

Regulation G:

Discretionary policy and data security procedures

December 2007

Ver. 1

In case of any discrepancy between the Danish text and the English translation, the Danish text shall prevail

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Introduction

The purpose of this regulation is to ensure that confidential and commercial information received by Energinet.dk is handled and safeguarded in a correct and proper manner.

This regulation primarily applies to electricity market players who as a consequence of their obligation to submit data to Energinet.dk require documentation to the effect that the data submitted is properly protected, including

- metered data collectors who themselves are under a duty of confidentiality, and
- market players with commercial roles, ie the balance responsible players in particular.

This regulation describes the measures implemented by Energinet.dk with a view to ensuring data confidentiality.

This regulation is effective within the framework of the Danish Electricity Supply Act, cf. the Danish Executive Order no. 1115 of 8 November 2006 with subsequent amendments.

This regulation has been issued under the provisions of part 3 of the Danish Executive Order no. 1463 of 19 December 2005 regarding transmission system operation and the use of the electricity transmission grid, etc. (*the Executive Order on system responsibility*) and complies with elements of the Danish Executive Order no. 635 of 27 June 2005 on in-house monitoring programmes in grid companies, transmission companies and the transmission system operator in pursuance of the Danish Electricity Supply Act (Executive Order on in-house monitoring programmes).

A public consultation on this regulation has been held between 8 December 2006 and 15 January 2007. This regulation has been registered with the Danish Energy Authority.

Any complaints in respect of the regulation shall be filed with the Danish Energy Authority, Nyropsgade 30, DK-1780 Copenhagen V.

This regulation takes effect on 1 February 2007 and supersedes the former Eltra's Regulation G "Discretionary policy and data security procedures".

Energinet.dk's contact person in respect of regulation G is available for answering any questions and providing additional information. The name of the contact person can be found on Energinet.dk's website, www.energinet.dk, where the latest applicable regulation can be downloaded.

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1. General

As transmission system operator, Energinet.dk has the right to collect any data that may be necessary in order to perform its tasks.

This includes commercially sensitive data and confidential information.

In pursuance of the Executive Order on in-house monitoring programmes, steps shall be taken to ensure that commercially sensitive information received by Energinet.dk is treated confidentially. If the passing on of such information is allowed, measures shall be adopted to ensure that such passing on is implemented in a non-discriminatory manner as outlined in section 5 hereof.

As stipulated in the said order, Energinet.dk each year publishes an annual report describing the company's in-house monitoring programme.

At the same time, Energinet.dk shall ensure that the provisions of the Danish Act on the Processing of Personal Data concerning the protection of personal data are observed.

To begin with, all individual data received from market players is confidential unless:

- in specific cases other written agreements have been concluded with the data supplier;
- the data concerned has been made available to the public in other contexts, eg by the players themselves or the Danish Energy Authority; or
- this regulation clearly specifies otherwise.

Confidentiality means that information must not be disclosed or in any other way passed on to third parties with the exceptions provided in sections 2 and 3 hereof. The same information may, however, be disclosed/passed on in anonymous aggregate form as outlined in section 4 hereof.

Confidentiality shall in particular be exercised in connection with metered time series, planned time series, player data from the wholesale and retail markets and individual settlement statements.

Information about continuous electricity consumption and electricity production for individual identifiable persons or households and for identified companies, organisations and institutions is particularly sensitive.

Confidentiality shall likewise be exercised in respect of commercially sensitive and confidential information in players' agreements with Energinet.dk on the purchase/sale of services - including transmission rights and ancillary services - unless otherwise stated in the agreements concerned.

Grid data may be confidential on the grounds of "national security". Grid transport data is handled by Energinet.dk so as to ensure that the requirements of confidentiality are not weakened where individual electricity production and electricity consumption data is concerned.

2. Submitting data to public authorities

Energinet.dk is under a statutory obligation to provide the Danish Energy Authority, the Danish Energy Regulatory Authority and the Danish Competition Authority with all such

information as the authorities concerned may require in order to perform their tasks, and which they are entitled to receive in pursuance of statutory provisions.

Energinet.dk always complies with requests to hand over data to the aforementioned authorities, drawing attention to the possible confidentiality of the data.

3. Exchanging operational data

As transmission system operator, Energinet.dk cooperates with other transmission system operators. Among other things, information about players' participation in capacity auctions on the border between Western Denmark and Germany is exchanged with the transmission system operator south of the border, E.ON Netz.

