

Part 10. Notice and Document Handling

Division 1. **Minutes of Meetings**

1. Board of Directors to Provide Minutes to Owners

- (1) The Board of Directors must provide owners with the minutes of all Board of Directors meetings within four weeks of the meeting, whether or not the minutes have been approved.
- (2) Notwithstanding subsection (1) above, the minutes may be redacted or withheld from a specific owner where that owner is not entitled to receive all or a portion of the minutes as a result of a legal privilege.

Division 2. **Email and Website**

1. Website, Electronic Document Access and Email Communication

- (1) The Homeowners Corporation may establish and maintain a website or other equivalent document retention and distribution system (the "Website"), or authorize an agent to do so on its behalf. The Homeowners Corporation may opt to store its documents and records electronically and make them available for electronic access and/or distribution through the Website.
- (2) Where the Homeowners Corporation is requested to provide documents or records to an owner, the Homeowners Corporation may provide access or copies of the requested documents or records electronically by providing the Website URL and password or by emailing the requested documents or records; unless the person authorized to obtain copies of documents specifically requests physical copies.
- (3) Any such Website is hereby declared to be a location designated by the Homeowners Corporation for the distribution of information and for the purpose of distributing minutes of meetings as well as any informal reminders, newsletters, bulletins and other documents which do not require formal personally delivered notice.
- (4) The Homeowners Corporation may opt to email or post to the Website electronic copies of notices and other documents. Doing so shall not constitute formal written notice, except where a person has provided an email address for the express purpose of receiving notices, records and documents.

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- (5) The Website may include email and telephone contact information of owners and tenants who consent to having their contact information disclosed.
- (6) The Board of Directors may use electronic means including email and/or provision of a web interface on a password protected website to receive notices, records or other documents. Owners must not use that email address or web interface unless:
 - a. The email address or web interface address is reported in the minutes of the Homeowners Corporation as an official address of the Homeowners Corporation for receiving notices, records and documents;
 - b. Owners using the email address of the Homeowners Corporation request and

- receive a “read receipt” or send a copy via regular postal mail in addition to the electronically submitted version;
- c. The notification clearly indicates the date, the unit number and name of the person providing the notification, along with the details of the request or notification; and
 - d. In the case of a bylaw or rule complaint that the notification includes details of the complaint including the dates, times, and associated unit numbers the complaint is made about, and the particulars of the complaint including which bylaw is alleged to have been contravened.
- (7) A personal or professional email address of a member of the Board of Directors is not an email address of the Homeowners Corporation.
- (8) The Board of Directors and management shall use best efforts to reasonably determine from the context and any expressed intention; whether an email address provided to the Homeowners Corporation is intended to be used by the Homeowners Corporation for the purpose of receiving notice. Where the intention is not clearly expressed, the Homeowners Corporation shall also send any notice by another method. The owner of the email address shall have liberty to request, in writing, at any time, that the email address either be used exclusively or not be used for the purpose of providing notice.

Division 3. **Privacy Guidelines**

1. Privacy Guidelines

- (1) The purpose of this bylaw is to enable the Homeowners Corporation to comply with its statutory obligations under the Personal Information Protection Act with respect to “personal information”, defined under that legislation.
- (2) The Homeowners Corporation will collect, retain, use and/or disclose personal information as required or permitted by the *Personal Information Protection Act* or these bylaws, in order to fulfil its legal obligations in the best interests of all of the owners, including, but not limited to the following purposes:
 - a. To identify and communicate with each unit owner and/or tenant;
 - b. To process payments and collect amounts owing to the Homeowners Corporation;
 - c. To respond to emergencies;
 - d. To ensure the orderly management of the Homeowners Corporation;
 - e. To comply with legal requirements and statutory duties; and
 - f. To enforce the bylaws and rules of the Homeowners Corporation, which the Homeowners Corporation is obliged to enforce.

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- (3) Optionally, the Homeowners Corporation may collect, retain, use and/or disclose other personal information from the owners with the explicit or implied consent of each owner, in which case the Homeowners Corporation must disclose the purpose of the collection, retention, use or disclosure, and must not use or disclose the personal information for any unauthorized purpose.

- (4) If an individual provides reasonable notice to the Homeowners Corporation that the individual withdraws consent to the collection, retention, use or disclosure of the individual's personal information, the Homeowners Corporation must inform the individual of the likely consequences to the individual, if any, of withdrawing consent, and must securely dispose of the personal information collected by consent, unless continued retention is authorized by law, or would breach an obligation of the Homeowners Corporation. Consent may only be withdrawn for information collected with required consent.
- (5) The Homeowners Corporation must make every reasonable effort to ensure the accuracy and completeness of any personal information it collects that is likely to be used by the Homeowners Corporation to make a decision that directly affects the individual the information is about or to be disclosed to another party.
- (6) Within two weeks of receiving a written request, the Homeowners Corporation must provide an individual with an opportunity to review their personal information as retained by the Homeowners Corporation, except that documents and records which contain the personal information of multiple individuals must be redacted unless the consent of the other individuals was obtained for disclosure. A requirement to redact may increase the time required as long as is reasonably required.
- (7) Within thirty days of receiving a written direction from the individual to correct their personal information, the Homeowners Corporation must correct the information in accordance with the direction if that request is reasonable, and must provide the corrected information to any party to whom the information being corrected was disclosed, within one year prior to the date of the correction. Whether the Homeowners Corporation makes or declines to make a requested correction, the Homeowners Corporation must keep a record of the request and whether or not the correction was made to the record in question.
- (8) The Homeowners Corporation must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, copying, modification or disposal.
- (9) The Homeowners Corporation reserves the right to refuse to disclose documents or information; or to redact such information from documents which the Homeowners Corporation is obligated to disclose; under the following circumstances:
 - a. Where reasonably required to protect particularly sensitive personal information which was provided with a request to keep the information confidential; including but not limited to documents and/or information relating to:
 - i. A physical or mental disability or a request for accommodation of same; and/or

- ii. Personal banking or financial information, or information provided in relation to a request for a hardship exemption.
 - b. Documents and/or information which are subject to the Homeowners Corporation's claim of legal privilege; and/or
 - c. Documents and/or information which are subject to mandatory confidentiality, an undertaking to maintain confidentiality or arising from participation in mediation, or similar confidential process.
- (10) The Homeowners Corporation must securely dispose of the personal information collected within one year after the requirement or authorization for retention lapses, except that minutes and other official records of the Homeowners Corporation may be retained indefinitely. Notwithstanding anything in this provision, the Homeowners Corporation may elect not to destroy documents which may be required to support or prove a right or obligation of the Homeowners Corporation, or preserve evidence related to the history, governance, or state of the Homeowners Corporation.
- (11) Where the Homeowners Corporation retains another organization such as a property management company, to do work for it that involves personal information, the Homeowners Corporation will ensure that there is an agreement in place that commits the organization providing services to adhere to the Homeowners Corporation's privacy policy.
- (12) Any concerns with respect to privacy issues may be directed to the Board of Directors, and any individual not satisfied with the Homeowners Corporation's privacy policy, or the implementation thereof may contact the Office of the Information and Privacy Commissioner for British Columbia.