



## **Disclosure of Unit Owner Information**

By Denise Lash on November 19, 2010



The month of September was an interesting month for decisions from the Office of the Information and Privacy Commissioner of Alberta relating to the release of personal information of condo and co-op owners .

The Co-op matter involved the actions of the board in disclosing a letter of complaint that a resident had written about another resident in the Co-Op. This was disclosed in the course of the director's investigation into the complaint. The information that was disclosed related to the complainant's health and his activities in the Co-op.

The Adjudicator found that the Co-Op should not have released the letter without the consent of the individual who wrote the letter and that there was no valid reason for releasing the letter without consent as part of the Co-Op's investigation into the original complaint.

The other matter related to a condominium board member who had a conversation with a resident which was overheard by the person who is alleged that her personal information was disclosed during that conversation. The board member told another resident that the complainant could not read her email properly.

Both these decisions are instructive in that they show that board members who are given the authority to carry out the business of running the corporation, should take great care in either making any verbal or written statements which disclose any information about a member or unit owner.

Board members should not be discussing any matters relating to individuals outside the boardroom where information can be overheard. In every instance, the privacy of the individual should be considered.

It is interesting to note that the Personal Information and Protection Act (PIPA) was referred to in each instance as applying to both Co-op's and Condominium Corporations. Condominium Corporations are governed by the Condominium Act which deals with the records of a Corporation and the confidentiality of certain information.

In Ontario, we do not have PIPA but the Federal Legislation, Personal Information Protection and Electronics Act (PIPEDA). It may not have been the intention when PIPEDA was first introduced, to cover residential housing corporations and may be something that is raised in further decisions before the Office of the Information and Privacy Commissioner.

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