

**COASTAL VIRGINIA OFFSHORE WIND
CONFIDENTIALITY OF CLAIMANT INFORMATION
FOR
FISHERIES & SURFCLAM COMPENSATORY MITIGATION PROGRAM**

A. PURPOSE.

This Confidentiality Procedure (the “Procedure”) defines how Claimant Information is managed under the Coastal Virginia Offshore Wind (“CVOW”) Fisheries & Surfclam Compensatory Mitigation Program¹ (the “Program”), and describes how the Program will use, protect, and disclose Claimant Information. This Procedure applies to all components of the Program, including fisheries, surfclam, and shoreside. This Procedure is not required by the Program and may be modified from time to time.

B. DEFINED TERMS.

All terms used in this Procedure have the meanings given in the CVOW Compensation Program Protocol, unless otherwise defined below.

1. “Authorized Representative” means a person authorized by a Claimant to act on its behalf.
2. “Claimant” means any Qualified Fishing Entity, Qualified Surfclam Fishing Entity, Qualified Shoreside Business, or other person or entity submitting information to the Program in connection with qualification or a compensation claim.
3. “Claimant Information” means all confidential information and documents disclosed by Claimant, through the Program, to the Program Administrator. Claimant may designate its submitted documents as “Confidential” or with a similar label; however, Claimant’s election or failure to do so will not be dispositive of confidentiality. Claimant Information includes without limitation all information included on Qualification Forms or Economic Loss Forms submitted through the Program, together with supporting information provided by Claimant. Claimant Information does not include information that is (i) provided orally, unless lawfully recorded (with notice to the recorded party), (ii) generally available to the public, (iii) lawfully obtained from a third party prior to disclosure by a Claimant or an Authorized Representative, or (iv) independently developed by the recipient without reference to the Claimant Information.
4. “Dominion Energy” means Virginia Electric and Power Company d/b/a Dominion Energy Virginia and its affiliates, subsidiaries, and successors.
5. “Legal Process” means a private or governmental lawsuit, administrative claim, administrative order, subpoena, warrant, court order, investigation, or other action by a governmental authority.
6. “Program Administrator” means BrownGreer PLC, or any successor administrator of the Program.

¹ As defined in the CVOW Compensation Program Protocol.

C. CONFIDENTIALITY OF CLAIMANT INFORMATION.

The Program Administrator will receive all Claimant Information. All Claimant Information will be treated as confidential by the Program Administrator and will not be disclosed to third parties except as permitted or required by this Procedure, the Protocol, or applicable law.

D. USE OF CLAIMANT INFORMATION; RETENTION.

The Program Administrator will use Claimant Information disclosed by or on behalf of Claimant solely in connection with the Program and will not use, directly or indirectly, any Claimant Information for any other purpose without Claimant's prior written consent, except as provided for herein. The Program Administrator may use and retain Claimant Information as necessary to implement the Program, process claims, address disputes or Legal Process arising under or in relation to the Program, and perform recordkeeping, reporting, audit, and administrative functions.

E. THIRD PARTY DISCLOSURE.

Claimant Information may be disclosed to third parties, including Dominion Energy and any state or federal governmental authority, in the following circumstances:

1. With written authorization from Claimant or Claimant's Authorized Representative; or
2. In response to Legal Process; or
3. As otherwise required by applicable law.

The Program Administrator also may disclose to third parties or the public aggregated general or statistical information that does not individually identify any Claimant.

If the Program Administrator or any of its representatives are required by law, by a court or by other governmental or regulatory authorities (including, without limitation, by oral question, interrogatory, request for information or documents, subpoena, civil or criminal investigative demand or other process) to disclose any Claimant Information, the Program Administrator will provide the relevant Claimant with prompt notice of any such request or requirement, where reasonably practicable and to the extent permitted to do so by applicable law, so that Claimant may seek an appropriate protective order or waive compliance with the provisions of this Procedure.

F. DISCLOSURE TO DOMINION ENERGY.

In addition to the permitted third-party disclosures above, the Program Administrator may disclose Claimant Information to Dominion Energy in the following circumstances:

- a. In an aggregated or anonymized format as necessary to perform reporting, administrative, or financial functions under the Program;

- b. In relation to the management and oversight of financial accounts related to the Compensatory Mitigation Fund or the Surfclam Compensatory Mitigation Fund, but only to the minimal extent necessary to perform such functions; or
- c. In relation to any dispute or Legal Process involving the Program or Claimant (exclusive of the claims arbitration process).

G. DATA PROTECTION.

To promote protection of Claimant Information, the Program Administrator will maintain reasonable physical, electronic, and procedural safeguards and will maintain cyber liability insurance with an aggregate limit of not less than \$1,000,000 per policy period.

H. LIMITATIONS.

Nothing in this Procedure will be construed to:

- 1. Create any contractual, fiduciary, or other legal duty owed by the Program Administrator or any other person or entity to any Claimant, or other entity or person, with respect to the protection of Claimant Information;
- 2. Establish any standard of care for the handling of Claimant Information; or
- 3. Create any right of action, claim, or basis for liability against the Program Administrator, or any other entity or individual, arising from the use of Claimant Information, or from any unauthorized or authorized disclosure of Claimant Information.

I. AMENDMENT.

This Procedure may be amended by Dominion Energy in consultation with the Program Administrator and the Virginia Marine Resources Commission.