

Last Updated: August 28, 2023

## **FOIP STATEMENT**

The personal information is being collected under the authority of section 33(c) of the FOIP Act and will be used by the City of Calgary Climate and Environment business unit to build a publicly accessible web-based data disclosure tool for Benchmark YYC. All information collected by the City of Calgary is protected by the provisions of the FOIP Act. You may direct questions about the collection, use or disclosure of your personal information by the City of Calgary in relation to this program by calling the Corporate Environmental Specialist, Climate and Environment at (403) 268-8925.

Corporate Environmental Specialist  
Climate and Environment, Planning and Development Services  
The City of Calgary  
P.O. Box 2100, Station M, Calgary, AB T2P 2M5 | Mail Code 111  
(403) 268-8925  
[energybenchmarking@calgary.ca](mailto:energybenchmarking@calgary.ca)

## **COLLECTION AND USE OF INFORMATION**

Participation by you, your organization, your employees and staff (as applicable) (collectively, "you" or "Participant") in Benchmark YYC (the "Program"), all of the information that you submit to the City of Calgary ("City" or "we" or "us" or "our") for the Program initiative, and our use of any of the data supplied to the Program (information submitted, accessed, and provided, collectively the "Program Data") is subject to the following terms and conditions ("Terms"). By participating in the Program, you accept and agree to be bound and comply with these Terms.

For each building or group of buildings that will be included in the Program, the City will identify a building contact (the "Building Contact") and will collect Business Contact Information and Building Information (as defined below) from this Building Contact. The City will build an internal dataset of Business Contact, Building Information, and a publicly accessible web-based data disclosure tool (the "Energy Performance Map") for Benchmark YYC.

The Business Contact Information ("Business Contact Information") collected by us for each Building Contact includes but is not limited to:

- first and last name
- business phone number
- business email address
- company name
- position or title
- the relationship between the building contact and the building.

The Building Information (“Building information”) collected by us for each building in the Program includes but is not limited to:

Category	Metric
Property ID Numbers	Portfolio Manager Property ID
Property Information	Property Name
Property ID Numbers	Portfolio Manager Parent Property ID
Property Information	Parent Property Name
Property Information	Address 1
Property Information	City
Property Information	Postal Code
Property Information	State/Province
Property Information	Primary Property Type - Self Selected
Property Information	Year Built
Property Information	Property GFA - Self-Reported
Property Information	Property GFA - Calculated (Buildings)
Property Information	Property GFA - Calculated (Parking)
Property Information	Number of Buildings
Property Information	Occupancy
Property Information	Third Party Certifications
Energy Performance	ENERGY STAR Score
Energy Use by Fuel Source	Electricity Use - Grid Purchase
Energy Use by Fuel Source	Natural Gas Use
Energy Use by Fuel Source	District Hot Water Use
Renewable Energy & Green Power	Electricity Use – Generated from Onsite Renewable Systems
Energy Performance	Site Energy Use
Energy Performance	Site EUI

Category	Metric
Energy Performance	Weather Normalized Site Energy Use
Energy Performance	Weather Normalized Site EUI
Energy Performance	Source Energy Use
Energy Performance	Source EUI
Energy Performance	Weather Normalized Source Energy Use
Energy Performance	Weather Normalized Source EUI
Greenhouse Gas Emissions	Total GHG Emissions
Greenhouse Gas Emissions	Direct GHG Emissions
Greenhouse Gas Emissions	Direct GHG Emissions Intensity
Greenhouse Gas Emissions	Total GHG Emissions Intensity
Renewable Energy & Green Power	Green Power - Onsite and Offsite
Renewable Energy & Green Power	Avoided Emissions - Onsite and Offsite Green Power
Energy Use by Fuel Source	Electricity Use (Grid) - Monthly
Energy Use by Fuel Source	Natural Gas Use - Monthly
Energy Use by Fuel Source	District Hot Water Use - Monthly
Meter Information	Number of Active Energy Meters - Total
Data Accuracy	Reason(s) for No Score
Data Accuracy	Alert - Gross Floor Area is 0 ft <sup>2</sup>
Data Accuracy	Alert - Property has no uses
Data Accuracy	Alert - Energy Meter has gaps
Data Accuracy	Alert - Energy Meter has less than 12 full calendar months of data
Data Accuracy	Alert - Energy Meter has single entry more than 65 days

The City of Calgary will collect information through online forms, emails, and phone calls. Building Information is gathered through ENERGY STAR Portfolio Manager. We may also collect additional information within the context of assisting you with the setup of your ENERGY STAR Portfolio Manager account, including any information we may see during a screen sharing information session. This information will not be stored, shared, or disclosed by us.

You further acknowledge and consent to the City retaining such Program Data for as long as permitted or required by law and to the City using such Program Data pursuant to the Terms below.

## REPRESENTATION OF NECESSARY CONSENT

You represent and warrant that you have all necessary authorizations and consent, and in the case of a corporation or other incorporated entity or non-incorporated organization, the necessary power to disclose and share the Business and Building Information listed above to us and OPEN Regenerative

Technologies Inc. ("OPEN Technologies"). You further represent that the Business and Building Information you share is, to the best of your knowledge, free from errors and omissions.

