooperative;
 - 3.1.1.3 That furnishing the requested information will not be adverse to the Cooperative's best interests; and
 - 3.1.1.4 That compiling the requested Non-Routine Information and/or Documents will not require an inordinate amount of OPALCO Staff resources in the judgment of the General Manager.
- 3.2 A non-member who requests information that is not available under Section 2 shall submit a properly completed Member Information Request Form to the General Manager. The General Manager may release the information to the non-member only if it is determined to be in the best interest of the Cooperative, or if the information should be otherwise released under this policy.
- 3.3 Sufficient time shall be allowed to prepare the requested materials while ensuring the normal work activities of the Cooperative are being accomplished. Reimbursement for research and reproduction costs, including labor and materials, may be charged. Upon request, in writing, the requestor may receive an estimate of costs before they are incurred. If the information requested is not confidential or otherwise not reasonably available (as defined in subsection 3.1.1) and can be readily extracted from documents on file on the Cooperative's office, access to the information will be permitted upon appointment during regular office hours and by assignment of the General Manager.
- 3.4 A request determined not to be for a proper purpose shall be denied and shall be accompanied by a clear and prompt explanation.

4. Limitations on Release of Records

- Any request for information which the General Manager determines should be denied in whole or in part may be referred to the Board for review and final determination. Information and documents not subject to Public Information Requests include, but are not limited to the following:
- 4.1 Documents containing matters the knowledge of which would clearly have an adverse effect on the Cooperative's finances.
 - 4.2 Documents containing personnel matters, including but not limited to:
 - 4.2.1 The hourly wages or salaries and fringe benefits of any employee;
 - 4.2.2 Any employee's personnel file or records;
 - 4.2.3 Any other persons' file or record to the extent that such disclosure would violate or would otherwise be an invasion of such person's privacy.
 - 4.3 Documents containing matters that tend to prejudice the reputation and character of a person.
 - 4.4 Documents relating to matters discussed with an attorney for the Cooperative, the knowledge of which could have an adverse effect on the Cooperative's legal position. The release of information related to litigation shall be done with the guidance of the attorney representing OPALCO.
 - 4.5 Documents relating to matters protected by attorney-client privilege and matters subject to the attorney Work Product Doctrine.
 - 4.6 Documents containing matters considered confidential under copyright or patent laws.
 - 4.7 Documents referred to, prepared for or discussed during an executive session and not subsequently made public by the Cooperative.

- 4.8 Any information which constitutes a trade secret, process, program, trademark, or other legally protected confidential information or thing owned, or protected in confidentiality by contract by the Cooperative.
- 4.9 Documents which have been classified by management as confidential.

5. Release of Member Information

Information contained within a member's file will not be provided to anyone except under the following circumstances:

- 5.1 To a member requesting information in that member's file, upon receipt of proper identification;
- 5.2 To a legally authorized agent of the member, upon presentation of the Cooperative's Member Information Request Form;
- 5.3 To law enforcement personnel.
- 5.4 As otherwise provided by legal statute or regulation.

6. Appeal

Any public information request that is denied may be appealed to the Board of Directors for resolution. Any decision by the Board of Directors will be final.

7. Responsibility

- 7.1 The General Manager will be responsible for determining the content and amount of information released based on who is asking and for what purpose the information is being sought.
- 7.2 The release of information by the General Manager shall be routed through counsel where specific issues related to the request could have an adverse effect on the Cooperative's legal and/or financial position.
- 7.3 The department managers are responsible for the security of confidential information which is available to them and their departments. The department managers will determine and implement methods and procedures of security within their respective departments.
- 7.4 Each employee will accept responsibility for understanding the content and following the guidelines of this policy.
- 7.5 It is the responsibility of each employee to notify his/her supervisor of knowledge of violations of this policy.



Foster Hildreth, General Manager

Effective Date: June 20, 2024