

Condominium Home Owners' Association

Serving BC's Strata Property Owners since 1976

Bulletin: 300-324

Condo Smarts

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Written by: Tony Gioventu

Dear Condo Smarts: Our owners have just found out the council has overspent our annual budget on frivolous items by 30%, and we petitioned for an SGM to remove our strata council, but the property manager and council refuse to call the meeting, and refuse to give us the list of owners and alternate mailing addresses. The Strata Act says they must keep these records, and they have to provide them on written request, but the property manager said the Privacy Act over rules and they don't have to give them to us. We have many absentee owners so, so issuing proper notice to the proper addresses is critical. So, does the Privacy Act over rule the Strata Act? GL Grenier, Coquitlam

Dear Ms. Grenier: The BC Personal Information Protection Act (PIPA) does not over ride the operational requirements of the Strata Property Act, to the extent that Personal Information of the owners, tenants and occupants that is collected by the strata is not compromised. That does not include the prescribed section of the Act regarding the mailing obligations for notice of meetings. PIPA is very important however in how it relates to the collection of personal information. That may include phone numbers, banking or credit card information, emergency contact information and strata lot insurance particulars, but it does not

apply to contact information. PIPA gives owners and tenants some control over their personal information by imposing rules around the collection, use and disclosure information. Consent to collect personal information may be implied. For example, a person pays a strata fee by cheque. They have by providing the cheque consented to the collection of that information, but not the disclosure of that information beyond the strata requirements. Consent may also be specific. A person may consent in writing to a strata corporation collecting emergency contact information, or personal health information that may be valuable. Another example of the collection of personal information may be an owner who has made an application for an exemption from rental bylaws under the basis of hardship. That may require the provision of personal financial or related information necessary to verify the hardship. Under PIPA, if the strata uses an individual's personal information to make a decision, it must keep that information for at least one year after the date of that decision. Jim Burrows from the office of the Privacy Commissioner will be the guest lunch speaker at the CHOA Annual Strata Conference on April 18, in Coquitlam. To register go to www.choa.bc.ca.

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