



Collection of Personal Information by Condo Corporations

By Joseph Salmon, On December 12, 2011

Many condominiums collect license plate information from residents for several reasons including parking enforcement. As such, it is important to take note of the Leon's Furniture Limited v. Alberta (Information and Privacy Commissioner).

Leon's stores in Alberta have a policy requiring customers picking up furniture at loading docks to provide their driver's license numbers and license plate numbers. In 2006, one customer took offence to this practice and complained to the privacy regulator. In 2008, the Privacy Commissioner determined that Leon's policy violated the Personal Information Protection Act. Leon's had the Commissioner's ruling reviewed by Alberta's Court of Queen Bench, which upheld the Commissioner's ruling. Leon's then appealed this decision to the Court of Appeal, which reversed the Privacy Commissioner's ruling.



The Court of Appeal found that there must be a balancing between the various interests at stake and the collection of personal information must be reasonable. Leon's required a driver's license and plate information in order to prevent fraud by making sure that the person at the loading dock was the actual customer. The Court found that Leon's had a reasonable objective and was handling the personal information in a reasonable fashion. It was not relevant that there may have been better methods of preventing fraud or handling the information, so long as Leon's purpose and method was reasonable.

The Supreme Court of Canada refused to grant the Privacy Commissioner leave to appeal the Court of Appeal decision. In light this, Alberta's Privacy Commissioner wants Alberta to amend its Personal Information Protection Act to better protect consumers.

Although in this case the courts found that the collection of driver's license and plate numbers was not a breach of the privacy legislation, this should not be interpreted as a green light for anyone to collect this information. For condominium corporations the collection of license plate numbers (but not driver's license numbers) seems to be reasonable for the purpose of parking enforcement. When collecting personal information from residents and guests, condominium corporations should collect personal information for a reasonable purpose and must ensure that the information is being handled appropriately.

Corporations should ensure that there are safeguards in place, such as the following:

- Seeking legal advice on developing a policy for handling of personal information and ensuring that the policy is complied with;



Condo Reporter

Heenan Blaikie

- restricting access to personal information to employees whose job requires the information;
- ensuring that the personal information is safely stored and properly labelled; and
- shredding of personal information that is no longer required for the purpose for which it was collected.

Condominium corporations should also ensure that their rules specify what information owners and residents are required to provide, the purpose for which the information is being collected and with whom this information will be shared.

In the case of license plate numbers, the rules should state that residents are required to provide the plate numbers of their vehicles to prevent unauthorized parking on the property, and where applicable, should also state that the information will be provided to any private parking enforcement company retained by the corporation.

The articles and comments contained in this publication provide general information only. They should not be regarded or relied upon as legal advice or opinions. © Heenan Blaikie LLP.