

**Condo Smarts**

Headline: Is council email confidential?

Topic: Strata Council emails

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**Dear Tony:** Our strata council routinely uses email to make decisions and share information with each other and with owners. Our strata is relatively new, and our owners have all signed up for email notice of minutes and general information. Council was asked to provide permission to make an alteration to a doorway into a suite to accommodate a person with a disability. The strata council reviewed the request and then sent an email to all of the owners requesting their input in a kind of survey. The owner who made the application also received a copy of this email and has sent a notice to the council that she is furious about the breach of confidentiality as several owners have contacted her and asked for personal information. We now have a storm of emails between all of our owners over whether this is a permitted alteration, but more important challenging why we are distributing personal information by email. How could we have handled this better?

*A concerned Victoria council member.*

**Dear Councils and Managers:** Email has become one of our most common forms of communication in society and it is a natural method of communication for council members with their property managers, as many council members do not live on site, or in many cases, even within the city of their property. The upside of email is the convenience. Provided the users clearly understand the limitations and basic protocol of communicating on line, email is a rapid, effective method of distributing information to owners. We must exercise caution however with the content and the purpose of the email. Strata corporations should never include personal information in an email, especially matters that relate to bylaw enforcement or application. Email is

correspondence of the strata corporation and subject to access requests under section 35 of the Strata Property Act and may also be admissible as evidence in a court, arbitration or human rights hearing. The request to alter the doorway was a common property alteration and a bylaw matter. If observers are not permitted at bylaw hearings or matters relating to bylaws and personal information, then why would it be acceptable to discuss the bylaw request on line, or with the ownership collectively? If for some reason the strata could not grant permission to the owner because this may have been a significant change in use or appearance of the property and required a three quarters vote of the owners at a general meeting, the council should have replied directly to the owner in this respect and requested instructions. It is very helpful for strata corporations to develop e-mail procedures in their bylaws if they intend on making decisions by email. The procedures can address: the type of information that may be distributed by email, who is on the distribution list, who is a recipient of official emails to the strata, for example "[EmeraldGardens1234@gmail.com](mailto:EmeraldGardens1234@gmail.com)", who has access to the emails, how the records are maintained, and what type of authority council have to make decisions by email and how they are reported to the owners. Whatever you intend, once you hit send, your information is beyond your control. Always question the repercussions of any email before you send.

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