

Creating a Strata Privacy Policy



A stack of colorful sticky notes (orange, pink, light pink, and lime green) is placed on a white desk. A yellow sticky note is on top, featuring the word "Welcome" in a black, cursive script. In the background, a white keyboard and a smartphone with a black screen are visible.

Welcome

What will we cover today?

- ✓ **Why** should you have a privacy policy?
- ✓ **When** should you have a privacy policy?
- ✓ **Who** should create it?
- ✓ **Where** is it kept?
- ✓ **How** to create it.
- ✓ **What** goes in it?
- ✓ **What** happens if you don't have one?

Compliance Department



“I’ll be honest ... there are books by James Joyce that are easier to follow than these bad boys.”

What does the
privacy legislation say?

The *Personal Information Protection Act* (PIPA) regulates the information and privacy practices of corporations, not-for-profits, charities, trade unions, credit unions, and other private sector organizations that collect, use, or disclose personal information.

PIPA is an Act about privacy in the private sector. PIPA describes how all private sector organizations must handle the personal information of its employees and the public (and your strata's owners) and creates common-sense rules about collecting, using and disclosing that personal information.

PIPA intends to balance two principles



- An individual's right to protect their personal information, and
- An organization's need to collect, use or disclose personal information for reasonable purposes.

PIPA “trumps” other Acts of British Columbia.

If a section of PIPA conflicts with another BC Act or Regulation, the section in PIPA must be followed unless the other Act states that PIPA does not apply.

What is a Privacy Policy?

A privacy policy is a set of internal standards, policies and procedures that ensure your strata collects, uses, discloses, stores and destroys personal information appropriately.

Why should you have a privacy policy?

- Strata corporations are required to develop and follow policies and practices necessary to meet their obligations under PIPA.
- Your strata is legally obligated to protect any personal information that you collect, use, or disclose.

When should you have a privacy policy?

The sooner the better!

The *Personal Information Protection Act* received Royal Assent on October 23, 2003.

Who should create your privacy policy?

- The strata's privacy policy should not be the work of one person.
- All council members should participate.
- You could strike a committee of interested owners to assist with the first draft.

Where is the
privacy policy kept?

- This important document should be kept with your other strata documents
- Post to your strata website or portal if you have one
- Post on a bulletin board
- Send a copy to all owners, tenants, and occupants

How often do you look at it?

- Privacy risks evolve over time.
- Conducting risk assessments, at least on an annual basis, is an important part of your privacy management program
- First council meeting of the new term?

How is it different with a strata manager?

- Even though the management company “keeps” the personal information, they do this as the agent of the strata corporation
- This means the strata corporation holds this personal information
- A sound privacy management program requires all members of an organization to be aware of, and be ready to act on privacy obligations.
- Your management company should have their own privacy policy and you can refer to this within your strata’s policy

How to create a privacy policy



Use the privacy policy template

Go to: visoa.bc.ca

> resources

> resource links

Scroll to the Privacy section

The Owners, Strata Plan _____

Personal Information Protection

Personal Information Protection Policy

Date, Year

At **Strata Plan _____**, we are committed to providing our owners and residents with lawful service. As providing this service involves the collection, use and disclosure of some personal information about our owners and residents, protecting their personal information is one of our highest priorities.

While we have always respected the privacy of our owners and residents and safeguarded their personal information, we have strengthened our commitment to protecting personal information as a result of British Columbia's *Personal Information Protection Act* (PIPA). PIPA, which came into effect on January 1, 2004, sets out the ground rules for how B.C. businesses and not-for-profit organizations may collect, use and disclose personal information.

What
goes in your strata
privacy policy?

In the privacy policy template:

1. Collecting Personal Information
2. Consent
3. Using and Disclosing Personal Information
4. Retaining Personal Information
5. Ensuring Accuracy of Personal Information
6. Securing Personal Information
7. Providing Access to Personal Information
8. Questions and Complaints

What **personal information** do you collect?

You collect more personal information
than you might think.

- ✓ Owner name, address, email address, employer, home and work telephone numbers, health information, emergency contact name and their contact information.
- ✓ Insurance details, vehicle information including plate number.
- ✓ You might also collect this information for other household members and tenants.

- ✓ Bank account numbers, credit card numbers, mortgage information.
- ✓ Debts owed to the strata corporation.
- ✓ If you have a fob system, you might be collecting data on entry/exit to building or amenity rooms.
- ✓ If you have cameras, you might be collecting data on occupant and visitor habits.

What contact information do you collect?

- Personal information does not include “contact information”, which is information that enables an individual to be contacted at a place of business.
- Contact information includes a person’s name, business address, business telephone number, business fax number and business email address.
- Although “contact information” is not considered “personal information” under *PIPA*, please protect it with the same diligence.

