



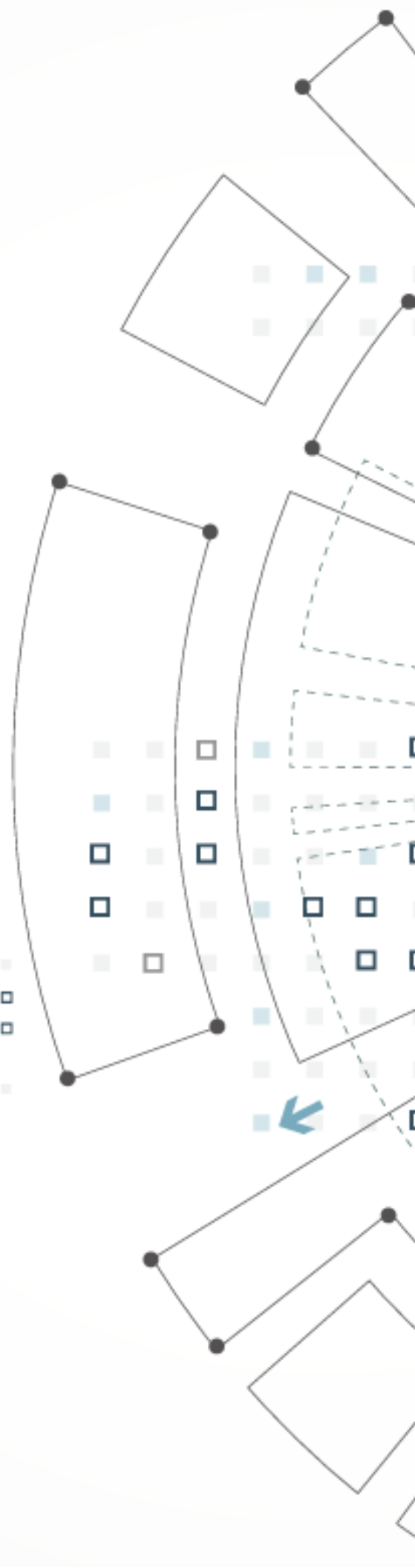
OFFICE OF THE  
INFORMATION &  
PRIVACY COMMISSIONER  
*for British Columbia*

Protecting privacy. Promoting transparency.

**GUIDANCE DOCUMENT**

# **PRIVATE SECTOR LANDLORDS AND TENANTS**

**MARCH 2018**



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## QUICK REFERENCE GUIDE: BEFORE A TENANCY IS ESTABLISHED

		
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## 1.0 INTRODUCTION

### Are landlords in British Columbia bound by PIPA?

Yes. In British Columbia, private sector landlords and property managers must comply with the *Personal Information Protection Act* (PIPA), which governs how organizations collect, use, store, disclose, and protect personal information of individuals.

PIPA applies to any person, corporation, or unincorporated association renting any property, whether a secondary suite, condominium unit, or apartment.

### What is personal information?

PIPA defines personal information as “information about an identifiable individual.” This can mean any number of things, such as a name, date of birth, phone number, address, height, weight, eye colour, social insurance number (SIN), driver’s licence number, banking information, income, photograph, etc.

## 2.0 CONSENT UNDER PIPA

### When does a landlord need to obtain a tenant’s consent?

In most circumstances, a landlord needs consent to collect, use, or disclose a tenant’s personal information. Once landlords collect personal information, they can only use it for the original purpose specified to their tenants. If a landlord wants to use or disclose the information for a different purpose, the landlord requires new consent from the tenant.

There are two ways a landlord can collect personal information about a prospective tenant. The first is to collect the information directly. For example, landlords often collect name and contact information directly from the prospective tenant. The second way a landlord can collect information is indirectly. For example, a tenant may authorize a landlord to collect reference information about them from a previous landlord.

For consent to be valid, a landlord must notify an individual verbally or in writing **before** collecting the personal information. The landlord must also answer the individual’s questions about the collection of the information.

### Can landlords require tenants to consent?

Section 7(2) of PIPA states that landlords must not, as a condition of supplying a product or service, require an individual to consent to the collection, use, or disclosure of personal information unless the information is **necessary** to provide the product or service. Providing rental housing is a service. This means that a landlord cannot refuse to rent to someone who

refuses to provide personal information unless that information is necessary in order to determine suitability as a tenant.