### **DISCLOSURE OF PROGRAM INFORMATION**

The collection, processing, and analysis of all the Program Data submitted under the Program is performed by both the City and OPEN Technologies. The Program Data will be available and disclosed to OPEN Technologies and their employees and contractors. OPEN Technologies is bound by these Terms, including that OPEN Technologies may only use the Program Data disclosed to them through the Program for purposes associated with the Program and for no other purpose.

### **CONSENT TO PUBLIC DISCLOSURE OF BUILDING INFORMATION**

Each Participant in the Program will have the option to consent to the public disclosure of their Building Information including, but not limited to:

- Property Type
- Managed By
- Name of Building
- Address of Building
- Gross Floor Area
- Year Built
- Site Energy Use Intensity
- Source Energy Use Intensity
- Water Use Intensity
- Greenhouse Gas Emissions
- Greenhouse Gas Emission Intensity
- ENERGY STAR score
- Case Studies

For Participants that have consented to Public Disclosure, all the above Building Information will be made available on the Public Map and within Program reports and materials ("Public Disclosure"). Business Contact Information, except for company name, will not be publicly disclosed.

### **REVOCATION OF PUBLIC DISCLOSURE CONSENT**

You may revoke your consent to Public Disclosure at any time by writing to [energybenchmarking@calgary.ca](mailto:energybenchmarking@calgary.ca). Within ten days from revoking your consent to Public Disclosure, the City will remove your property name and address from the visible dataset as well as any identifying links to your Building Information. Your Building Information will be visible only within the aggregate datasets and data visualizations as indicated below. The City will subsequently return or destroy all information and remove it from any associated research projects.

### **DISCLOSURE OF BUILDING INFORMATION IN AGGREGATE**

In cases where a Participant has not given consent to Public Disclosure of Building Information or has revoked such consent, no Building Information will be included in the visible dataset or the Public Map. However, anonymized energy performance data from such buildings may be included in the energy

performance histograms or other public data visualizations that form part of the Program. The Building Information may be included in the data used to generate various data visualizations illustrating the energy use of buildings of a particular size or age or any other data visualization desired for the Program. The information displayed in these data visualizations will not identify individuals, individual buildings or be linked to any Business Contact Information. Aggregate Building Information may also be used to create additional data and analytics products ("Additional Products"). These Additional Products will not contain business contact information or any other information that could identify individuals or individual buildings. The City and OPEN Technologies may disclose, transfer, or sell these Additional Products to third parties or use them for any other purpose.

## **DISCLOSURE TO REGULATORY AUTHORITIES**

We may disclose your Business Contact Information, and Business and Building Information, for the purposes of meeting legal, regulatory, audit, processing and security requirements. We may otherwise collect, use and disclose such information as permitted or required by law (including as required by applicable foreign laws).

## **PROTECTION OF INFORMATION**

Only authorized employees and contractors of the City that require access to your Building Contact and Building Information in connection with your participation in the Program will have access to such information. The City and OPEN Technologies hereby agree to protect all information obtained by them and their employees and contractors in accordance with these Terms.

## **ACCESS AND CORRECTIONS**

If you wish to access or make corrections to your Business and Building Information in our possession, or you would like further information about the City's privacy practices, you may write to [energybenchmarking@calgary.ca](mailto:energybenchmarking@calgary.ca).

## **TERM AND TERMINATION**

The term of your participation in the Program will last until you give notice to the City of your desire to terminate your participation in the Program or the City provides you notice that your participation in the Program is being terminated.

Upon receipt of notice to terminate your participation in the Program or upon delivery of notice that the City is terminating your participation in the Program, no new non-public information about you will be collected by the City or used in its Business and Building Information or Additional Products.

## **ENUREMENT**

Your consent to these Terms will continue unless you notify us in writing that you wish to withdraw fully from participation in the Program.

## **DISCLAIMER**

The Program Data collected and disclosed by the City are made available through voluntary submissions by government, institutional, commercial, and non-profit organizations. The Program Data is intended to provide transparency to building energy and greenhouse gas emissions performance. The Program Data

is not validated or verified for accuracy by the City or OPEN Technologies. Users of the Program Data for any purpose do so at their own risk.

The City and OPEN Technologies do not guarantee that errors in the Program Data will be corrected, or that Program Data use will be uninterrupted or error-free. The City and OPEN Technologies do not guarantee the Program Data is fit for any particular purpose. The City and OPEN Technologies will not be liable for any losses, direct or indirect, incidental, punitive, exemplary, or consequential damages whatsoever (including damages for loss of profits, interruption, loss of business information, legal fees or any other monetary loss) in connection with any claim made by the Participant or any person accessing the Program Data in relation to the accuracy, original ownership of or use of the Program Data.

### **GOVERNING LAW AND JURISDICTION**

Participating in the Program, the use of Program Data and these Terms are governed by the laws of the Province of Alberta and the federal laws of Canada applicable in the Province of Alberta and the parties submit to the exclusive jurisdiction of the courts of the Province of Alberta, Judicial District of Calgary.

### **CONTACT**

All questions, feedback, comments, requests, and other communications relating to these Terms, participation in the Program and use of Program Data should be directed to [energybenchmarking@calgary.ca](mailto:energybenchmarking@calgary.ca).