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Data Access, Shadow Audit, Conflict of Interest

The CHEERS team would like to submit the following comments for consideration.

Data Access – The proposed language is overly broad in scope. The following edits to section 10-103.3(d)10 are meant to provide CEC staff with reasonable access to the data through the Registry interface without the potential of overloading the database and creating usability issues. Access that is beyond the scope of the Registry interface can still be accomplished through the process outlined in 10-103.3(d)12. The Providers operate under a similar structure where Administrative Staff utilize the search functions available through the Registry interface and then submit formal requests to their System Administrators for searches beyond that scope.

10. Data Retention.

- A. An ECC-Provider shall maintain all information in the original format in which it collects, receives, or records the data for a minimum of ten years.
- B. ECC-Providers shall maintain a system that allows the Commission to readily query, search, index, process, or otherwise interact with that data stored on the ECC-Provider's system in a way that is not substantially limited compared to the ability of the ECC-Providers **Administrative Staff** to query, search, index, process, or otherwise interact with that data.
- C. ECC-Providers may not restrict or degrade the Commission's ability to query, access, sort, or filter this information in any way.
- D. **Any query, search, process or interaction that will require access granted only to ECC-Providers System Administrators will need to utilize the process outlined in 10-103(d)12.**
- E. ECC-Providers shall maintain digital copies of all files that can be indexed and searched. It is the responsibility of ECC-Providers to maintain the necessary systems to support these functions, unless the Commission or Executive Director explicitly authorizes the ECC-Provider, in writing, to operate without this functionality or process.
- F. Nothing in this subsection shall be construed as requiring an ECC-Provider to process, repackage, or otherwise modify any historical information collected prior to January 1, 2026.

Shadow Audit – The proposed language that limits the Providers ability to contact Raters outside of an extremely short time period to schedule site visits for the purposes of

auditing QII installations will have unintended impacts to the efficiency of this process. While the Providers understand the desire to limit a Raters ability to prepare for what should be as close to a Blind Audit as possible, the Providers can also see the challenges that this limit creates. The primary challenge is scheduling our QA Staff when the location will be unknown until the day of. This is of course conditional on the target Rater even having a QII scheduled for that day. We propose that for the 2025 code cycle, this requirement be removed so that the Providers can work through various scheduling schemes which can then be used to guide additional language under the 2028 regulations.

- a) The ECC-Rater shall be informed of the shadow audit ~~on the day of the audit~~ and the ECC-Provider's auditor will explain their presence to the homeowner. The homeowner may grant entry to the auditor. If entry is refused, the ECC-Provider shall reschedule the shadow audit.

Conflict of Interest – The proposed language includes violations of the Conflict of Interest regulations related to “conflicted data” that are not clearly defined in 10-103.3(b)1A. We request that section 103.3(b)1A be updated to include these definitions. For example, a Raters data is determined to violate these guidelines when the developer refuses access to the Providers Quality Assurance staff. The Rater is assumed to be in violation by no action of their own. CEC staff was able to provide a reasonable explanation when posed this question. This guidance needs to be added to the regulations so all readers are able to have this understanding.