### Can a tenant refuse to give consent?

A tenant may refuse to provide information to a landlord when the information is not reasonably required to establish or manage the tenancy. For example, a landlord would not need to know a tenant's educational background to manage the tenancy and the tenant may refuse to provide it.

If a landlord does not consider an application from a tenant because they refused to provide unnecessary information, then the landlord is effectively requiring consent. As described above, a landlord may not require consent for collection of personal information unless the information is necessary for establishing the tenancy. Doing so would be a contravention of s. 7(2) of PIPA.

### Can a tenant withdraw consent?

Section 9(1) of PIPA authorizes individuals to withdraw their consent for an organization to collect, use or disclose their personal information. A landlord cannot prohibit an individual from withdrawing their consent. If an individual withdraws their consent, a landlord must inform the individual of the likely consequences. For example, if a prospective tenant withdraws their consent for a landlord to contact their references, then the landlord could refuse to rent to them.<sup>1</sup>

### Does a landlord always need express written consent from a tenant?

Not always. PIPA recognizes verbal and implicit consent as acceptable forms of consent. Implicit consent occurs when personal information is volunteered by someone when the purpose for the collection, use or disclosure would be obvious to a reasonable person.

Landlords should consider the sensitivity of personal information they seek when determining the appropriate form of consent. Express written consent is appropriate when collecting sensitive personal information, such as financial information or references. This reduces the chances of a misunderstanding or a complaint under PIPA.

### Can a landlord collect personal information without consent?

In some instances a landlord does not require consent to collect personal information about a prospective tenant. One of those is when the personal information is collected from a

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<sup>1</sup> Under subsections 9(5) and 9(6) of PIPA, the two circumstances when an individual cannot withdraw their consent are when it would frustrate the performance of a legal obligation and when an individual has given consent for a credit reporting agency to collect and use their personal information for the purposes of creating a credit report.

prescribed source of publicly available information. This is frequently misunderstood to mean that any publicly available information may be collected without consent, but s. 6 of the *Personal Information Protection Act Regulations* limits publicly available sources of information to the following:

- subscriber information that appears in a telephone directory;
- personal information that appears in a professional or business directory, listing or notice that is available to the public;
- personal information appearing in a registry to which the public has a right of access, if the personal information is collected under the authority of an enactment, the laws of Canada or a province or the bylaws of a municipality or other similar local authority in Canada; and
- personal information that appears in a printed or electronic publication available to the public, such as a magazine, book or newspaper in printed or electronic form.

This is a narrow set of sources of publicly available personal information. It allows collection of personal information from a professional directory such as LinkedIn, a statutory registry such as the courthouse registry, or a newspaper or online publication. PIPA does **not allow** collection of personal information from social media sites or from an internet search engine to determine tenant suitability.

An organization must notify an individual if it intends to use their name to search a prescribed source of publicly available personal information.

## 3.0 BEFORE ESTABLISHING A TENANCY

### ALWAYS AUTHORIZED

Landlords need to collect, use, and disclose personal information to determine a prospective tenant's suitability for a tenancy. The collection of the following types of personal information will always be reasonable under s. 11 of PIPA, **with the consent** of the prospective tenant.

#### Can a landlord ask to see a tenant's identification?

Yes. It will always be reasonable for a landlord to collect a prospective tenant's name and to view proof of their identity. This is because a landlord must know who is applying and may take steps to confirm that the prospective tenant is who they say they are.

It is reasonable for a landlord to ask a prospective tenant to show them a copy of valid government-issued photo identification such as a driver's licence or passport. A landlord may only view or examine the identification and must return it to the prospective tenant. It is not reasonable for the landlord to make a copy of that identification. The identification will either

be satisfactory to authenticate the individual's identity or will not be; a copy will not be more helpful to determine that the individual is who they say they are.

#### Can a landlord ask for a tenant's contact information?

Yes. It will always be reasonable for a landlord to collect a prospective tenant's contact information such as phone number or email address.

