

# **The Owners, Strata Plan LMS 4456 (One Wall Centre)**

## **Personal Information Protection Policy**

### **Introduction**

The provision of strata management services entails the collection, use and disclosure of some personal information about our owners, residents and tenants.

British Columbia's *Personal Information Protection Act* (PIPA), which came into effect on January 1, 2004, sets out the ground rules for how Strata Corporations may collect, use and disclose personal information.

This policy, in compliance with PIPA, outlines the principles and practices LMS 4456 will follow in protecting the personal information of owners, residents and tenants.

### **Scope of this Policy**

This policy applies to Strata Corporation LMS 4456.

### **Definitions**

1. "Personal Information" means information about an identifiable individual. For example:
  - (1) the name, home address, home phone number and/or cell phone number of owners, residents and tenants;
  - (2) email addresses;
  - (3) banking information, in the case of owners, for payment of strata fees;
  - (4) video images and recordings obtained during the use and operation of the video camera system installed or to be installed in the building by the Strata Corporation in the following locations with signage noting the operation, monitoring and recording operational 24 hours a day, 7 days a week. The locations of the video camera systems include the following:
    - a. elevator interiors;
    - b. Level LL concierge lobby, facing the elevators;
    - c. Level P1 facing the Strata Corporation's two elevators and the door leading to the housekeeping area;
    - d. Level P4 lobby, facing the elevator doors;
    - e. Level P4 next to parking spaces 247 & 248 in front of the parking gate facing the automatic P4 lobby doors;

- f. Level P4 between parking spaces 294 & 295 facing the automatic P4 lobby doors;
  - g. Level P4 above stall 321 and next to a stairwell door;
  - h. Level P5 at the entry into P5 opposite parking spaces 346 & 347 facing the P5 automatic lobby doors; and
  - i. Level P5 lobby in the Corner facing both the elevators.
- (5) information and data recorded and collected during the use and operation of the Strata Corporation's key FOB access system installed in the building that monitors access to and from the common areas of the building 24 hours a day, 7 days a week.
2. Personal information does not include contact information (i.e. information that would enable an individual to be contacted at a place of business, including name, position name or title, business telephone number, business address, business email or business fax number). Contact information is not covered by this policy or PIPA.
  3. "Privacy Officer" means the person or persons (may be more than one) designated who are responsible for ensuring that Strata Corporation LMS 4456 complies with this policy and PIPA.
  4. "We" means the Strata Corporation LMS 4456.

## **Section 1 – Collecting Personal Information**

- 1.1 Unless the purposes for collecting personal information are obvious and the owner, resident and/or tenant voluntarily provides his or her personal information for those purposes, subject to the exceptions set out in 2.5 of this policy, we will communicate the purposes for which personal information is being collected, either orally or in writing, before or at the time of collection.
- 1.2 We will only collect owners', residents' and tenants' information that is necessary to fulfill the following purposes:
  - to verify identity
  - to collect emergency contact information
  - to collect an owner's/tenant's insurance particulars
  - to identify the names of persons residing in or otherwise occupying the strata lot
  - vehicle license numbers
  - to register owner's/resident's/tenant's pets

- to send out Strata Corporation information such as accounts, meeting notices, and minutes
- to meet legal and regulatory requirements
- to investigate bylaw and rule infractions upon receiving a complaint
- to protect the security of the common property and common assets of the Strata Corporation

- 1.3 The owners, residents and tenants may contact the Privacy Officer to answer their questions about the collection of personal information. The Privacy Officer's contact information is published in the strata council minutes from time to time.

## Section 2 – Consent

- 2.1 We will obtain owners', residents' and tenants' consent to collect, use or disclose personal information (except where, as noted below, we are authorized to do so without consent).
- 2.2 Consent can be provided either orally, in writing, electronically or through an authorized representative or it can be implied where the purpose for collecting, using or disclosing the personal information would be considered obvious and the owners, residents and tenants voluntarily provide personal information for that purpose.
- 2.3 Consent may also be implied where an owner, resident and/or tenant is given notice and a reasonable opportunity to opt out of consenting to the collection, use or disclosure his/her personal information and the owner, resident and/or tenant does not opt out.
- 2.4 Subject to certain exceptions (e.g. the personal information is necessary to provide the service or product or the withdrawal of consent would frustrate the performance of a legal obligation), owners, residents and tenants can withhold or withdraw their consent for Strata Corporation LMS 4456 to use their personal information in certain ways. An owner's, resident's and/or tenant's decision to withhold or withdraw their consent to certain uses of personal information may restrict our ability to provide a particular service or product. If so, we will explain the situation to assist the owner, resident and tenant in making the decision.
- 2.5 We may collect, use or disclose personal information without the owner's, resident's and/or tenant's knowledge or consent in the following limited circumstances:
- when the collection, use or disclosure of personal information is permitted or required by law
  - in an emergency that threatens an individual's life, health, or personal security
  - when the personal information is available from a public source (e.g. a telephone directory)

