

Solving the Privacy Puzzle
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What the Neighbours Need to Know: Privacy Challenges for Condominium and Residential Tenancies

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Privacy Challenges for Condominiums

Legislative Regime

Strata Legislation

- *Strata Property Act* (BC)
- *Condominium Property Act* (AB)
- Requiring the collection, use and disclosure of certain personal information
- Strata councils / property managers
- Bylaw powers

Privacy Challenges for Condominiums

Legislative Regime (cont'd)

Personal Information Protection Acts

- Require the protection of personal information
- Limit collection, use and disclosure to what a reasonable person considers appropriate in the circumstances

Privacy Challenges for Condominiums

Legislative Regime (cont'd)

- Common ownership
- Shared governance
- Sufficient personal information to administer the strata/condominium
- Information required by legislation is limited, but most strata corporations will require more

Privacy Challenges for Condominiums

Minutes

- Detail vs. required information
- Use only information which must be collected and disclosed under the legislation (owner name, unit number)
- Discussions leading up to votes but not details
- Only the unit number —
if fine levied, bylaw or rule contravened, repair work required, strata fees owed, legal action contemplated

Privacy Challenges for Condominiums

Correspondence

- In BC, stratas must retain correspondence for two years and make it available on request
- Implied consent to collect, use, disclose the information in correspondence
- Letters of complaint an issue

Privacy Challenges for Condominiums

Correspondence (cont'd)

- If complaint letter requested – obtain writer's consent to disclosure or edit personal information of complainant and third parties
- Before imposing a fine, a unit owner must be given particulars of a complaint

Privacy Challenges for Condominiums

Access Requests

- S. 36 of *Strata Property Act*
 - Copies of documents the strata corporation must keep, including financial records, minutes, correspondence
- PIPA override
- Information Certificates – legislation specifies which information
- S. 44 *Condominium Property Act*

Privacy Challenges for Condominiums

Access Requests (cont'd)

- PIPA – s. 23 (BC), S. 24 (AB)
- Only the personal information of party making request
- May also edit information if solicitor client privileged, part of an investigation.

Privacy Challenges for Condominiums

Surveillance

- Video surveillance, key fobs
- Valid purpose?
- Less intrusive means?
- Balance safety and security against privacy
- Bylaw recommended
- Implied consent by posting notices

Privacy Challenges for Condominiums

Surveillance (cont'd)

Develop a Policy

- Purpose for monitoring system
- Storage of information
- Location of devices and how individuals advised
- How to respond to requests for personal information

Privacy Challenges for Condominiums

Further Information

Privacy Guidelines for Strata Corporations and
Strata Agents

www.oipbc.org

THANK YOU

These materials are necessarily of a general nature and do not take into consideration any specific matter, client or fact pattern.

Please direct inquiries or comments to:

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