#### Can a landlord ask about a tenant's current and previous tenancies?

Yes, if a prospective tenant has rented before, it is reasonable to ask them where they rented and for how long. It is also reasonable to ask the tenant whether they have ever been evicted, whether they left their previous tenancy because of a dispute with the landlord, or because of issues with their neighbors or building managers.

A landlord could ask a prospective tenant how much rent they paid in their current or previous tenancy to help the landlord decide if the unit being applied for is affordable to the prospective tenant.

#### Can a landlord require references?

A landlord may collect information about a prospective tenant from a reference, but only with the tenant's consent.

Any personal information exchanged between landlords about prospective/past tenants must be limited to information related to the prospective tenant's suitability as a tenant, such as complaints during the tenancy, damage to property, and rent payment history. It would be reasonable for a landlord to decline to process an application if a tenant refuses to provide contact information for previous landlords.

If a prospective tenant has satisfactory references from a recent landlord, and the previous tenancy was similar to the prospective tenancy, there is no need to collect additional personal information to determine suitability for tenancy. For example, if the tenant's current landlord is a professional landlord at arm's length from the tenant, and provides a reference stating that the tenant has always paid rent on time, caused no complaints from other tenants, and has taken good care of the property, a prospective landlord will not need further personal information to establish suitability for tenancy.

#### Can a landlord ask if a tenant has pets?

Yes. It will always be reasonable for a landlord to ask a prospective tenant if they have pets.

#### Can a landlord ask about bedbugs/infestations?

Yes. It will always be reasonable for a landlord to ask a prospective tenant if they are experiencing a bedbug or similar infestation that would harm the landlord's property.

### Can a landlord collect a tenant report from a reporting agency?

Maybe. Some credit reporting agencies also provide tenancy reports that only describe a tenant's rent payment history and other tenancy information. If a reporting agency offers a product to landlords that only includes information about a tenant's name, place of residence, previous places of residence, and their paying habits in relation to those places of residence (but not credit history), then a landlord would always be authorized to collect this information. This type of report is not the same as a credit history report, which is discussed later and is generally not authorized to be collected by a landlord.

### Can a landlord collect information from publicly available decisions about residential tenancy disputes?

Administrative tribunals under residential tenancy legislation such as the Residential Tenancy Branch of British Columbia<sup>2</sup> post decisions made by those tribunals online. Similar to a tenant verification report or a reference, these decisions contain information related to the tenancy.

A landlord must notify a prospective tenant which publicly available sources of information it intends to use to search for other personal information about the tenant.

### Can a landlord look at electronic court files on Court Services Online?

The BC Ministry of Justice has an electronic court registry that includes electronic search functions for civil and criminal court records through Court Services Online.<sup>3</sup> Because court records contain personal information that is publicly available as prescribed by PIPA, a landlord does not need an individual's consent to collect this information.<sup>4</sup> As with the Residential Tenancy Branch decisions, a landlord is required to disclose to a prospective tenant that it will be collecting their name for the purposes of searching Court Services Online.

### Can a landlord ask for a criminal record check?

Yes. Unlike age, criminal conviction history is a personal characteristic not protected in relation to housing under the BC *Human Rights Code*.<sup>5</sup> If a landlord decides to ask for a prospective tenant's criminal history, they must tell the prospective tenant the purposes for which they are requesting that information.

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<sup>2</sup> <http://www.housing.gov.bc.ca/rtb/search.html>.

<sup>3</sup> <https://justice.gov.bc.ca/cso/index.do>

<sup>4</sup> See s. 12(1)(e) of PIPA

<sup>5</sup> <http://www.bchrt.bc.ca/human-rights-duties/characteristics.htm>.



### ADVICE FROM THE COMMISSIONER

Landlords should review each question on their tenancy application forms to ensure there is a business need for collecting that information. If information is not needed, do not collect it. Remember, additional information needed after a tenant has been selected should be collected at the time it is actually required, not before.

A landlord should preface a tenancy application with verbal or written statements about why personal information is being collected, especially when the purpose for collecting the information is not obvious.

### SOMETIMES AUTHORIZED

The personal information listed in this section may sometimes be collected by a landlord, depending on the information collected in the previous section and the circumstances of the prospective tenant. The personal information listed in this section may only sometimes be collected because it is either more sensitive than the personal information in the previous section, or less related to the purpose of evaluating suitability for a tenancy, or both.

