THE OWNERS, STRATA PLAN EPS 2247, also known as

"Capstone"

STRATA CORPORATION PRIVACY POLICY

The *Personal Information Protection Act* of British Columbia (PIPA) requires strata corporations to have a privacy officer and to develop and follow policies and practices necessary to meet their obligations under PIPA. The Office of the Information Privacy Commissioner (OIPC), in its Privacy Guidelines for strata corporations, has required strata corporations to create and follow a privacy policy. This document is the Privacy Policy of "Capstone" EPS 2247 (the "Strata Corporation").

This Privacy Policy will address the following, among other things:

1. Purposes for Collection, Use or Disclosure of Personal Information
2. Description of Personal Information Collected
3. Collection of Personal Information
4. Consent and Withdrawal of Consent
5. Use and Disclosure of Personal Information
6. Retention of Personal Information
7. Personal Information of Employees and Independent Contractors
8. Security of Personal Information
9. Correction of Personal Information
10. Provision of Access to Personal Information
11. Role of the Privacy Officer

PIPA provides rules about collecting, using and disclosing personal information while at all times trying to provide the appropriate balance between two essential principles:

(a) The right of an individual (owner, tenant, occupant) to the protection of his or her personal information; and

(b) The need of an organization (strata corporation) to collect, use and disclose information for reasonable statutory purposes, subject to statutory requirements.

DEFINITIONS

"Personal Information" – PIPA defines personal information as information about an "identifiable individual" and includes things such as name, age, weight, height, home address, home phone number, race, ethnic origin, sexual orientation, medical information, marital status, religion, finances, education and employment, as well as factual accounts or opinions about that individual. For example, one owner's opinion of another owner would be the personal information of the person being described.

Some of the common types of personal information that strata corporations manage include:

- name, address and phone number
- banking or credit card information
- emergency contact information
- owner/tenant's insurance particulars
- names of family members living with an owner or occupying the strata lot
- debts owed to the strata corporation by an owner
- vehicle license numbers

"Contact Information" - Personal information does not include "contact information", which is information that enables an individual to be contacted at a place of business. Contact information includes a person's name, business address, business telephone number, business fax number and business email address.

"Employee Personal Information" - personal information about an individual that is collected, used or disclosed solely for the purposes reasonably required to establish, manage, or terminate an employment relationship between the organization and that individual, but does not include personal information that is not about an individual's employment.

Employee personal information is a distinct category of personal information. PIPA has special rules for the collection, use and disclosure of the personal information of employees. An employee is someone employed by the strata corporation (it includes a volunteer not being paid for performing services for the organization but does not include an independent contractor). A strata council member, who is a volunteer, would still be considered an "employee" of the strata corporation under PIPA.

"Express Consent" - means that the individual specifically consents either orally or in writing to the strata corporation collecting, using or disclosing his or her personal information for specified purposes. For example, a strata corporation might obtain express consent from an owner or tenant to collect personal information to allow the strata corporation to automatically deduct monthly strata fees from a bank account.

"Implied Consent" - is considered to be given when an individual, knowing the purpose for the collection of his or her personal information, voluntarily gives the information to the strata corporation. For example, owners or tenants who sign a volunteer sheet for yard clean-up have provided implied consent to be contacted by the strata corporation for that purpose. It is not necessary for words of consent to be used.

A. COLLECTION OF PERSONAL INFORMATION

1. PIPA requires that the Strata Corporation must not collect personal information unless:

   (a) the owner, tenant or occupant gives consent to the collection;

   (b) PIPA authorizes the collection without the consent of the owner, tenant or occupant; or

   (c) PIPA deems the collection to be consented to by the owner, tenant or occupant.

2. The Strata Corporation will only collect the minimum amount of personal information that is reasonable for the Strata Corporation to fulfill its obligations under the *Strata Property Act* (SPA) and other relevant legislation.

3. The purposes for which personal information is collected by the Strata Corporation may include:

   (a) identifying and communicating with each strata unit owner, tenant and/or occupant;

   (b) processing strata fee and special levy payments;

   (c) responding to emergencies;

   (d) investigating complaints with respect to bylaw and rule contraventions;

   (e) ensuring the orderly management of the Strata Corporation;

   (f) complying with statutory and regulation requirements; and

   (g) (if applicable) allowing for the use of video surveillance to ensure the safety of owners, tenants and guests to the strata corporation property.