- when we require legal advice from a lawyer
- to update banking or financial records
- for the purposes of collecting a debt
- to protect ourselves from fraud
- to investigate an anticipated breach of an agreement or a contravention of law, or
- to substantiate a complaint of a bylaw or rule infraction

### **Section 3 – Using and Disclosing Personal Information**

3.1 Personal information recorded and collected will not be disclosed to any person, other than the Strata Corporation's strata agent, the strata council, employees of the Strata Corporation including the concierge, the building caretaker, and security staff, the Strata Corporation's Privacy Officer, the Strata Corporation's legal counsel, law enforcement personnel and emergency workers. We will only use or disclose owners', residents' and tenants' personal information where necessary to fulfill the purposes identified at the time of collection or for a purpose reasonably related to those purposes such as:

- to conduct owner and occupant surveys in order to enhance the provision of our services
- to contact our owners, residents and tenants directly about matters that may be of interest
- when required or authorized by law to do so
- when disclosure is consented to in writing by an owner, resident or tenant
- to update banking or financial records
- during the course of a criminal investigation involving vandalism to or theft of common property or common assets of the Strata Corporation, vandalism to or theft of personal belongings of owners, residents, tenants, visitors and invitees, or to the physical assault of an owner, resident, tenant, visitor or invitee
- to investigate security breaches of the premises
- to investigate possible employee misconduct
- to investigate possible illegal activity
- to investigate accidents on the premises

- to investigate complaints of bylaw and rule infractions, or
  - during an emergency situation when requested in writing by the appropriate authority
- 3.2 We will not use or disclose owners', residents' and tenants' personal information for any additional purpose unless we obtain consent to do so.
- 3.3 We will not sell owners', residents' and tenants' lists or personal information to other parties.

#### **Section 4 – Retaining Personal Information**

- 4.1 If we use owners', residents' and tenants' personal information to make a decision that directly affects the owners, residents and tenants, we will retain that personal information for at least one year so that the owner, resident and tenant has a reasonable opportunity to request access to it.
- 4.2 Subject to policy 4.1, we will retain the owners', residents' and tenants' personal information only as long as necessary to fulfill the identified purposes or a legal or business purpose.
- 4.3 Personal information collected from the use and operation of the video camera system is recorded for a variable period of time depending on the hard-drive capacity of the system, at which time the system records over previous video and the previous video is lost. Copies of recordings that have not been overwritten may be captured by DVD or CD and used according to this privacy policy.
- 4.4 Personal information collected from the use and operation of the key FOB access control system will be retained by way of electronic data storage for approximately 12 months on the Strata Corporation's computer data storage system at which time the personal information recorded and collected will be recorded over. Reports can be printed of the activity of any particular key FOB and used according to this privacy policy.
- 4.5 The Strata Corporation's strata agent, the building caretaker, elected members of the strata council during the course of exercising their powers and performing the duties of the Strata Corporation, the Strata Corporation's Privacy Officer, the Strata Corporation's legal counsel and law enforcement personnel upon a written request are authorized to view the personal information recorded and collected in this manner.

#### **Section 5 – Maintaining Accuracy of Personal Information**

- 5.1 We will make reasonable efforts to ensure that owners', residents' and tenants' personal information is accurate and complete where it may be used to make a decision about the owner, resident and tenant or disclosed to another organization.

5.2 Owners, residents and tenants may request correction to their personal information in order to ensure its accuracy and completeness. A request to correct personal information must be made in writing and provide sufficient detail to identify the personal information and the correction being sought. A request to correct personal information should be forwarded to the Privacy Officer or to the Strata Corporation's managing agent.

