



Lawrence Berkeley  
National Laboratory



## Data Privacy Terms

(Updated 2014-12)

Your company or organization (PROVIDER) has agreed to provide PROPRIETARY DATA regarding building energy performance to the Buildings Performance Database project that the Department of Energy (the Government) and its Laboratories (collectively referred to herein as the RECIPIENT) will use in its research. PROPRIETARY DATA is defined as follows:

- (a) DATA that embody trade secrets or are commercial or financial information that is confidential and privileged;
- (b) DATA that are not customarily released to the public;
- (c) Data whose disclosure to the public could result in financial harm to the PROVIDER, to owners of buildings whose information is contained in the DATA, or to other stakeholders.

By consenting to these terms, PROVIDER certifies that the above statements apply to the DATA, and consents to the data being labeled and treated as PROPRIETARY DATA. If PROVIDER wishes to provide non---proprietary data, please contact [BPDTeam@lbl.gov](mailto:BPDTeam@lbl.gov).

By providing PROPRIETARY DATA to RECIPIENT, the PROVIDER understands that The RECIPIENT intends to combine the DATA (both PROPRIETARY DATA and non---proprietary data) from many PROVIDERS for analysis purposes and to enable research concerning building energy efficiency. Results of analysis performed on the combined DATA may be made publicly available, and research findings may be published; however, your DATA itself will only be used to support analysis and will not be publicly released. Any published findings will be the result of analysis performed on fully anonymous combined data; information that could be used to identify either the PROVIDER or individual buildings will be removed, including building addresses, contact information, and names. In providing this DATA to RECIPIENT, you agree to the following:

The RECIPIENT may duplicate and use the PROPRIETARY DATA with the express limitations that it may not be disclosed outside the Government or used for purposes of manufacture without prior permission of the PROVIDER, except that further disclosure or use may be made solely for the following purposes:

- (a) Combine your PROPRIETARY DATA with DATA from other PROVIDERs to do research in improving building energy efficiency under Buildings Performance Database project and publish the results and recommendations to achieve that goal;

- (b) Use (except for manufacture) by support services contractors within the scope of their contracts;
- (c) This PROPRIETARY DATA may be disclosed for evaluation purposes under the restriction that the PROPRIETARY DATA be retained in confidence and not be further disclosed; and
- (d) This PROPRIETARY DATA may be disclosed to other contractors participating in the Buildings Performance Database project, of which this contract is a part, for information or use (except for manufacture) in connection with the work performed under their contracts, and under the restriction that (i) the PROPRIETARY DATA be retained in confidence and not be further disclosed, (ii) the PROPRIETARY DATA will be returned or destroyed when their participation has ended, and (iii) the contractor and its affiliates will not retain any copy of the PROPRIETARY DATA outside their participation in the project or once their participation has ended.

The PROPRIETARY DATA shall remain protected until the end of the Buildings Performance Database project and then will be either returned to the PROVIDER or destroyed by the RECIPIENT. Such protection will be maintained unless the PROPRIETARY DATA becomes publicly known without the fault of the RECIPIENT, shall come into RECIPIENT's possession without breach by the RECIPIENT of any of the obligations set forth herein, or is independently developed by RECIPIENT's employees who did not have access to such PROPRIETARY DATA.