4. The Strata Corporation will make reasonable efforts to restrict the collection of personal information to:

   (a) names, addresses and phone numbers;

   (b) banking or credit card information;

(c) emergency contact information;

(d) vehicle description/license plates;

(e) pet information; and

(f) names of family members living with an owner or occupying the strata lot.

5. The Strata Corporation will not collect, use or disclose personal information except for the identified purposes unless it has received further consent from the individual, or as permitted or required under PIPA or SPA.

B. CONSENT AND WITHDRAWAL OF CONSENT

1. The Strata Corporation will get individuals' consents to collect, use or disclose their personal information, except where the Strata Corporation is legally authorized or required by law to do so without consent.

With Consent:

2. The Strata Corporation may obtain express consent from an owner or tenant to collect personal information to allow the Strata Corporation to automatically deduct monthly strata fees from a bank account. Individuals are considered to have given implied consent when the purpose for collection, use or disclosure of personal information would be considered obvious and the individual voluntarily provides personal information for that obvious purpose.

3. Some individuals may volunteer personal information to the Strata Corporation. Before collecting or recording such personal information, the Strata Corporation shall determine whether it has the consent of the person who provided the information to use it or disclose it to others. The Strata Corporation shall decide whether or not to return the personal information to the person providing it, to destroy the information immediately, or to retain that information. If the Strata Corporation decides to retain this personal information in its records, it shall determine how long the personal information should be stored before it is securely destroyed.

Without Consent:

4. Section 35 of SPA provides authority for the Strata Corporation to collect personal information without the consent of owners or tenants in order to create the following records:

(a) minutes of annual general meetings, special general meetings and strata council meetings, including the results of any vote;

(b) a list of council members;

(c) a list of owners with their strata lot addresses, mailing addresses (if different), strata lot numbers as shown on the strata plan, parking stall numbers (if any), and unit entitlements;

(d) a list of names and addresses of mortgagees who are individuals, not organizations, who have filed a Form C Mortgagee's Request for Notification under SPA;

(e) a list of names of tenants;

(f) a list of assignments of voting or other rights by landlords to tenants under SPA;

(g) books of account showing money received and spent and the reason for the receipt or expenditure; and

(h) any other records required by the *Strata Property Regulation*, for example a list of contractors and subcontractors responsible for the original construction of the strata corporation.

5. The Strata Corporation may also collect personal information pursuant to SPA provisions, for example sections 59, 115 and 116.

(a) Section 59(3) of SPA lists the information that must be included in a Form B Information Certificate, including the amount an owner owes the Strata Corporation, strata fees payable, parking stalls and storage locker numbers.

(b) Section 115 of SPA relates to a Form F Certificate of Payment, in relation to monies that are owed by an owner to the Strata Corporation.

(c) Section 116 of SPA relates to a Form G Certificate of Lien. If an owner owes money to the Strata Corporation, the Strata Corporation may have registered a lien against an owner's strata lot at the Land Title Office.

6. The Strata Corporation may have from time to time bylaws requiring that owners and tenants provide the following personal information so that the strata council can properly manage the Strata Corporation:

(a) banking or credit card information to allow pre-authorized payments ("PAP") to pay strata fees;

(b) information regarding pets in a suite;

(c) personal information collected through the use of video surveillance equipment;

(d) names of all persons living in a suite; and

(e) information created by a computerized access key fob system, if the activity of the fob is being collected and/or recorded by the Strata Corporation.

7. The Strata Corporation might also collect personal information without the consent of the owner, tenant or occupant, examples of which include:

(a) The collection is clearly in the interests of the individual and consent cannot be obtained in a timely way;

(b) It is reasonable to expect that collection with the consent of the individual would compromise the availability or the accuracy of the personal information, and the collection is reasonable for an investigation or a proceeding. The Strata Corporation may collect personal information without consent for the purpose of investigating complaints about bylaw infractions only if obtaining consent would compromise the availability or the accuracy of the information. As well, the collection of the information must be reasonably required for the investigation;

(c) Personal information that is reasonably required to collect debts owing to the Strata Corporation;

(d) The personal information is available from a public source, such as a telephone directory.