Energinet.dk also cooperates with Nord Pool Spot, participating in the operational exchange of confidential data.

For the purposes of market surveillance or the safeguarding of a well-functioning market confidential data may be handed over to relevant authorities or to Nord Pool's market surveillance department (NPM). This includes data on individual players' participation in capacity auctions on the border between Western Denmark and Germany, irrespective of the primary data source.

The abovementioned cooperation partners are also required to observe a discretionary policy.

To other organisations, eg Nordel, ETSO and the Association of Danish Energy Companies (power plant statistics) Energinet.dk only passes on aggregate data complying with the disclosure requirements, cf. section 4 hereof.

4. Disclosing data

To ensure market transparency it has been agreed with Nord Pool that Energinet.dk provides Nord Pool with data to be placed on Nord Pool's website. The disclosure of such data shall take place in accordance with Nord Pool's rules as set out in the current data exchange agreement.

Capacities sold on capacity auctions on the border between Western Denmark and Germany and the prices at which such capacities are sold are disclosed in cooperation between Energinet.dk and E.ON Netz on their joint website¹.

By way of providing the necessary information on market organisation, Energinet.dk has i.a. published an up-to-date list of the names of the balance responsible players on its website.

Information about the organisation of the grid and grid companies is not considered confidential.

Energinet.dk is always entitled to disclose and pass on aggregate data if at least three players contribute to the sum of data (a player can, however, authorise the disclosure of own data) and the sum of two players' data does not constitute more than 80% of one sum of data.

¹ <http://www.eonnetze-eltra-auctions.org/>

5. Safeguarding against discriminatory behaviour

In pursuance of the Danish Executive Order on in-house monitoring programmes, grid companies, transmission companies and the transmission system operator shall *"in order to prevent discriminatory behaviour set up an in-house monitoring programme"*.

Market data, power plant data and operational data placed at the disposal of one market player by Energinet.dk shall thus also be made available to all other market players re-requesting it unless the data concerned is the data owners own confidential data.

This ensures the necessary market transparency and makes it possible for Energinet.dk to solve the tasks entrusted to it independently of commercial interests.

Market data is published on Nord Pool's website before or at the same time as the data is published on Energinet.dk's website, thus giving all market players equal access to data.

6. Internal data access

All Energinet.dk's employees are required to observe a set of internal confidentiality rules, which apply during and after their employment with Energinet.dk.

As a part of the "In-house monitoring programme" all employees are instructed in how to observe confidentiality in respect of electronically stored data and data on paper.

The employees are assigned individual IT rights depending on their work tasks. User identity verification is implemented by means of a password.

Similar rules apply to external consultants during the performance and after the completion of their tasks on behalf of Energinet.dk. Confidential and commercially sensitive information to which the consultant becomes privy while performing tasks on behalf of Energinet.dk shall under no circumstances be passed on to third parties.

All Energinet.dk's case handlers have access to an electronic case and document handling system for electronic filing. Case handlers can, if necessary, limit other users' access to documents.

7. Protecting data against external access

7.1 Buildings

Energinet.dk has internal rules on the access to Energinet.dk's buildings. Access is controlled during working hours. Outside working hours the buildings are locked, and access to the buildings can only be gained by using an electronic access card with PIN code.

7.2 Safeguarding of IT systems

All data is stored on joint servers. The IT systems are registered to a business system owner. All users shall be registered individually, and proper password safety shall be upheld when accessing IT systems. Access to IT systems requires the written permission of the business system owner.

The IT systems are connected to Energinet.dk's general network to which all Energinet.dk PCs are connected. The network is connected to the Internet and the network of various

cooperation partners; but all these connections are protected with firewalls that only let through agreed traffic. The connections are protected against all generally known hacker techniques. Virus protection is achieved by centrally scanning all e-mails and implementing measures on the individual work stations.

All IT equipment for the storage of data covered by this regulation is kept in monitored building sections with restricted access.

7.3 Destruction of documents

Confidential documents shall always be destroyed when it is made probable that the information is no longer required.

8. Grid companies

The Danish Executive Order on in-house monitoring programmes also applies to grid companies. In pursuance of the said order the grid company is responsible for setting up procedures ensuring that data is treated confidentially.

Grid companies responsible for collecting metering data are entitled to delegate some of their metering tasks, but overall responsibility for ensuring that such tasks are solved in a competent manner and that data is treated confidentially and independently of commercial interests always rests with the grid company, cf. Energinet.dk's regulation D1.