

**Headline: Privacy issues relating to audio or video surveillance and access control and monitoring systems**

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The recording of voices, the capture of images of people entering a strata corporation building or the capture of owners' movements through a strata corporation building may result in the collection of personal information about an identifiable individual within the meaning of PIPA. Any audio or video surveillance systems or access control and monitoring systems, such as a key fob system, in strata corporation buildings must comply with PIPA. Key fob systems monitor the access by owners to the common areas throughout the strata corporation building. This section sets out some considerations for strata corporations in relation to surveillance and/or access control systems.

Strata owners, tenants and guests have the right to feel and be secure in their daily lives, but they also have the right to be free from excessive and unwarranted intrusion. PIPA does not prohibit the use of video surveillance by strata corporations, but because of their inherent intrusiveness, video surveillance systems should only be used after other less privacy-intrusive measures have failed to address a serious problem. Before installing video equipment or activating a surveillance system that was installed by the original developer, the strata corporation should be prepared to justify the use of a surveillance system on the basis of verifiable, specific concerns about the personal safety of people living in a strata corporation or in order to protect personal and common property that other measures have failed to address.

The access control system should only monitor access to public parts of the strata corporation property and be required for the security of the owners. If the identities of the owners or tenants can be anonymized, such as issuing the same key fob to everyone on the same floor, then the system may be less potentially invasive to the privacy of individuals living the strata corporation while providing a secure method of accessing the building.

Before installing or operating either a video surveillance or an access control system, the strata corporation should pass a bylaw authorizing its installation and operation. In the alternative, if the strata corporation does not have such a properly passed and registered bylaw, then it should ensure that all owners consent to its use. Regardless of whether or not a bylaw has been properly registered or all the owners consent, a strata corporation should have a comprehensive written privacy policy in place that governs the use of such systems and the personal information they collect.

The recording of voices also relates to the strata corporation having the authority to tape (audio) or record actively (cctv) at council meetings or general meetings. The bylaw grants the strata corporation the authority it requires to conduct surveillance while at the same time provide proper disclosure to the owners, tenants, residents and guests that the strata corporation is permitted to record the proceedings, and how the recording will be accessed, stored, disposed, and the intent of the recordings. Remember, considering observers may characteristically not be present at hardship hearings, bylaw enforcement hearings or other matters that require privacy, recordings would be prohibited during those periods.