Withdrawal of Consent:

8. An individual may withdraw consent to the collection, use or disclosure of his or her personal information by giving the Strata Corporation reasonable notice that the person is revoking his or her prior consent. However, if the personal information is required pursuant to sections 35, 59, 115, 116 or another section of SPA, or pursuant to the Strata Corporation bylaws, then consent may not be withdrawn. For example, an individual could not withdraw his consent to his personal information being used to collect outstanding strata fees especially if it would frustrate the performance of such a legal obligation. The Strata Corporation will inform the individual seeking to withdraw his or her consent to the collection, use or disclosure of his or her personal information of the potential consequences of such a withdrawal of consent.

C. USE AND DISCLOSURE OF PERSONAL INFORMATION

Use:

1. The Strata Corporation can use personal information for the purposes for which it was collected.

   (a) The "primary purposes" for which personal information is collected by the Strata Corporation shall be identical to those purposes identified in the Strata Corporation's privacy policies and procedures.

   (b) Any other use of the personal information would be an unauthorized secondary use of personal information unless the individual the information is about has consented to the change in use or PIPA authorizes the change in use without the individual's consent.

   (c) The Strata Corporation will ensure that it uses only the minimum amount and type of personal information necessary to carry out those primary purposes.

2. The Strata Corporation may use personal information without consent for the same reasons it may collect personal information without consent, as provided above. Those situations include, but not exhaustively, emergencies, the investigation of bylaw infractions, the collection of debts or if otherwise authorized by PIPA or other laws.

Disclosure:

3. The Strata Corporation may disclose personal information to someone else including another organization, providing the Strata Corporation fulfills the same purposes that it relied upon when collecting it and those purposes would be considered appropriate by a reasonable person. The Strata Corporation will ensure that it discloses only the minimum amount of personal information necessary to carry out those purposes.

4. If express consent is given to the Strata Corporation, it may disclose personal information to a third party. If express consent is not obtained, there are still certain circumstances that allow the Strata Corporation to disclose personal information without the consent of the individual. These are generally the same situations for which the Strata Corporation can collect or use personal information without consent, including but not exhaustively, emergencies, the investigation of bylaw infractions and the collection of debts. In addition, the Strata Corporations may disclose personal information without consent to a lawyer who is representing the Strata Corporation.

5. If it is required to or authorized by law, the Strata Corporation can disclose personal information without consent. For example, s. 36 of SPA states that on receiving a request the Strata Corporation must make the records referred to in s. 35 of SPA available for inspection by, and provide copies to, an owner or other person authorized in writing by an owner or tenant to inspect and obtain copies of records for their benefits.

6. The Strata Corporations may receive requests for personal information from federal, provincial or municipal government agencies or law enforcement agencies such as the police. If the Strata Corporation is asked to disclose personal information to a public body or a law enforcement agency without a warrant, subpoena or court order, the Strata Corporation will do its best ensure that the request is a bona fide request in aid of an investigation in considering whether or not to disclose the information. The Strata Corporation will confirm that the disclosure is to a public body or a law enforcement agency in Canada, which concerns an offence under Canadian laws, and which would assist in their investigation or making a decision whether or not to undertake an investigation. The disclosure of personal information should be such that its disclosure will assist the public bodies in determining whether the offence has taken place or whether charges should be laid or the offence should be prosecuted.

7. If a public body or a law enforcement agency makes an oral request to the Strata Corporation for an owner or tenant's personal information, the Strata Corporation will request that the agency put its demand in writing, set out its statutory authority for making the request, and provide the agency's internal file number. For example, the police may request access to video surveillance or access records for their investigation into a criminal act.

D. RETENTION OF PERSONAL INFORMATION

1. Pursuant to PIPA, if the Strata Corporation uses the personal information of an owner, tenant or occupant to make a decision that directly affects the individual, it must keep that information for at least one year after the date of that decision.

2. As required by PIPA, the Strata Corporation shall destroy or securely dispose of personal information when it is no longer needed to fulfill the purpose for which it was originally collected or retention is no longer necessary for legal or business purposes, and it is no longer required to be maintained by SPA.

