

# Holy Cross Energy Corporate Policies

Access to Books, Records, Business Files, Databases or Personnel Files

Policy Number: 2.2

Original Effective Date: November 18, 2015

Revised Dates: March 17, 2021

## 1. OBJECTIVE

1.1 To establish procedures for the control and release of business sensitive and proprietary information held by Holy Cross Electric Association, Inc., a/k/a Holy Cross Energy ("Holy Cross").

## 2. POLICY

2.1 Release of information contained in the books, records, business files, minutes, databases or personnel files of Holy Cross, is generally private and should be controlled.

2.2 General Public. The following information of a general or routine nature regarding Holy Cross shall be available to persons by written, electronic or oral request:

2.2.1 Holy Cross's Articles of Incorporation, Bylaws, charges, tariffs, rules and regulations, and the Corporate Policies ("Corporate Policy" or "Policy");

2.2.2 Formal audit reports rendered periodically by independent auditors;

2.2.3 The minutes of any prior member or Board Meeting;

2.2.4 Any publications Holy Cross may have for general distribution; and

2.2.5 Publications subscribed to or otherwise obtained by Holy Cross bearing on one or more aspects of the organization and operation.

2.3 Members. In addition to the above information available to the general public, the following information shall be available to a member of Holy Cross by written, electronic or oral request:

2.3.1 The operating and other financial reports that are regularly made to the Rural Utilities Service ("RUS") and/or National Rural Utilities Cooperative Finance Corporation ("CFC") and/or CoBank;

2.3.2 Monthly, periodic or special operating and financial reports submitted by management to the Board;

2.3.3 Adopted budgets for current and future operations and capital improvements;

2.3.4 Adopted work plans for Holy Cross's future construction, operation and maintenance of its general plant and electric system; and

2.3.5 Other information specifically approved for release to members by the Board of Directors ("Board").

2.4 As Required by Law. In addition to the above information available to the general public and the membership, a member of Holy Cross shall receive other Holy Cross information that is germane to that member's interest in Holy Cross upon receipt by Holy Cross of a formal written request on the attached form.

2.5 Directory Information. Information of a directory nature (*e.g., name, address, contact telephone, e-mail, usage data*) may be released at the direction of the President and Chief Executive Officer ("CEO") of Holy Cross or the President's and CEO's designee to (a) governmental authorities; (b) electric utilities; (c) auditing firms; and (d) licensed credit agencies, for a "proper purpose" including, without

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limitation:

- 2.3.1 A request pursuant to an investigation of a civil or criminal matter;
- 2.3.2 A request by an electric utility regarding a consumer or a former consumer of Holy Cross;
- 2.3.3 A request by auditing firms to confirm balances; and
- 2.3.4 A request by a licensed credit agency working with Holy Cross to collect delinquent debts.

2.4 Information Not To Be Released. The following information is confidential and will not be released:

- 2.4.1 Information in relation to any pending lawsuit against Holy Cross, or any Director or employee of Holy Cross without a court order, Holy Cross's Board approval or advice of Legal Counsel;
- 2.4.2 Information that will or may invade the privacy of any person, employee or Director of Holy Cross, or violate their rights;
- 2.4.3 Information that would violate an agreement or contract with third parties with respect to trade secrets;
- 2.4.4 Information that might result in an adverse action against Holy Cross, its Board or employees;
- 2.4.5 Information that may be used to adversely affect Holy Cross with third party negotiations;
- 2.4.6 Information contained in confidential communications between Holy Cross and its Legal Counsel; and
- 2.4.7 Information contained in Holy Cross's personnel files without consent of the employee, except for verification of employment or by court order.

2.5 Information for Financial Institutions and Regulatory Agencies. Information may be released to financial institutions and to regulatory agencies as necessary or required to carry on the affairs of Holy Cross.

2.6 Release of Information. Upon compliance with the above requirements and authorizations, information shall be released as promptly as possible during regular business hours.

2.7 Reimbursement of Costs. At the sole discretion of Holy Cross, any person requesting information may be required by Holy Cross to prepay the estimated cost of producing the requested information if that cost (including labor and materials) is estimated by Holy Cross to exceed \$200 or three Holy Cross employee labor hours per request. The person requesting information will only be responsible for the actual cost of producing the requested information.

2.8 Information Not Specifically Covered. Any information requested by a person or a member not specifically covered above must receive approval of both the President and CEO and Holy Cross's Legal Counsel. If the President and CEO initially determines that the request for information should not be granted, then the President and CEO may withhold disclosure of such information pending consideration by the Board.

## 3. RESPONSIBILITY

3.1 The Board shall be responsible for the administration of and compliance with this Policy.

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3.2 The President and CEO shall ensure this Policy is adhered to by Holy Cross employees.