#### Can a landlord ask for a tenant's age?

A request for age would only be reasonable if the landlord is renting a unit in a building where all the housing is reserved for individuals who are over 55 (or units where at least one person must be over 55).

#### Can a landlord ask for proof of income/employment?

If a prospective tenant is not able to provide adequate references, it is reasonable for a landlord to collect personal information about proof of income or employment to establish that the tenant can pay rent. Landlords cannot require this information in every application. In addition, a landlord should limit questions about employment to a prospective tenant's current employment only.

Where appropriate, a landlord may request recent pay stubs, a letter from an employer, or bank statements demonstrating regular automated payroll deposits. If a bank statement is requested, all other withdrawal and balance information may be redacted. If a prospective tenant does not have any of this information, it would be reasonable for a landlord to view copies of income tax assessments.

#### Can a landlord require a credit check?

Due to the large volume of sensitive personal information contained in credit checks, a landlord is only authorized to request consent for a credit check when a tenant is not able to provide satisfactory references or employment and income verification.

Information in a credit check may include personal information that has nothing to do with suitability for a tenancy, including age, marital status, spouse's age, number of dependants, and educational and professional qualifications.

#### Can a landlord collect a tenant's Social Insurance Number?

If a landlord is authorized to conduct a credit check it is reasonable for the landlord to collect the prospective tenant's birthdate and/or social insurance number for the purposes of identifying them to the reporting agency.

This is the only circumstance where a landlord is authorized to collect a tenant's social insurance number and birth date.

#### ADVICE FROM THE COMMISSIONER

Landlords should only require a credit check (and associated personal information) if a prospective tenant cannot provide sufficient references about previous tenancies or satisfactory employment and income verification. If a credit check is required, the landlord must state which credit reporting agencies are providing the information.

#### (ALMOST) NEVER AUTHORIZED

A landlord will **almost never** be authorized to collect the personal information listed in this section from a prospective tenant. This personal information is either too unrelated to determining suitability or too sensitive to be reasonable for a landlord to collect prior to choosing a tenant.

While there will nevertheless be special situations where collection of this personal information could be authorized, such as in supportive housing for persons with disabilities, most landlords will not be allowed to collect any of the personal information listed in this section.

#### Can a landlord ask for information protected under the *Human Rights Code*?

If using the personal information would be a contravention of provincial law, such as the *Human Rights Code*, it would not be reasonable to collect that information under PIPA. A prospective landlord is not authorized to collect personal information related to a protected ground under the *Human Rights Code*.

Section 10(1) of the [Human Rights Code](#) prohibits a landlord from refusing to rent to someone based on their:

Race	Colour	Ancestry
Place of origin	Religion	Marital status
Family status	Physical or mental disability	Sex
Gender identity or expression	Age	Sexual orientation
Lawful source of income		

Can a landlord ask if a tenant is a smoker?

No. It is not reasonable for a landlord to ask a prospective tenant if they smoke cigarettes or cannabis. Whether a prospective tenant is a smoker is not an indication of whether they will break a non-smoking rule; that information may be collected from a reference check. In a reference check the landlord may ask a previous landlord if the tenant smoked on the property. The landlord does not need to know to what extent a prospective tenant may smoke away from the property.

Can a landlord search a tenant's name online or look at their social media accounts?

No. Orders issued by this office have determined that viewing personal information is the same as collecting it.<sup>6</sup> As discussed above, the only sources of publicly available information that may be searched without the consent of a prospective tenant are telephone and professional or business directories, public registries authorized by provincial, federal, or municipal statutes, and online publications such as newspapers or magazines.

Internet search engines and social media websites are not included in that list and cannot be searched without consent. Further, the personal information in those and similar sources can include information about a prospective tenant's friends, family, hobbies, political affiliations, or other sensitive personal information, that is not sufficiently close to the purpose of an individual's suitability as a tenant for its collection to be reasonable. Therefore, viewing personal information about a prospective tenant on internet search engines or social media platforms, even with consent, is **not** authorized by PIPA.

Can a landlord require a tenant's banking information?