3. If other laws require personal information to be retained longer than set out in PIPA, the Strata Corporation will ensure that it complies with the longer retention period applies. For example, Part 4.1 of the *Strata Property Regulation* stipulates that the Strata Corporation must retain (all of which may contain personal information):

   (a) permanently any decision of an arbitrator or judge in a proceeding in which the Strata Corporation was a party, and any legal opinions obtained by the Strata Corporation;

   (b) for at least six years all minutes of annual and special general meetings and council meetings, the book of accounts showing money received and spent and the reason for the receipt or expenditure, waivers and consents under ss. 41, 44 or 45 of SPA, the budget and financial statement for the current year and for previous

years, bank statements, cancelled cheques and certificates of deposit, information certificates issued under s. 59 of SPA and written contracts to which the Strata Corporation is a party;

(c) for at least two years all correspondence sent or received by the Strata Corporation and strata council;

(d) current copies of the following records and documents: a list of council members, a list of owners (with their strata lot addresses), mailing addresses (if different), strata lot numbers as shown on the strata plan, parking stall numbers (if any), unit entitlements, names and addresses of mortgagees who have filed a Form C Mortgagee's Request for Notification, names of tenants, and assignments of voting or other rights by landlords to tenants under ss. 147 and 148 of SPA; and

(e) for various time periods the records and documents given to the Strata Corporation by the owner developer under s. 20 of SPA, or obtained by the Strata Corporation under s. 23 of SPA.

E. PERSONAL INFORMATION OF EMPLOYEES AND INDEPENDENT CONTRACTORS

1. Since employee personal information is a distinct category of personal information PIPA has special rules for the collection, use and disclosure of the personal information of employees. An employee is someone employed by the Strata Corporation, and includes an unpaid volunteer performing services for the organization but does not include an independent contractor. A strata council member, who is a volunteer, is still be considered an "employee" of the Strata Corporation under PIPA.

2. The Strata Corporation shall not disclose, without the explicit consent of the employee, an employee's personal cellphone number or personal email address to other strata lot owners, tenants and occupants.

3. Employee personal information does not include contact information or work product information. If an employee makes a request for access to their own personal information, the response from the Strata Corporation does not have to include the employee's work product information. The Strata Corporation acknowledges work product information may contain personal information about other individuals, in which case such individuals would be entitled to their own personal information if they made a request under PIPA.

4. With the exception of s. 18 of PIPA, if the Strata Corporation intends to disclose employee personal information without the consent of the individual, the Strata Corporation will notify that employee of the material that it intends to release and the purposes for the disclosure prior to the release of the materials. Section 18 of PIPA states that there are certain circumstances where the Strata Corporation would not be obligated to provide

prior notice to the employee; for example a situation where seeking the consent of the individual would compromise an investigation or proceedings and the disclosure is reasonable for those purposes.

F. SECURITY OF PERSONAL INFORMATION

1. The Strata Corporation will do its best to implement reasonable security arrangements to protect personal information from unauthorized access, collection, use, disclosure, copying, modification or disposal or similar risks. These risks include:

   (a) someone being able to read, collect, use, copy or disclose personal information when he or she is not supposed to be able to;

   (b) someone stealing or losing personal information; or

   (c) someone changing, destroying or improperly disposing of personal information.

2. The following security measures will be followed:

   (a) locking file cabinets and areas where files that contain personal information are stored;

   (b) if there is a strata manager's office or strata council meeting room, ensuring a "clean desk" policy is followed. In other words, when records containing personal information are not being used, they are stored in a locked filing cabinet as opposed to being left on a desk;

   (c) allowing only authorized individuals access to files;

   (d) when storing personal information on a portable storage device, such as a laptop computer, that device shall have a wire cable and lock attaching it to something solid such as a heavy desk, which prevents someone easily walking off with it. When the laptop is not being used, it shall be stored in a locked cabinet;

   (e) ensuring that all personal information stored on a personal computer or other electronic storage device is encrypted;

   (f) since PIPA requires that the Strata Corporation take reasonable security measures for the protection of personal information under its care and control, the Strata Corporation will endeavor to ensure that when a person wishes to discard a computer or any other memory storage device, it shall be physically destroyed or completely erased using appropriate commercially available wiping software programs;

(g) shredding papers containing personal information rather than just placing them in a garbage can or recycling bin;

(h) developing and implementing confidentiality policies for members of the strata council;

(i) ensuring that strata council members understand that the personal information they are privy to is only to be used for Strata Corporation business and not for sharing with their neighbours or spouses; and

(j) ensuring that any third party hired to manage personal information on behalf of the Strata Corporation is aware of and bound by the Strata Corporation's privacy policy.