What does the *Strata Property Act*
require the strata to keep?

SPA S.35 says the strata needs to keep a list of:

- owners, with their strata lot addresses, mailing addresses if different, strata lot numbers as shown on the strata plan, parking stall and storage locker numbers, if any, and unit entitlements,
- names and addresses of mortgagees who have filed a Mortgagee's Request for Notification under section 60,
- names of tenants, and
- assignments of voting or other rights by landlords to tenants under sections 147 and 148

Who can request copies?

SPA s.36 says the strata must disclose the records identified in s.35, upon request, to:

- an owner,
- a tenant who, under section 147 or 148, has been assigned a landlord's right to inspect and obtain copies of records and documents, or
- a person authorized in writing by an owner or tenant (such as a realtor)

So when an owner asks for a list of owners, you can't say no. That is not protected by *PIPA* as it's required under another Act. (The *SPA*)

What SPA s.36 doesn't say:

- There is no authorization to provide email address or phone numbers to any other owner.
- If you have a list of all owners with email and/or phone, each person on that list must specifically authorize the strata to share that information.
- Which brings us to...

Consent

- If collection of someone's personal information is not required or obvious, you must obtain consent.

Examples: an opt-in form for sending Notices by email

- Owners can withhold consent but they need to be told how withholding consent may impact your ability to provide a specific service.

Example: an unsigned bylaw complaint letter might not be actioned by strata council

Why do you collect personal information?

- To verify identity
- To communicate with owners and residents
- To identify owner communication preferences
- To collect and process strata fee payments and other payments
- To deliver requested services

- To ensure the orderly management of the strata corporation
- To allow for the use of video surveillance to ensure the safety of owners, residents and guests
- To respond to emergencies
- To meet regulatory requirements

Where does council store
personal information?

Who has access to it?

How do you control access?

- Online storage – is it password protected?
- Council email accounts – who has access?
How often do you change passwords?
- Personal contact information – council and manager only?
- Banking information – treasurer or manager only?
- Have a policy that restricts access to personal information as appropriate (i.e., only those that need to know will have access)

How long do you keep personal information?

- The *SPA* regulation identifies how long you must keep the items identified in s.35-36:
- List of owners: current copy only
- Personal information collected in support of a bylaw infraction: one year past the date of the date of the council decision
- Correspondence to and from the strata: two years
- Bank statements and supporting documents: six years

How will you destroy personal information when no longer needed?

First, check the SPA document retention regulation to be sure you can.

Best practices for destroying information no longer needed?

Depends on how it's stored:

- Paper copies – shred them
- Electronic storage – delete and double delete

How will you deal with privacy breaches?



- ✓ Acknowledge
- ✓ Investigate
- ✓ Report
- ✓ Change procedures
- ✓ Amend privacy policy

Who is your privacy officer?

- Best practice: a council member – not a volunteer owner
- A volunteer would need access to records to safeguard them, is that a task you want a volunteer to do?
- Ideally the secretary

What if your strata doesn't have
a privacy policy?

- The OIPC is complaint-driven. They will not look for your privacy policy unless they are directed to your strata.
- If you don't have one, they will require you to have one.

- Should there be an investigation by a Privacy Commissioner's office regarding a complaint about a possible contravention of the law or an audit of your practices, an organization may be asked to show how it addresses the requirements of the applicable law.

What happens if OIPC investigates?



- The Privacy Officer needs to have the program fully documented in the event of such an occurrence.
- During an investigation or audit, OIPC expects that your strata can demonstrate that they have an up-to-date, comprehensive privacy program in place.

- Evidence of an effective privacy management program assists

Commissioners in determining whether or not the organization has reasonable safeguards in place, and has complied with the accountability requirements under applicable law.

- Organizations that do not meet that expectation will find themselves faced with additional work to establish or update such a program.

Final thoughts

- Creating your privacy policy does not need to be onerous but it's important.
- Follow the OIPC publications including a sample to guide you.
- You may not need it until you have a breach, but then it's too late.
- Be prepared!

Resources at visoa.bc.ca

- ✓ [Personal Information Protection Act \(PIPA\)](#)
- ✓ [Privacy Guidelines for Strata Corporations and Strata Agents](#)
- ✓ [PIPA and Strata Corporations: Frequently Asked Questions](#)
- ✓ [Privacy Policy Template for Stratas](#)
- ✓ [OIPC *PrivacyRight* Educational Webinars and materials](#)
- ✓ [Podcast: Strata privacy: rights, cameras and taking action](#)

Other resources:

- ✓ www.gov.bc.ca/strata
- ✓ www.oipc.bc.ca

(Tip: search for keyword: strata)



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