

# **Membership List Policy**

## **PEDERNALES ELECTRIC COOPERATIVE, INC.**

### **1. Purpose:**

**1.1.** The Board of Directors (“Board”) of Pedernales Electric Cooperative, Inc. (“PEC” or “Cooperative”) wishes to maintain and increase the vigor of the Cooperative’s democratic Member control, consistent with Cooperative principles by making Member names and Contact Information available to the membership. The Board establishes this Membership List Policy (“Policy”) to balance the need for transparency and democratic control with the privacy rights of its Members by allowing the limited distribution of Membership Lists.

### **2. Scope:**

**2.1.** This Policy applies to the Contact Information of all Members of the Cooperative.

### **3. Definitions:**

**3.1.** Contact Information – Means the following Member information: name, postal mailing address, city, state, zip code, and PEC voting district.

**3.2.** Membership List – Means an electronic or printed record that contains Member Contact Information. The list shall exclude any Member’s Contact Information who Opt-Outs of releasing their information as provided by this Policy.

**3.3.** Opt-Out – Means a written or electronic communication to the Cooperative that evidences an affirmative choice by a Member to have Contact Information excluded from any releasable Membership List under this Policy.

**3.4.** Proper Purpose – Means a use that is directly connected to a Cooperative business activity, function, or decision; or directly involves Cooperative governance. A Proper Purpose includes use in a candidacy for election or nomination for election to the Board.

### **4. Policy Statement and Implementation:**

**4.1.** Pursuant to the PEC Bylaws, upon prior written request to the Cooperative, a Member may inspect and copy the Membership List at a reasonable time and location determined by the Cooperative or receive from the Cooperative at no cost to the Member an electronic or printed copy of the Membership List.

**4.2.** A Member may inspect, copy, or receive a copy of the Membership List only if, as determined by the Cooperative, the Member’s notice or request is made in good faith and for a Proper Purpose. The Member’s use of the Membership List is limited to the Proper Purpose.

**4.3.** Before a Member may receive a Membership List, the Member must describe and affirm in a sworn, notarized affidavit with reasonable particularity the following:

**4.3.1.** The Proper Purpose for which the Member will use the Membership List;

**4.3.2.** That the use of the Membership List is directly connected with the Member’s Proper Purpose; and

**4.3.3.** Except as otherwise provided by the Board, a Member must agree not to and may not:

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- 4.3.3.1. Use the Membership List for a purpose unrelated to the Member's interest as a Member or unrelated to the Proper Purpose;
- 4.3.3.2. Use the Membership List to solicit money or property;
- 4.3.3.3. Use the Membership List for a commercial purpose; or
- 4.3.3.4. Sell the Membership List.

### **4.4. Member Opt-Out Option**

Any Member may by written or electronic communication to the Cooperative choose to have Contact Information excluded from any Membership List released under this Policy.

## **5. Procedure Responsibilities:**

- 5.1. PEC's General Counsel or designee is responsible for receiving requests and releasing Membership Lists.
- 5.2. Member Relations, in cooperation with Information Technology, shall maintain a record of all Members that choose to Opt-Out of providing Contact Information under this Policy.
- 5.3. When a Proper Purpose is disputed, the Board shall determine whether the use of a Membership List is for a Proper Purpose.

## **6. Enforcement:**

- 6.1. The Board shall enforce this Policy.

## **7. Superseding Effect:**

- 7.1. This Policy supersedes all previous policies and memoranda concerning the subject matter. Only the Approver may authorize exceptions to this Policy.

## **8. References and Related Documents:**

- 8.1. Articles of Incorporation, Article IX, Member Bill of Rights
- 8.2. PEC Bylaws, Article 1, Section 10
- 8.3. Privacy and Confidentiality Policy
- 8.4. Open Records Policy
- 8.5. Election Policy and Procedures Section 7.8 (Membership List Availability)
- 8.6. Election Policy and Procedures Section 7.11.1 (Voter History List)
- 8.7. PEC Online Privacy Statement

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## **PEDERNALES ELECTRIC COOPERATIVE, INC.**

Policy Title:	Membership List Policy
Review Frequency:	Every 5 Years
Last Reviewed:	XX/XX/XXXX
Date Adopted:	September 19, 2016
Effective Date:	XX/XX/XXXX
Amendment Dates:	December 14, 2009; February 22, 2010; March 18 2013; September 19, 2016; XX/XX/XXXX
Approver:	PEC Board of Directors
Applies to:	PEC Members, PEC Board of Directors, and PEC Employees
Administrator:	General Counsel
Superseding Effect	This Policy supersedes all previous policies and memoranda concerning the subject matter. Only the Approver may authorize exceptions to this policy.