

CONDO CONCEPTS

By Maria Bartolotti



GETTING PERSONAL

Rules govern collection and use of condo owners' personal information

According to PIPA (Personal Information Protection Act) a Condominium Corporation can collect and use personal information for purposes that are 'reasonable'. Otherwise, the Corporation will need the individual's consent to collect and use their personal information.

However, PIPA does allow for exceptions to consent. In particular, if the Condominium Property Act authorizes or requires the collection and use of personal information, consent is not required. For example, name, address, phone number and email address would not require the consent of an owner as long as it is being used for the operation of the Condominium Corporation.

In order for an owner's personal information to be released to a third party, the Corporation must obtain written permission from the owner before it can do so. In certain circumstances, however, such as collecting on a bad debt, a disclosure statement or legal requirements, it may not be necessary to seek the permission of the owner.

At a properly convened condo board meeting or AGM, the secretary typically records the meeting to help with the drafting of the minutes. Board members or owners who participate in discussions are considered to have given consent to have their personal information disclosed. Further, at an AGM the corporation can collect personal information to establish quorum, record motions and to show that votes were properly conducted.

In meetings, if there is a general discussion being held about a particular agenda item, it is best to provide the specifics of the discussion without implicating the owner directly. In this case, I would recommend the board not release personal information of the unit owner and never disclose items that have no relevance to the discussion.

Section 44 of the Condominium Property Act allows an owner to request a copy of the minutes of the general meeting. Names and personal informa-

tion that has been recorded at the general meeting does not need to be deleted from the minutes as long as it is relevant to the carrying out of the Condominium Corporation's duties and powers under the Act.

The Act is clear that an owner cannot review documents related to insurance claims or ongoing litigation matters, or review other unit owners' files. Also, in circumstances where an owner complained about another individual, for whatever reason, that individual is not privy to who complained about them.

The bottom line: know your facts about the collection of personal information — and remember, only record information that is necessary for the business of the Corporation. PIPA is a great resource for corporations, owners and management companies who want to learn more.

Until next time ... **CL**



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