



P10-07-MS Rich Material for PIPA Complaints in Heritage House Neighbours' Feud

The residents of a heritage house that had been converted to four strata units so disliked one another that they constantly sought out novel ways to annoy each other and were embroiled in a variety of lawsuits.

One of the owners submitted to us a multi-pronged complaint about violations of the *Personal Information Protection Act* (PIPA) by the strata corporation and other owners. Her first complaint was that the strata corporation was taking inadequate measures to secure various emails that contained her family's personal information, and was therefore in non-compliance with its section 34 duty to protect personal information. In the absence of sufficient evidence to show that strata council members and/or non-owners in the strata corporation were disclosing her family's personal information to third parties, we could not substantiate this portion of her complaint. We did, however, remind the strata council members that the strata corporation should ensure that only strata council members would be given access to the complainant's personal information and that they not disclose her personal information, if they obtained it in their capacity as strata council members, to any non-strata council members, including their own spouses.

The woman also complained that the strata corporation had violated section 29 of PIPA by failing to respond in a timely manner to her original complaint letter. We were unable to substantiate this portion of her complaint because section 29 provides no guidance as to when a response to a privacy complaint letter is to be given; it only refers to a request to gain access to one's own personal information under the custody or control of an organization.

Thirdly, the woman questioned whether the installation of video surveillance equipment by the strata corporation complied with PIPA. Our investigation showed that the surveillance system was not operated or owned by the strata corporation but was privately owned and operated by one of the strata lot owners. However, because the video cameras were installed on common property, in this case the external walls of the heritage building, the strata corporation had a say in how the video surveillance system would be used.

We concluded that, at a minimum, the strata corporation needed a privacy policy that specifically outlined the use of a video surveillance system, including secure storage measures taken to prevent improper access to the video footage, the retention period for the video images, the procedure for people to access video images of themselves, and the procedure to make the video tapes available to law enforcement officials. A preferable alternative would be for the owners of the strata corporation to pass and properly register a bylaw concerning the use of video surveillance systems.

This aspect of the woman's concerns tied into her final complaint, that the strata corporation had no privacy policy or procedures for responding to privacy complaints.

Section 5 of PIPA states that:

- 5 An organization must
 - (a) Develop and follow policies and practices that are necessary for the organization to meet the obligations of the organization under this Act,
 - (b) application of this Act, and
 - (c) Make information available upon request about
 - i. the policies and practices referred to in paragraph (a), and
 - ii. the complaint process referred to in paragraph (b).

The strata corporation confirmed to us that it had no privacy policies or procedures in place and no procedure in place to respond to privacy complaints. As a result of our investigation, it subsequently drafted and passed a privacy policy covering not only audio and video surveillance systems but also a privacy complaints handling procedure. We concluded that if the video surveillance system operated in compliance with both the strata corporation's privacy policy, it would be authorized to operate a video surveillance system and would be in compliance with PIPA.