No. A landlord cannot require a tenant's banking information prior to establishing the tenancy. However, **after** an applicant has been selected the landlord must be able to collect rent money and may do so in numerous ways: cash, automated bank withdrawal, personal cheque, money order, pre-authorized payment, email money transfer, or credit card.

<sup>6</sup> See Order P10-01 Host International of Canada Ltd. <<http://canlii.ca/t/280d2>>

## 4.0 AFTER A TENANCY IS ESTABLISHED

### What personal information can landlords request from tenants?

It may be reasonable for a landlord to request more detailed information once an individual becomes a tenant. For example, a landlord may need a record of tenant licence plate numbers to ensure that unauthorized vehicles are not parked on the property. Personal information requested by a landlord must always be reasonably connected to tenancy. A health card number, for example, is not reasonably connected to a tenancy and should not be required.

If a tenant is concerned about the type of information being requested, he or she can ask the landlord why it is required. If the tenant is still concerned about disclosing it, an alternative form of satisfying the landlord's purpose should be considered. A landlord must provide tenants with clear contact information so that tenants can ask any privacy questions.

### ADVICE FROM THE COMMISSIONER

Landlords should only collect information necessary to determine suitability for tenancy on application forms. Information necessary for managing a tenancy can be collected after a tenancy agreement has been established.

### Can a landlord ask to see a copy of a tenant's insurance policy?

Contents insurance may be a necessary requirement for renting a property. A landlord must have a purpose for requesting this information and explain it to the tenant. If, for example, the landlord must satisfy his or her own insurance company that tenants have insurance, then it may be reasonable to require some proof of insurance. A landlord should not ask if an applicant has contents and third party liability insurance during the application stage, but can notify the tenant that it would be a requirement; the tenant can apply to obtain this insurance after they sign a tenancy agreement.

### Can a landlord use a tenant's personal information to collect an unpaid debt?

Yes, once a tenant's account is in arrears, PIPA permits the landlord's use of personal information without consent for the purposes of collecting a debt, including:

- Unpaid rent, fees and utilities;
- Costs to repair damage caused by the tenant; or
- Monies ordered to be paid by the tenant by a dispute resolution officer.

The landlord must still use the information only to the extent that is reasonable. For example, it will not be reasonable for a landlord to use a tenant's emergency contacts to assist in locating

or exerting pressure on the tenant, nor to disclose that personal information to a collection agency, because the emergency contacts did not consent to such a use or disclosure.

### Can a landlord disclose a tenant's personal information?

Generally, landlords require tenants' consent to disclose their personal information. PIPA specifies where consent is not required to disclose personal information, including:

- Where it is clearly in the interests of the tenant and timely consent cannot be obtained;
- Where disclosure is required by another statute or regulation;
- In response to a court order, warrant or subpoena;
- To law enforcement;
- In an emergency;
- To next of kin in the event of death; and
- Where disclosure is necessary for the landlord to collect a debt owed to him or her by the tenant.

Even in the above circumstances, a landlord should disclose only the information necessary for the specific purpose. The landlord should always be satisfied that the disclosure is lawful and that the person requesting the information has a reasonable need for it. A landlord should record any disclosures that occur. Tenants have a right to know to whom their personal information has been disclosed and why.

### Can a landlord disclose a tenant's personal information to a law enforcement or other federal or provincial agency?

Landlords may receive requests for a tenant's personal information from federal, provincial, or municipal government agencies or law enforcement agencies such as the police. If a landlord is asked to disclose personal information to a public body or a law enforcement agency without a warrant, subpoena, or court order, the landlord must be satisfied that the request is a bona fide request in aid of an investigation. The landlord must confirm that the disclosure is to a public body or a law enforcement agency in Canada, about an offence under Canadian laws, and would assist in their investigation.

If a public body or law enforcement agency makes an oral request to a landlord for a tenant's personal information, the landlord should request that the agency put its demand in writing, set out its statutory authority for making the request and provide the agency's internal file number. This includes, for example, if police request access to video surveillance footage.

