LIHEAP Performance Measures: Data Collection Guide
Supplement: Client Waivers

OVERVIEW

What is the purpose of having waiver language in the client application?

- Once an energy vendor agreement is in place, enables data exchange between LIHEAP and the client's utility/vendor
- Allows LIHEAP to report client data to other entities
- Protects utility/vendor from disclosure liability

What type of data is shared and what is the data used for?

- Data Collection – See the LIHEAP Performance Measures Data Collection Guide: https://liheappm.acf.hhs.gov/sites/default/files/private/training/pm_webinar/PM_data_collection_guide.pdf
- Required reporting on the annual *LIHEAP Performance Data Form* – Module 2 (Performance Measures)

What should I include in the waiver language?

- Data collection from **both primary heating vendor and non-heating electric vendor**
- Allowance for **data sharing** with other entities
- Language that **protects energy vendors from disclosure liability**

Note: Due to privacy concerns it is advisable to have both vendors and lawyers assist in developing language for the client waiver.

SPECIAL CONSIDERATIONS

Applications may not have existing waiver language or applications may have waiver language but need additional language to meet required data reporting for performance measures.

Example 1: Waiver language that was added to a client application that did NOT have previous language.

Alabama's waiver language includes:

- **Data sharing and data use**
  I authorize my utility provider and/or my fuel supplier to disclose my customer data (including, but not limited to, energy cost, consumption and billing data) to the Alabama Department of Economic and Community Affairs for the purposes of verification, analysis and reporting.

- **Protects the utility from disclosure liability**
  I agree to hold harmless and/or release such companies from and against any claims, losses, demands, damages or liability of any kind caused by or allegedly caused by such disclosure.
- **Requires vendor name and account number for primary heating and electricity**

Example 2: Supplemental waiver language that was added to a client application that already had most of the necessary language for data collection.

APPRISE helped New Mexico develop language for data sharing and utility disclosure liability

- Existing language with highlighted additions:
  - *I understand that by providing the account numbers for my household energy supplier(s) I am authorizing the energy provider(s) to provide details about the account and energy use to HSD for the purposes of eligibility and determination of this and future applications, benefit determination, and program evaluation and analysis.*
  - *I understand that by providing application information I am authorizing HSD and its authorized agents to* share and *report the data provided against federal, state, county, energy provider, employer and landlord databases or records.*
  - *I understand the information collected on this form may be disclosed to energy programs operating under HSD. HSD may* share and *use information for purposes of referral, research, evaluation and analysis.*
    I understand that my utility companies will not have control over the data disclosed pursuant to this consent, and will not be responsible for monitoring or taking steps to ensure that HSD maintains the confidentiality of the data or uses the data as authorized.

Example 3: Applications that have waiver language that goes beyond data sharing for primary heating fuel and non-heating electricity and language that protects the utility from disclose liability.

- Wisconsin's waiver language includes data sharing before and after a client receives weatherization measures.

  I understand that by providing the account numbers for my household energy suppliers(s) I am authorizing the energy provider(s) to provide details about the account and energy use to the Wisconsin Department of Administration for the purposes of eligibility determination of this and future applications, benefit determination, and program evaluation and analysis including before and after receiving any weatherization services.

- Massachusetts' waiver language includes collecting and sharing consumption data.

  I give the AGENCY and/or DHCD permission to obtain and share any data about my annual energy consumption, cost, usage data, utility charges, payment history and other account

information from my primary and/or secondary heating and energy company(ies). I authorize the company(ies) to provide this information to the AGENCY and/or DHCD. I agree to hold the company(ies) harmless and release them from and against loss, demands, damages, or liability caused by such disclosure.

Additional examples of waiver language:

http://www.liheap.ncat.org/admindocs/application_waiver.pdf

Supplemental Resources	
Performance Measures Data Collection Guide	Vendor Agreement Supplement
Vendor Selection Supplement	Subgrantee Data Exchange Templates
Vendor Data Exchange Templates	Criteria for Determining "At-Risk" Clients
Criteria for Determining Service Restoration	LIHEAP Performance Management Website