



Nexus Online Communities
meets all PIPEDA
and CondoAct regulations

ASK THE PROS

Website Postings and Board Responsibilities

By the ACMO Associate Members Committee

A panel of experts answers questions of interest to property managers and condominium boards of directors. The following are two questions submitted and the responses provided.

Q. *Is private or corporation information specific to the condominium, posted on a website, subject to PIPEDA? What information can or cannot be made available? We have developed our own community website software with all information securely protected, but many other similar companies have this information open to the public with no security. Board information, meeting minutes, etc., are all available.*

A. *The Personal Information Protection and Electronic Documents Act, often referred to as PIPEDA, deals with the protection of personal information. It regulates the collection, use and disclosure of personal information about an identified individual. The focus of PIPEDA is to ensure informed consent of an individual in relation to the collection, use and disclosure of his or her personal information.*

PIPEDA does not directly regulate private or corporate information specific to the condominium. So PIPEDA, in and of itself, does not prevent corporate information from being made accessible to the public. It does, however, apply to all personal information that may be contained within the corporate information. Meeting minutes and many other corporate records often contain personal information that should not be disclosed to the public without the consent of the person to whom the information relates. If a corporation is going to have a website with corporate information open to the public, all information posted should be reviewed and all personal information removed.

The Condominium Act also needs to be considered. Some records of the corporation, regardless of PIPEDA, should never be made available to the public. For example, security records and information, and unit files. The Act provides that a board of directors is responsible to manage the affairs of the corporation on behalf of the owners. It administers the common elements and assets of the corporation and has a duty to act in the best interests of the owners. In my view, a board has the obligation under the Act to protect the personal information of owners and residents and certain corporate information.

Community websites for condominium corporations are increasingly common as is the availability and variety of software to ensure the security of personal and corporate information. It is not advisable for a condominium corporation to have a community website without ensuring adequate security for the information posted.

Response by Warren D. Kleiner, a lawyer practicing condominium law with the Condominium Practice Group at Miller Thomson LLP.