5.3 If the personal information is demonstrated to be inaccurate or incomplete, we will correct the information as required and send the corrected information to any organization to which we disclosed the personal information in the previous year. If the correction is not made, we will note the owner's, resident's and tenant's correction request in the file.

## **Section 6 – Securing Personal Information**

6.1 The following security measures will be followed to ensure that owners', residents' and tenants' personal information is appropriately protected:

- the use of locked filing cabinets, where deemed appropriate by the Privacy Officer
- restricting access to places where owners', residents' and tenants' personal information is kept
- using password protection to computers where owners', residents' and tenants' personal information is kept
- using sign-in measures and password protection where the Privacy Officer may sign in remotely to view the images on the video camera system
- restricting employee access to owners', residents' and tenants' personal information as appropriate as deemed by the Privacy Officer on a need-to-know basis
- restricting access to keys to the locked rooms, filing cabinets and safes where owners', residents' and tenants' personal information may be kept as deemed necessary by the Privacy Officer
- requiring any service providers to provide comparable security measures and to provide evidence of such if requested by the Strata Corporation or its agent, and/or
- changing keys, access codes, sign-in measures and other security measures when there is a change of the Strata Corporation's agent or building caretaker.

**Please note** that the Strata Corporation does not use encrypted emails and that the Strata Corporation cannot guarantee the privacy of information sent or received by email.

6.2 We will use commercially reasonable security measures when destroying owners', residents' and tenants' personal information such as:

- using a document shredder
- deleting electronically stored information, and/or
- destroying or deleting information captured on a CD or DVD recording made of the video camera system

6.3 We will periodically review and update our security policies and controls as technology changes to improve ongoing personal information security.

### **Section 7 – Providing Owners, Residents and Tenants Access to Personal Information**

7.1 Owners, residents and tenants have a right to access their personal information, subject to limited exceptions:

- where the information is protected from disclosure by solicitor-client privilege
- where disclosure would reveal personal information about another individual
- where the disclosure would reveal the identity of an individual who has provided personal information about another individual and the individual providing the personal information does not consent to disclosure of his or her identity
- where the disclosure of the information would reveal confidential commercial information that, if disclosed, could, in the opinion of a reasonable person, harm the competitive position of the organization
- where the information was collected or created by a mediator or arbitrator in the conduct of a mediation or arbitration for which he or she was appointed to act (i) under a collective agreement; (ii) under an enactment; or (iii) by a court, and/or
- where the information is in a document that is subject to a solicitor's lien

7.2 A request to access personal information must be made in writing and we will require verification of the applicant's identity. The applicant must provide sufficient detail to identify the personal information being sought. Requests for access to view a specific individual's personal information, including access to view those portions of the video camera system or key FOB access control system that contain personal information for the individual requesting access, must be made in writing and delivered to the Strata Corporation's strata agent and the Privacy Officer.

- 7.3 Upon request, we will also tell owners, residents and tenants how we use their personal information and to whom it has been disclosed, if applicable.
- 7.4 We will make the requested information available within 90 business days, or provide written notice of an extension where additional time is required to fulfill the request. Information requested under section 35 of the *Strata Property Act* will be made available in accordance with the requirements of the *Strata Property Act*.
- 7.5 A reasonable fee may be charged for providing access to personal information. Where a fee may apply, we will inform the owner, resident or tenant of the cost and request further direction from the owner, resident and tenant on whether or not we should proceed with the request.
- 7.6 If a request is refused in full or in part, we will notify the owner, resident or tenant in writing, providing the reasons for refusal and the recourse available to the owner, resident or tenant.

## **Section 8 – Questions and Complaints: The Role of the Privacy Officer**

- 8.1 The Privacy Officer and the Strata Corporation's agent, Ascent Real Estate Management, are responsible for ensuring the Strata Corporation's compliance with this policy and the *Personal Information Protection Act*.
- 8.2 Owners, residents and tenants should direct any complaints, concerns or questions regarding the Strata Corporation's compliance in writing to the Privacy Officer and to Ascent Real Estate Management Corp. If the Privacy Officer is unable to resolve the concern, the owner, resident or tenant may also write to the Information and Privacy Commissioner of British Columbia.

Contact information for the Privacy Officer is available from the Strata Corporation's managing agent:

Ken Dahl  
c/o Ascent Real Estate Management  
2176 Willington Avenue  
Burnaby, B.C.V5C 5Z9

Tel: 604-293-2431  
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