### Can a landlord post notices containing personal information on a tenant's door?

Yes, but the landlord must first make reasonable attempts to deliver the information personally. According to PIPA, an organization may disclose personal information if it is authorized to do so by law. Section 88 of the *Residential Tenancy Act* allows landlords to post certain notices to tenants “by attaching a copy to a door or other conspicuous place at the address at which the person resides.” The types of notices that a landlord may post include termination of tenancy, notice to enter, and notice of a rental increase.

A landlord should always act reasonably, include a minimal amount of personal information on these notices, and ensure that posting the notice is necessary. If the tenant is evading the landlord or the tenant is habitually unavailable, posting a notice in an envelope may be necessary.

### Is it reasonable for the mailboxes or entry buzzers in an apartment building to have tenants' names on them?

If a landlord wants to put the names of tenants on the lobby mailboxes and buzzer panel, that disclosure is reasonable, with the consent of the tenant.

### Can a landlord distribute a tenant phone list to tenants?

A landlord should not disclose tenants' phone numbers without first obtaining their consent.

### Can tenants access their own personal information held by landlords?

Yes. A tenant must provide the landlord with a written request to access his or her own personal information in the custody or under the control of the landlord. The landlord has 30 business days to respond to the request.

A tenant may request a copy of the records or examine them on site. If requested, the landlord must also include information about the purposes for which the information was used, to whom the information has been disclosed, and under what circumstances.

### Does a landlord have to give the tenant everything?

A landlord **may** refuse to provide access to information that:

- Is protected by legal privilege;
- Would reveal confidential commercial information that could, in the opinion of a reasonable person, harm the competitive position of the organization; or
- Is collected by the landlord for an investigation or legal proceeding, mediation, arbitration, or dispute resolution process that is ongoing.

A landlord **must** refuse to provide access to the tenant's personal information if it would:

- Threaten someone's life or security;
- Reveal someone else's personal information; or
- Reveal the identity of someone who provided personal information about someone else.

If possible, a landlord should make efforts to "redact," or black out the information that cannot be disclosed rather than withholding the entire document containing the information that must be withheld.

#### How should a landlord store tenants' personal information?

A landlord must take reasonable measures to secure personal information and prevent unauthorized access, collection, use, disclosure, copying, modification, disposal, or destruction. Personal information should be secured in a way that is inaccessible to unauthorized parties, such as a locked filing cabinet in a locked room, or stored on an encrypted computer or secure server with robust security protection. Any personal information on a portable device such as a smartphone or USB memory stick must be encrypted.

#### How long should a landlord keep tenants' personal information?

If the landlord uses the tenant's personal information to make a decision that directly affects the tenant, the landlord must retain that information for at least one year after using it so that the tenant has a reasonable opportunity to request a copy. This also applies to personal information of unsuccessful applicants.

If a year has passed since a decision was made, a landlord should only keep the information if it serves a legal or business purpose. Personal information should be securely destroyed in a document shredder or using a document disposal company. Landlords must also ensure that they securely destroy any electronic records that they no longer require.

#### If a landlord receives a complaint letter about a tenant, can the tenant ask to see the original complaint letter?

A tenant may request access to the complaint letter; however the landlord must "redact," or black out the name of the complainant and any information that would identify the complainant, before providing a copy. The landlord must also sever any other personal information that does not belong to the tenant requesting the letter. If it would still be apparent who the complainant is, the landlord should not provide the letter to the tenant. Access must also be denied if it would result in safety or security risks. The tenant should be advised that they may request a review by our office of a decision by the landlord not to disclose personal information.

### Can landlords charge a fee to tenants to access their personal information?

Yes, the landlord may charge the tenant a minimal fee to cover some of the costs incurred, such as photocopying. If a fee will be assessed, a landlord must give the tenant a written estimate of the cost before processing the request. The landlord can request that the tenant pay a deposit, up to half of the fee estimate, before processing the tenant's request.

### Can a tenant make a privacy complaint against a landlord?

Yes, but the OIPC asks tenants to attempt to resolve the matter with the landlord first. Landlords should ensure that they give their tenants clear contact information so that tenants may address matters directly with them. If the tenant is still unsatisfied, a written complaint with the tenant's signature may be submitted to the address below.

