

CVFIBER GOVERNING BOARD

POLICY ON DATA AND BUSINESS INFORMATION ACQUISITION AND RETENTION

A. PURPOSE AND AUTHORITY

Under the authority granted in 30 V.S.A. §3054, the Governing Board of Central Vermont Internet hereby adopts the following policy on acquisition and retention of confidential data and business information.

Central Vermont Internet acknowledges that it is a public agency as defined at 1 V.S.A. §317(a)(2) and is subject to the Vermont Public Records Act. As such, any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of Central Vermont Internet's business, must be produced in response to a request for such information unless the information is subject to one or more exemptions from public inspection and copying. 1 V.S.A. §§ 317(c), 318(b).

Central Vermont Internet also acknowledges that unauthorized disclosure of confidential data and business information that Central Vermont Internet secures on a voluntary basis from third parties may injure the provider's business interests and jeopardize Central Vermont Internet's continuing ability to secure such data and information. If the confidentiality of such data and information is not properly managed and protected, parties may decline to cooperate with Central Vermont Internet, thereby impairing Central Vermont Internet's continuing ability to acquire information and data necessary for Central Vermont Internet's operation and service delivery.

This policy applies to data and business information acquired by Central Vermont Internet from third parties on a confidential basis which may be exempt from public inspection and copying under the Vermont Public Records Act. The purpose of this policy is to establish guidelines for Central Vermont Internet to acquire such data and business information and to manage such data and information to prevent unauthorized disclosure.

B. ACQUISITION OF DATA AND BUSINESS INFORMATION

The Central Vermont Internet Clerk has exclusive charge and custody of Central Vermont Internet's records. 30 V.S.A. §3068. Therefore, the Central Vermont Internet Clerk shall initiate and coordinate requests to third parties for data and business information under this policy. Central Vermont Internet Governing Board members, or agents with whom Central Vermont Internet has contracted, may assist the Clerk to ensure that data and business information is requested and received. The Clerk shall be authorized to execute an agreement with a third party for the protection of the confidentiality of data or business information, provided that no such agreement shall conflict with the provisions of this policy. The Clerk shall be responsible for returning the requested records to the provider unless other arrangements have been agreed to regarding continued shared possession.

C. MANAGEMENT OF DATA AND BUSINESS INFORMATION

Confidential data and business information acquired from third parties shall be provided the same care to avoid unauthorized disclosure or use as Central Vermont Internet provides to protect its own confidential and proprietary information. Data and business information shall be retained in a secure location with access limited to Central Vermont Internet's officers, Governing Board members, or agents who have been approved to receive such data and business information by the provider. A Central Vermont Internet officer, Governing Board member, or agent having access to such data or business information shall use such data or information solely in furtherance of Central Vermont Internet's interests and not for private gain or personal purposes.

D. CONFIDENTIALITY OF DATA AND BUSINESS INFORMATION

Central Vermont Internet will not disclose data and business information that it acquires on a voluntary basis from a third party and for which a reasonable claim of exemption can be made pursuant to 1 V.S.A. §317(c), including, but not limited to, trade secrets, proprietary information or financial information, including any formulae, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to the provider, and which gives the provider an opportunity to obtain business advantage over competitors who do not know it or use it.

E. RESPONSE TO REQUESTS FOR DATA AND BUSINESS INFORMATION

If a request or demand is made to Central Vermont Internet for data or business information that Central Vermont Internet acquires on a voluntary basis from a third party, Central Vermont Internet will promptly notify the third party of the request or demand so that the third party may seek an appropriate protective order or otherwise defend any right it may have to maintain the confidentiality of the data or business information under applicable law. In accordance with the Vermont Public Records Act, the third party shall have three business days from Central Vermont Internet's receipt of such request to seek a protective order or otherwise protect the confidentiality of the data or business information. Central Vermont Internet shall not provide access to any of the third party's data or business information prior to the third party's response.

Adopted Nov. 13, 2018