

Privacy Legislation for Strata Corporations & Property Managers

by

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On January 1, 2004, the Provincial government brought the *Personal Information Protection Act* [SBC 2003] Chapter 63 (PIPA) into force for all organizations in British Columbia, including strata corporations and their property managers (“Stratas”). This article covers highlights of PIPA and the basic steps Stratas must take to ensure that they are in compliance with this important new legislation. A complete review of the obligations imposed on Stratas under PIPA is beyond the scope of this article and Stratas are urged to review their PIPA requirements with their legal counsel.

PIPA is designed to protect the privacy of personal information collected, used and disclosed by the private sector. This includes information routinely collected by Stratas about owners, tenants, and employees. Under PIPA, “personal information” means information about an identifiable individual. Examples of personal information include a person’s:

- name, home address and phone number;
- medical information;
- income, mortgage obligations and credit rating;
- marital status;
- education; and
- employment information.

But personal information does not include the name, job title, business address, telephone number or other contact information of an individual at a place of business.

Under PIPA, Stratas are required to tell people when they are collecting personal information, why they are collecting it, who will have access to it, and with whom it will be shared. If the reason information is being requested is obvious, there is no need to explain why it is being collected. However, personal information may be used only for the purposes for which it is collected and it must be stored in a secure place. It must be destroyed once it is no longer needed. As a helpful precaution, Stratas should have owners sign a consent form allowing for the collection and use of the individual’s personal information.

Stratas must, if requested in writing, allow individuals to see any of their personal information the strata corporation possesses. These requests must be responded to within 30 days. The individual has a right to know what the information has been and will be used for, who has access, and with whom the information has been shared. Any errors in the information must be corrected.

Stratas will need to appoint at least one person to act as the Personal Information Privacy Officer (PIP) who will be responsible for ensuring compliance with PIPA. This person could be a member of strata council, or the property manager. Property managers may want to review their service agreements with strata corporations if they are to bear this new responsibility.

Stratas will also need to develop and adopt a privacy policy and a procedure for handling complaints. Stratas should review their current practices for collecting, using, storing and sharing personal information and make any changes necessary to comply with PIPA. As well, Stratas should educate owners and staff about their responsibilities for protecting personal information.

If Stratas disclose an owner's personal information to a third party, they should do so with extreme caution. Stratas that discloses personal information without an employee's written consent, even if the request for information is *bona fide*, does so at its own risk under PIPA. A more prudent course of action would be to obtain the written consent of the owner each time a third party request is made, and before the owner's personal information is disclosed. Offences under PIPA are punishable by a fine of up to \$10,000 for individuals, or up to \$100,000 for businesses and other organizations.

Further information about PIPA is available from the BC Information and Privacy Commissioner (<http://www.oipc.bc.ca>); and the BC Freedom of Information and Privacy Association (<http://www.fipa.bc.ca>).