

## **6 Confidentiality**

### **6.1 Access to Confidential Information**

The ISO may request, and the Customer shall provide, Confidential Information consistent with the disclosure requirements set forth in the ISO Services Tariff (as provided for below). The ISO shall use reasonable procedures to prevent the disclosure of Confidential Information and shall not publish, disclose or otherwise divulge Confidential Information to any person or entity without the prior written consent of the party supplying such Confidential Information, except as provided for under the ISO Market Monitoring Plan and/or ISO Code of Conduct. The provisions of this section shall not apply to any Confidential Information: (i) which was in the public domain at the time of disclosure hereunder; (ii) which thereafter passes into the public domain by acts other than the acts of the ISO; or (iii) that the ISO is required to make publicly available by the Commission, the PSC or other legal process, or for reliability purposes pursuant to Good Utility Practice.

A Customer may request that the ISO keep confidential from another entity Confidential Information that the other entity does not require to perform its obligations and duties hereunder. The Customer must state in writing that the information is to be treated as Confidential Information and the reasons for treating it as Confidential Information, otherwise information will be treated as non-Confidential Information.

### **6.2 Use of Confidential Information**

The ISO shall use Confidential Information for the exclusive purpose of performing its obligations hereunder and under any Service Agreement. The ISO will treat this information in conformity with the standards of conduct contained in Part 37 of the Commission's Regulations and the Code of Conduct set forth in Attachment F to the ISO OATT.

**6.3 Disclosure of Bid Information**

Pursuant to Commission requirements, the ISO shall make public Bid information from the Energy, Capacity and Ancillary Services markets, including Bids submitted for Virtual Transactions, but not the names of the bidders making any of these Bids, three months after the Bids are submitted. The ISO shall post the data in a way that permits third parties to track each individual bidder's Bids over time. Prior to such disclosure, Bid information submitted to the ISO by Market Participants shall be considered Confidential Information.

**6.4 Disclosure of Offer Floor MW that Clear**

The ISO shall make public three months after the posting of the results of each ICAP Spot Market Auction, for each Resource that is subject to an Offer Floor, the MW of UCAP subject to an Offer Floor that cleared in the respective ICAP Spot Market Auction, and the Resource's total MW of Cleared UCAP (as such term is defined in Section 23.4.5.7(A).) Prior to such disclosure, such information shall be considered Confidential Information.

**6.45 Survival**

This Article 6 will survive the termination of the ISO Services Tariff and any associated Service Agreement.