Carleton Condominium Corporation No. 145

**POLICY STATEMENT – PRIVACY**

Carleton Condominium Corporation No. 145 (“CCC145”) recognizes the need to protect Personal Information in the course of collection, use,

or disclosure of the said Personal Information, in accordance with:

1) The *Condominium Act, 1998* (**the “Act”**); and

2) The laws of the Province of Ontario regarding the protection of Personal Information.

The purpose of this policy, consistent with the Act and the laws of the

Province of Ontario regarding the protection of Personal Information, is to balance the collection, use, and disclosure of Personal Information in a manner that recognizes the requirement to protect the privacy rights of owners and residents with the need to ensure a safe and secure environment for owners and residents and the secure maintenance of common areas.

CCC145 was incorporated pursuant to the Act and is charged with the obligation of managing the property and the assets of the corporation on behalf of the owners. CCC145 does not “carry on business” as per the Personal Information Protection and Electronic Documents Act (PIPEDA) for commercial purposes and has only the foregoing specific objects.

In managing the property and assets of the corporation, CCC145 may, from time to time, hire other professionals, such as lawyers and accountants, in addition to property management, who may require access to the documents and records of CCC 145. These professionals are required to adhere to the privacy legislation of Ontario as well as the legislation governing their professions and will be required and expected by CCC145 to uphold the privacy of all residents and owners as required by such legislation.

**DEFINITIONS:**

i. **“Personal Information”** means information about a unit owner that has been

provided by the unit owner or its representative, including Medical Information

and/or estate information, about a unit owner. Personal Information may include

name, age, unit number, parking number, email address, phone numbers, and/or

emergency contact information.

ii. **“Medical Information”** means information pertaining to the health of a unit

owner and providing the unit owner/its representatives with estate information:

information about a unit owner’s living and testamentary intention regarding

property and/or personal care.

iii. **“Information”** shall mean any and all forms of Information however stored about an identifiable individual including Personal Information and or other types of Information obtained by way of written notice by the owner, the public domain,

and/or Security Camera System.

iv. **“Security Camera System”** shall mean the electronic, digital or wireless

surveillance system and devices that enables continuous or periodic video

recording, observing or monitoring of CCC145’s common elements.

v. **“Storage Device”** refers to a videotape, computer disk or drive, CD ROM,

computer chip or other device used to store the Personal Information, recorded

data or visual, audio or other images captured by the Security Camera System.

vi. **“Privacy Officer”** refers to an individual or organization which shall be

responsible for managing and protecting the Personal Information and Security

Camera System obtained and/or utilized by CCC145.

vii. **“Property Manager”** refers to the individual or organization with which CCC

145 has contracted for the purpose of providing property management services at

CCC 145 as more fully outlined in the contract for services entered into between

the said individual or organization and CCC145.

**PRIVACY OFFICER**

The Board of CCC 145 hereby assigns the Property Manager to act as the Privacy Officer for the Corporation. The Privacy Officer may designate an individual to act on his/her behalf, who has signed an oath of confidentiality and has received the necessary training on how to treat personal information. The Property Manager, in his/her capacity as Privacy Officer, shall determine the sufficiency of such training and be responsible for ensuring the adequacy of same.

Subject to the disclosure requirements of Section 55 of the ***Act***and ***Protecting Condominium Owners Act 2015***, and under the direction of its Privacy Officer, CCC 145 shall:

1. Collect Personal Information from unit owners and residents only as is

necessary to manage the affairs of the condominium corporation.

2. Not disclose the Personal Information of any unit owner or resident that is

collected except as may be required by any Court, Arbitrator, or Administrative

Tribunal or as may be consented to by the unit owner or resident involved; and

3. All Information that is already made public through telephone, other public directories, or social media shall not be part of this Privacy Policy as it is already part of the “public domain”. For greater clarity, CCC145 and the Privacy Officer are not obligated to obtain consent for the use, disclosure, or collection of Personal Information in its possession for the purposes of fulfilling CCC145’s obligations under the **Act** or in respect of Information in the public domain. Further, CCC145 has implied consent to use, disclose, and collect Information for the purposes of fulfilling the obligations and duties of CCC145 on the basis that every owner, occupant, mortgagee, tenant, lessee, or licensor, related directly or indirectly to CCC145, are bound to comply with the Act.