### What can a tenant complain about?

Tenants can contact the OIPC if they believe a landlord has breached PIPA by:

- Improperly collecting, using, or disclosing the tenant's personal information;
- Not taking reasonable security measures to protect personal information;
- Charging unreasonable fees for access to personal information;
- Refusing to respond to an access request; or
- Requiring more information than is necessary on a rental application form.

### What are the rules for landlords in not-for-profit organizations?

If a landlord is a not-for-profit organization that offers housing for a specific group of individuals, the general rule is that they can collect personal information about a prospective tenant to establish that the individual belongs to the group for which the not-for-profit organization is providing housing. This is reasonable under PIPA because section 41 of the BC *Human Rights Code* exempts not-for-profit housing providers from legal prohibitions against granting preferences to members of certain identifiable groups or classes of persons based on a protected personal characteristic that would otherwise be protected in tenancy.

The exemption for not-for-profit housing providers is not absolute. Not-for-profit landlords must still comply with PIPA, even with the exemption in the *Human Rights Code*.

### Is a landlord allowed to photograph a tenant's apartment to advertise it for rent?

If the landlord takes photographs in a tenant's apartment, they must not collect your personal information unless they have prior consent. "Collection" could occur if the landlord's photographs contained images that would identify a tenant or another individual.



To prevent inadvertent collection of personal information, tenants may wish to remove or cover items that contain personal information, such as documents or photographs, when a landlord is photographing their apartment.

### Can a landlord install video surveillance in a lobby or other public areas?

Yes, but only for reasonable purposes such as to address real security concerns. There must be adequate notice and signs warning tenants and visitors that the premises are being monitored by a video surveillance system for security purposes. The video should not be used or disclosed for other purposes. The video camera should be set up to point at entry/exit doors and not at internal common areas. Video cameras in exercise areas are not reasonable and therefore not authorized by PIPA.

The landlord should only keep the video footage for the minimum amount of time required and ensure that unauthorized parties cannot access it. Please also refer to [Order P09-02](#) Shoal Point Strata Council and our [Privacy guidelines for strata corporations and strata agents](#), available on our website at [oipc.bc.ca](http://oipc.bc.ca).

## 5.0 APPENDIX: OTHER APPLICABLE LEGISLATION

Landlords are also subject to other provincial legislation when establishing, maintaining, or terminating a tenancy. Some of those laws affect the application of PIPA.

### *Human Rights Code*

Section 10(1) of the [Human Rights Code](#) prohibits a landlord from refusing to rent to someone based of their:

Race	Colour	Ancestry
Place of origin	Religion	Marital status
Family status	Physical or mental disability	Sex
Gender identity or expression	Age	Sexual orientation
Lawful source of income		

There are some instances, listed under s. 10(2) of the *Human Rights Code*, where a landlord *can* discriminate. Examples include, but are not limited to, when a landlord is renting a unit in a building reserved exclusively for people over age 55 or who have a physical or mental disability.

It would never be authorized for a landlord to collect personal information about a tenant for a purpose that would contravene the *Human Rights Code*.

However, if a landlord collects personal information about a tenant in circumstances where the landlord is allowed by the *Human Rights Code* to discriminate, the collection may be authorized under PIPA.

### *Residential Tenancy Act and Manufactured Home Park Tenancy Act*

BC's [Residential Tenancy Act](#) and [Manufactured Home Park Tenancy Act](#) apply at the start of a tenancy but not before. Personal information that is required or authorized to be collected, used, or disclosed by the *Residential Tenancy Act* or the *Manufactured Home Park Tenancy Act* is authorized by PIPA.

### *Strata Property Act*

The [Strata Property Act](#) requires landlords to provide the identity and contact information for tenants to the strata corporation, as well as forms signed by the tenant acknowledging the strata corporation bylaws. Collection of that personal information by the landlord and disclosure to the strata corporation is authorized under PIPA as being required by law, pursuant to the *Strata Property Act*. Landlords should notify tenants of this purpose for collection and disclosure of personal information.

These guidelines are for information purposes only and do not constitute a decision or finding by the Office of the Information and Privacy Commissioner for British Columbia. These guidelines do not affect the powers, duties, or functions of the Information and Privacy Commissioner regarding any complaint, investigation, or other matter under FIPPA or PIPA. The information in this Guidance Document is not a substitute for legal advice.

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