G. CORRECTION OF PERSONAL INFORMATION

1. The Strata Corporation will make a reasonable effort to ensure that personal information collected by or on its behalf is accurate and complete. If the Strata Corporation uses that personal information to make a decision about that owner, tenant or occupant, or if the Strata Corporation intends to disclose personal information to another organization, such as a strata management company or its representative, it will ensure the records are accurate and complete.

2. The Strata Corporation acknowledges that an owner, tenant or occupant who believes there is an error or omission in his or her personal information under the control of the Strata Corporation may ask, in writing and with sufficient detail to identify the personal information, the Strata Corporation to correct the personal information.

3. If the Strata Corporation determines, on reasonable grounds that the information should be corrected, the Strata Corporation will do so as soon as possible and send the corrected information to every organization to which it disclosed the incorrect information during the year before the correction is made. If the Strata Corporation determines that the information in its records is correct and therefore declines the request to correct, it will attach a note to the records showing the corrected information requested by the individual whose personal information it is was requested but not made.

H. PROVISION OF ACCESS TO PERSONAL INFORMATION

1. The Strata Corporation may receive two different types of requests for information. One is a request for personal information made under PIPA. The other is a request made for strata corporation records pursuant to SPA. The Strata Corporation acknowledges that there are different rules for each type of request.

Access under PIPA:

2. Owners, tenants and occupants have a right to request access to their own personal information, to know how their information is or has been used, and to whom the Strata Corporation has disclosed the information. The Strata Corporation may charge a minimal fee for providing copies of records that contain personal information, but must not charge a fee to an employee for giving access to that employee's own personal information.

3. PIPA does not give an individual the right to request and receive someone else's personal information unless that other individual provides written authorization for that access. In addition, PIPA does not provide a right of general access to the Strata Corporation's records.

4. Pursuant to PIPA, the Strata Corporation will respond to written requests for personal information within 30 business days. The response must include:

   (a) A statement of whether or not the person is entitled to access the requested records;

   (b) If access is denied, the reasons and legal authority for refusing access; and

   (c) The name and contact information of someone who can answer questions about the response.

5. In some circumstances, the Strata Corporation will refuse a person's request to access their own information. For example, s. 23 of PIPA lists some exceptions, including if disclosure would put another person's safety at risk, would harm an investigation or legal proceeding, would reveal someone else's personal information, or would reveal confidential business information. The Strata Corporation will, wherever possible, sever the record, and withhold only the information that PIPA allows or requires the Strata Corporation to refuse to disclose and release the remainder of the record.

6. If an individual is not satisfied with the Strata Corporation's response, he or she may ask the OIPC to review the matter. Anyone can request their own personal information that is being retained by the Strata Corporation. For example, a guest visiting the Strata Corporation building could request a copy of the video surveillance record that shows the guest entering the building. Despite the fact that the person requesting the information is not an owner, tenant or occupant of the building, the Strata Corporation acknowledges that it is still obliged to respond to this person's request pursuant to PIPA**.**

Access under SPA:

7. Pursuant to s. 36 of SPA, any registered strata lot owner, a tenant who has been assigned a landlord's right to obtain copies of documents, tenants who are family members (as defined in the Strata Property Regulation*)*, tenants who have leases of three years or

greater, and any person authorized in writing by an owner or tenant can request copies of the records listed in section 35 of SPA.

8. The Strata Corporation acknowledges that it must comply with a request for records under s. 35 of SPA within two weeks of receipt of the request, unless the request is for the Strata Corporation bylaws or rules, in which case it has only one week to comply.

9. Under SPA, an owner or tenant is not entitled to receive any information relating to a lawsuit in which they are a party with an interest contrary to that of the Strata Corporation. In that case, the Strata Corporation is authorized, pursuant to s. 169(1)(b) of SPA, not to provide that owner or tenant with information or documents relating to the lawsuit, including any legal opinions kept by the Strata Corporation under s. 35(2)(h) of SPA.