**VIDEO SURVEILLANCE**

The Board is cognizant of the privacy provisions of Ontario’s *Freedom of* *Information and Protection of Privacy Act* (**FIPPA**) and *Municipal Freedom of* *Information and Protection of Privacy Act* (**MFIPPA**). The following guidelines have been developed by the Office of the Privacy Commission of Canada’s *Guidelines for Overt Video Surveillance*:

• Individuals have the right to know who is watching them and why, what

information is being captured and where, and what is being done with the

recorded images.

• Clear and understandable notice should be posted indicating where video

surveillance is undertaken.

• Information collected through video surveillance should only be used for the

purpose that surveillance is being undertaken, or for purposes that are permitted

by law.

• Cameras will not be aimed at areas of where people have a heightened

expectation of privacy for example washrooms, windows, unit door entrances.

• Sound will not be recorded unless there is a specific need to do so.

• The recorded data is stored in a secure location and access is granted to a limited

number of individuals. The program does self-storage and self-selection. Every

two weeks, data that is two weeks old is automatically erased and recorded over.

This is on a continuous basis. Individual data may be saved and recorded to a

DVD disc when an incident is reported but it would have to occur within the two

week window offered by the program.

The Security Camera System, comprising of closed circuit cameras, forms an integral part of the overall security system. This also includes locks, doors closers, key FOBs, and garage door remotes. At the same time, the need to conduct video surveillance must be balanced with the owners’ and residents’ right to privacy and the right to lead their lives free from scrutiny. The Security Camera System has been installed on the common elements to detect vandalism and other malicious acts. With these guidelines in mind, CCC145 undertakes the following:

1. Video surveillance will be used in public areas affecting the security of residents

and common areas where potential acts of vandalism may occur. The Board shall have unlimited discretion in determining which areas require video surveillance and shall make such determinations by resolution of the Board.

2. Except in circumstances outlined in paragraph 3 below, signs in all areas where video surveillance is used will be posted.

3. No cameras shall be pointed at what are considered the private and

personal space of residents, such as their front doors, unless it is determined by

the Privacy Officer that such surveillance is necessary and the consent of the

affected owner or resident, in writing, is obtained by the Privacy Officer. The

Board shall have unlimited discretion in determining which areas constitute the

private and personal space of residents and shall make such determinations by

resolution of the Board.

4) Information captured by the Security Camera System shall be stored in the

Storage Device for two weeks, and upon the expiry of two weeks – without a

request to preserve the said Information received within two weeks of the

Information being captured – all Information shall be automatically erased and/or

recorded over by the Security Camera System. In special circumstances, and where a request to preserve the said Information is received and approved of by the Board within the two weeks of the Information being captured, the Information may be retained longer than two weeks. This shall be done if it is necessary to examine, review, or report an incident that occurred in the space under surveillance. Once erased, the Information can no longer be reconstructed or retrieved. The Board shall have discretion in determining whether to retain the Information captured by the Security Camera System beyond the two-week period and shall make such determinations by resolution of the Board.

5. The Privacy Officer will be responsible for the safe storage and any access to

recorded Information.

6. The Privacy Officer will be the only person to review the recorded Information unless an issue warrants further viewing by the Board and/or law enforcement officials and/or agents of CCC145.

7. The Information captured by the Security Camera System will not be accessed on a daily/weekly basis unless there is a complaint/incident brought forward that would necessitate a review of the data. It is reasonable to expect that the footage not be viewed unless there is a legitimate reason to expect that there has been a specific threat of unauthorized entry, threat to personal safety, or damage to property for which there would likely be relevant footage stored on the

Storage Device.

8. A random testing of the Security Camera System may be required and undertaken by the Privacy Officer, or a person designated by him/her, in order to ensure proper functioning of the equipment and further safeguarding the security of owners and residents.

**COVERT SURVEILLANCE**

These guidelines do not apply to covert surveillance, or surveillance when used as a case-specific investigation tool for law enforcement purposes where there is a statutory authority and/or the authority of a search warrant to conduct such surveillance.

APPROVED BY THE CCC145 BOARD OF DIRECTORS ON AUGUST 9, 2019