

DOCKETED

Docket Number:	22-DATA-01
Project Title:	Energy Efficiency Program Data Collection from Non-Utility PACE Programs - Annual Reporting
TN #:	248961
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February 24, 2023

Via Email

Kevin Davis
Fortifi Financial, Inc.
12770 High Bluff Drive
San Diego, California 92130
kdavis@fortifi.com

**Application for Confidential Designation for Fortifi Financial, Inc.
Docket No. 22-Data-01**

Dear Kevin Davis:

The California Energy Commission (CEC) has received Fortifi Financial, Inc.'s (applicant) Application for Confidentiality docketed January 20, 2023 (TN 248465), covering:

Energy Efficiency Program Data Collection from Non-Utility PACE Programs
(Data Report)

The applicant states that the Data Report contains property owner/consumer personal private information and requests that the entire Data Report be designated as confidential for an unspecified time.

The applicant cited California Financial Code, section 22688, as the basis for confidentiality, which states that a Property Assessed Clean Energy (PACE) program administrator shall be subject to all provisions of the California Financial Information Privacy Act that are applicable to financial institutions.

Under the California Financial Code, a PACE program administrator is "a person administering a PACE program on behalf of, and with the written consent of a public agency. Program administrator does not include a public agency." (Fin. Code, § 22018.)

Since a public agency is excluded from the definition of a PACE program administrator in the California Financial Code, the California Financial Information Privacy Act does not apply to the CEC as suggested.

However, the CEC is obligated to keep confidential any personal information that is maintained by an agency that identifies or describes an individual including but not limited to the individual's name and home address. (Civ. Code, §§ 1798.3 & 1798.24.)

The Data Report submitted contains the home address and assessor's parcel number of a project installed under the PACE program. Since the home address with the parcel number can be used to identify an individual, the home address

and parcel number shall be granted confidentiality consistent with Civil Code section 1798.24. Removal of the home address and parcel number anonymizes the remaining data, preventing the identification of individual homes.

Executive Director's Determination

Confidentiality is granted for the home address and assessor's parcel number portion of the information submitted in the Data Report indefinitely.

You may request that the CEC determine the confidentiality of records for which the executive director denied confidential designation. You have 14 days to request that the CEC determine the confidentiality of the record. If you make such a request, the CEC will conduct a proceeding pursuant to the provisions in the California Code of Regulations, title 20, section 2508.

Be advised that under the California Code of Regulations, title 20, section 2506, one may petition to inspect or copy records that the CEC has designated as confidential. A decision on a petition to inspect or copy records is issued by the CEC's chief counsel. Under the California Code of Regulations, title 20, section 2507, the executive director may disclose, or release records previously designated as confidential in certain circumstances, and the CEC may hold a hearing to determine the confidentiality of its records on its own motion or on a motion by CEC staff.

If you have any questions, please email
ConfidentialityApplication@energy.ca.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Drew Bohan', with a stylized flourish at the end.

Drew Bohan
Executive Director