

CHUGACH ELECTRIC ASSOCIATION, INC.

BOARD POLICY: 120

DATE: June 18, 2003

REQUESTS FOR ASSOCIATION INFORMATION

I. OBJECTIVE

The objective of this Policy is:

- A. To establish the procedures to be followed in responding to requests for Association information;
- B. To establish the cost of reproduction to be charged;
- C. To provide a procedure for rejecting improper requests; and,
- D. To provide a procedure for appealing rejected requests.

II. CONTENT

- A. Requests for current Articles of Incorporation, bylaws, Board policies, annual reports, and newsletters of the Association shall be provided to the requesting member at no charge and such requests shall not be required to be accompanied by a completed Request for Information Form.
- B. The following information shall be provided to a member pursuant to Article XVII of the Association's Bylaws upon completion of a Request for Information Form and payment of actual incremental cost of producing the information as provided in Paragraph J. below:
 - 1. Names and mailing addresses of Association members when requested by a candidate running for election to the Association Board;
 - 2. Requests for salary, title, job classification and position description, benefits, leave accrued and cashed-in, and hours worked, but not employee name, for each employee in the Association;
 - 3. Collective bargaining agreements to which the Association is a party;
 - 4. Documents provided in open session of board or committee meetings such as minutes, budget documents, studies and correspondence between the Association and third parties;
 - 5. Published information which shall include documents provided to any regulatory authority including, but not limited to, the Regulatory Commission

of Alaska (RCA), Federal Energy Regulatory Commission (FERC) and Securities and Exchange Commission (SEC) filings.

- C. The Chief Executive Officer or his/her designee will determine whether or not the requested document or publication falls within paragraph II.A. or II.B. above.
- D. All requests for documents or information which do not fall under paragraphs II.A. or B. above shall be accompanied by a Request for Information Form which has been completed and signed by the requestor. The completed form shall be submitted to the Chief Executive Officer or his/her designee who shall determine if the request is being made for a proper purpose. For the purposes of this Policy, Article XVII of the Bylaws, and consistent with Alaska Statute 10.25.235, a proper purpose is one that is necessary for the member to protect or carry out his or her membership interest in the Association.
- E. Requests that are not determined to be by a member and for a proper purpose shall be denied. Any denial of a request for information shall be accompanied by an appropriate explanation. Any request that has been denied may be appealed to the Board of Directors and the Board shall make the final decision whether the request is for a proper purpose.
- F. Some information, because of its sensitive nature, will not be made available. Requests for information that the Chief Executive Officer determines to be in this category shall be referred to the Board of Directors for a decision. The types of information contemplated by this Section are:
 - 1. Matters the knowledge of which would clearly have an adverse effect on the Association's finances;
 - 2. Personnel Matters including, but not limited to, the hourly wages or salaries and fringe benefits of specific employees, and any current or former employee's personnel file or records (including the Chief Executive Officer's), and any other person's file or record, unless such request is made by: 1) a federal, state or local administrative agency pursuant to a properly noticed and adopted statute, ordinance, rule or regulation; 2) court Order; or 3) disclosure is permitted by the employee in writing;
 - 3. Subjects that tend to prejudice the reputation and character of a person;
 - 4. Matters discussed with an attorney for the Association, the knowledge of which could have an adverse effect on the Association's legal position;
 - 5. Matters protected by the Attorney-Client privilege and/or subject to the attorney work product doctrine;

6. Matters subject to the privacy laws of state and federal governments;
 7. Matters considered confidential under copyright or patent laws;
 8. Matters discussed in executive session of the Board of Directors and/or Committees and materials not otherwise disclosed which are distributed in executive session of the Board of Directors and/or Committees;
 9. Trade secrets;
 10. Items that are by agreement confidential;
 11. Proprietary information, the release of which would adversely affect the finances of the Association; and
 12. Matters subject to the self-evaluative privilege.
- G. Except as provided in H. and I. below, information contained within a member's file is confidential and will not be provided to anyone except that individual member or his or her spouse upon receipt of proper identification. Presentation of a Release of Information form signed by an authorized agent is also acceptable. Information will not be released to law enforcement personnel or other individuals or agencies without a subpoena or search warrant. However, the Association may disclose to law enforcement personnel without a subpoena or search warrant information from member's files relating to crimes committed against the Association by that member.
- H. In order to minimize the risk of abandoned properties freezing up, and notwithstanding the provisions of Paragraph G above, the Association will transfer billing responsibility to lenders and property management companies having a bona fide interest in property served by the Association in lieu of physical disconnection of service for nonpayment. This transfer will be done under procedures as may be set forth by the Association.
- I. The Association has the right and the duty to safeguard the disclosure of the Association's membership list against such list's use for improper purposes. Therefore, the Association's membership mailing list will not be revealed, distributed, or released except to candidates running for election to the Association Board provided the member requesting the membership list signs a statement agreeing to use the list only for the stated purpose. If the Chief Executive Officer has reason to believe that the use of the membership list may be for improper purposes, the Chief Executive Officer may deny the request.

Said denial may be appealed to the Board of Directors. The Association may also seek judicial protection of court-imposed conditions on the use of the membership list, if necessary.

- J. The charge for copies shall be \$2.00 for the first page, five (.05) cents per each additional page, and twenty (20) dollars per hour for labor for researching and making copies of the documents if the time spent exceeds one-half hour. An estimate of reproduction costs may be requested prior to copying. Members may review the documents requested prior to copying to determine what pages they want copied but must still pay the cost of researching those documents.
- K. The Association recognizes that the cost of reproducing voluminous studies and reports may place a financial burden on the resources of many individuals. Therefore, the Association shall, whenever possible, make available at least one copy of major studies and reports not covered under II.F. 1 - 12 to interested parties for inspection. These copies shall be available for inspection at the Association's headquarters. Members can review and designate what portion or pages of those reports, if any, they wish copied, as provided in Subsection J.
- L. All proper and completed requests will be handled as expeditiously as possible, given the operating needs of the Association.

III. RESPONSIBILITIES

- A. Board of Directors

It shall be the ultimate responsibility of the Board of Directors to ensure that proper requests for information are being complied with.

- B. Chief Executive Officer

It shall be the responsibility of the Chief Executive Officer to implement this policy by promptly providing documents when properly requested and by promptly denying improper requests with an appropriate explanation.

Date Approved: *18 June 03*

Attested: *[Signature]*
Secretary of the Board

FOR USE BY CHUGACH ELECTRIC ASSOCIATION, INC.

DATE BY ACTION

_____	_____	Request received.
_____	_____	Member status verified. Member since _____.
_____	_____	Denied. No proper purpose stated. (Explain)
_____	_____	Denied. No documents or records in existence.
_____	_____	Reproduction costs estimated and reported to requestor.
_____	_____	ESTIMATED COST: \$
_____	_____	Requestor declined to pay costs.
_____	_____	Requestor informed copies ready. ACTUAL COST: \$ _____
_____	_____	Documents delivered. Payment received.