10. In the event that a Bylaw Violation Report is requested, the Strata Corporation will provide a copy of the complaint with any and all information related to the identity of the complainant redacted to protect their personal information. This information includes, but is not limited to: name, email address, phone number, and/or any other information deemed to jeopardize the anonymity of the parties.

    Information provided under this section may be subject to a fee as per s.36 of the Strata Property Act and the related regulations.

I. ROLE OF THE PRIVACY OFFICER

1. PIPA requires that the Strata Corporation appoint one person to be accountable on the Strata Corporation's behalf for ensuring compliance with PIPA, referred to as the "Privacy Officer". The Privacy Officer will vary from time to time and typically will be either a strata council member or a delegate of the Strata Corporation's managing agent. Upon request, the Strata Corporation will give individuals the Privacy Officer's name and contact information (e.g., address, telephone number and email address.

2. The responsibilities of the Privacy Officer will include, but not exhaustively:

    (a) ensuring that the Strata Corporation's privacy policy and procedures are being followed;

    (b) responding to requests by strata owners and tenants for access to their personal information;

    (c) reviewing personal information security safeguards, storage and retention policies and procedures on a periodic basis;

    (d) responding to requests for access to personal information under PIPA; and

(e) handling all complaints in relation to the collection, use and disclosure of personal information under PIPA.

Responding to a Privacy Complaint:

3. Owners, tenants, occupants or guests should direct any privacy complaints, concerns or questions regarding the compliance of the Strata Corporation in writing to the Privacy Officer of the Strata Corporation setting out:

   (a) contact information for follow-up purposes (address, phone number, email, etc.);

   (b) preferred method for follow-up contact;

   (c) the nature of the privacy complaint, concern or question;

   (d) the date of incident giving rise to the complaint, concern or question;

   (e) the date that the incident was discovered;

   (f) particulars of who/what was involved;

   (g) estimated number of individuals affected by this incident.

4. When a privacy complaint is received by the Strata Corporation, the written complaint will be immediately forwarded to the Privacy Officer responsible for ensuring compliance with this Policy and PIPA.

5. The Privacy Officer will:

   (a) promptly acknowledge receipt;

   (b) investigate;

   (c) contact the individual to clarify the complaint, if required; and

   (d) follow a fair, impartial and confidential process.

6. The Privacy Officer will take all reasonable steps to ensure:

   (a) If the Privacy Officer does not conduct the investigation, ensure that any person assigned to investigate the complaint is able to conduct it fairly, impartially and confidentially;

   (b) the Privacy Officer has a working knowledge of PIPA;

   (c) the investigation is not delegated to a person who is the subject of the complaint;

(d) the Privacy Officer or assigned investigator has ready access to all relevant records and Strata Corporation representatives who handled the personal information involved; and

(e) document all privacy complaints and every decision made resulting from the investigation.

7. If the Privacy Officer becomes aware, after investigation, of a privacy breach, the Privacy Officer will follow the key steps outlined in the online guide "Privacy Breaches: Tools and Resources, with the link https://www.oipc.bc.ca/guidance-documents/1428.

8. The Strata Corporation, through its Privacy Officer shall:

(a) address privacy complaints quickly and effectively;

(b) identify and address any systemic or ongoing compliance problems;

(c) work toward rectifying the situation, including correcting policies and practices where necessary;

(d) notify the complainant of the outcome of the investigation and communicate any correction and prevention steps taken; and

(e) verify that any changes required to policies, procedures or practices have been made.

9. If an owner, tenant, occupant, guest, or Strata Corporation employee or independent contractor is not satisfied with the response given by the Privacy Officer or the Strata Corporation to the privacy complaint, then that person has the right to contact the Office of the Information and Privacy Commissioner (OIPC) at:

Mailing Address:	PO Box 9038, Stn Prov Gov't Victoria, B.C. V8W 9A4
Location:	4th Floor, 947 Fort Street Victoria, B.C. V8V 3K3
Phone:	250-387-5629
Fax:	250-387-1696
Website:	www.oipc.bc.ca