

OPEN RECORDS POLICY

PEDERNALES ELECTRIC COOPERATIVE, INC.

1. Purpose:

The purpose of this policy is to implement the Cooperative's Member Bill of Rights regarding access to records of the Cooperative. This Policy establishes the framework for providing members access to records. It also provides for the definitions of exemptions to disclosure.

2. Scope:

This Policy addresses how Members of the Cooperative may have access to Cooperative records. It applies to all Members and employees of the Cooperative. This policy applies to records that exist at the Cooperative, it does not require the creation of new records.

3. Policy Statement and Implementation:

3.1. Member Right to Records.

A Member has the right, on written request, to examine and copy at the Member's expense the records of Pedernales Electric Cooperative Inc. (PEC), except those records exempted from disclosure for reasons of:

3.1.1. Privacy

The release of records sought to be inspected would unduly infringe upon or invade the privacy or personal security of any person, including, without limitation, individual member information (other than materials distributed in accordance with the Cooperative's Membership List Policy), records relating to anticipated and planned travel and related expenditures, or information pertaining to concerns reported under the Cooperative's Ethics and Compliance Reporting Policy.

3.1.2. Attorney-Client Privilege

The records sought to be inspected deal with:

3.1.2.1. Information pertaining to litigation or settlement negotiations, until the litigation is complete or a settlement is finalized by a final disposition of the proceeding and all appeals are exhausted or foreclosed by law, and the Board is aware of the conclusion.

3.1.2.2. Information that if released, would violate the privilege of confidential communication between the Cooperative and its attorneys, including, without limitation, information pertaining to concerns reported under the Cooperative's Ethics and Compliance Reporting Policy, or that is protected by court order.

3.1.3. Real Estate Subject Matter

The records sought to be inspected deal with information relating to the location, appraisal, lease or purchase of real property, until the

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announcement of the project or the formal award of contracts for the property.

3.1.4. Personnel Subject Matter

The records sought to be inspected deal with personnel information the disclosure of which would violate the law or constitute a clearly unwarranted invasion of personal privacy, including salaries of any at-will employee except as required by law to be publicly reported.

3.1.5. Security Matters

The records sought to be inspected deal with the security of the Cooperative's electrical system, including, without limitation, information pertaining to concerns reported under the Cooperative's Ethics and Compliance Reporting Policy.

3.1.6. Competitive Matters

The records sought to be inspected deal with: "Competitive Matters," meaning commercial information and utility-related matters that the Board of Directors in good faith determines is related to the Cooperative's competitive activity that would, if disclosed, give an advantage to individuals or entities who have sought or are likely to seek business or the dissolution, takeover or sale of PEC ("Competitors") or would adversely affect PEC's ability to competitively purchase goods and services and further for which the Board determines in good faith that disclosure presents a compelling risk of likely harm to the Cooperative or its members.

4. Procedure Responsibilities

4.1. The Board of Directors is responsible for this Policy. The CEO and Legal Services Department shall implement and administer this Policy.

5. Enforcement

5.1. The CEO is responsible for enforcement of this Policy. If a member is aggrieved by an action of PEC under this Policy, the member may file a written complaint with the Chief Executive Officer (CEO). No later than the 20th day after the date the CEO receives such a complaint, the CEO shall take corrective action regarding the complaint, or shall explain to the member in writing the grounds for declining to take corrective action.

5.2. Violations of this Policy may result in disciplinary or corrective action, up to and including, termination.

6. Superseding Effect

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

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7. References and Related Documents:

- Articles of Incorporation
- Bylaws
- Business Rules
- Tariff
- Designation of Competitive Matters
- Ethics and Compliance Reporting Policy
- Election Policy and Procedures
- Membership List Policy
- Board Meeting Policy
- Open Records Request Procedures and Workflow
- Privacy and Confidentiality Policy

Policy Title:	Open Records Policy
Review Frequency:	Triennial
Last Reviewed:	November 14, 2016
Date Adopted:	August 18, 2008
Effective Date:	August 18, 2008
Amendment Dates:	September 20, 2010; December 19, 2011; November 14, 2016
Approver:	Board of Directors
Applies to:	All PEC Members, Staff and Board of Directors
Administrator:	Legal Services
Superseding Effect	This Policy supersedes all previous policies and memoranda concerning the subject matter. Only the Approver may authorize exceptions to this policy.