Co-operative Housing Federation of Canada

Annual Meeting

FREDERICTON

2026

June 11–13

Deep roots.
Renewed growth.

Member Education Forum

PRIVACY PRIMER: WHAT HOUSING CO-OPS NEED TO KNOW

GRANT HADDOCK, KC

Land Acknowledgement

We respectfully acknowledge that New Brunswick is situated on the unceded and unsurrendered territories of the Wolastoqey, Mi'gmaw, and Peskotomuhkati peoples. We seek to repair and rebuild meaningful relationships with Indigenous peoples and honour these lands which hold the hopes of future generations.

Today's Presentation

PART 1: Principles of PIPA/PIPEDA

PART 2: PIP Officer

PART 3: Responding to a Request

PART 4: Practice Tips

Part 5: Drama in Real Life

Q&A

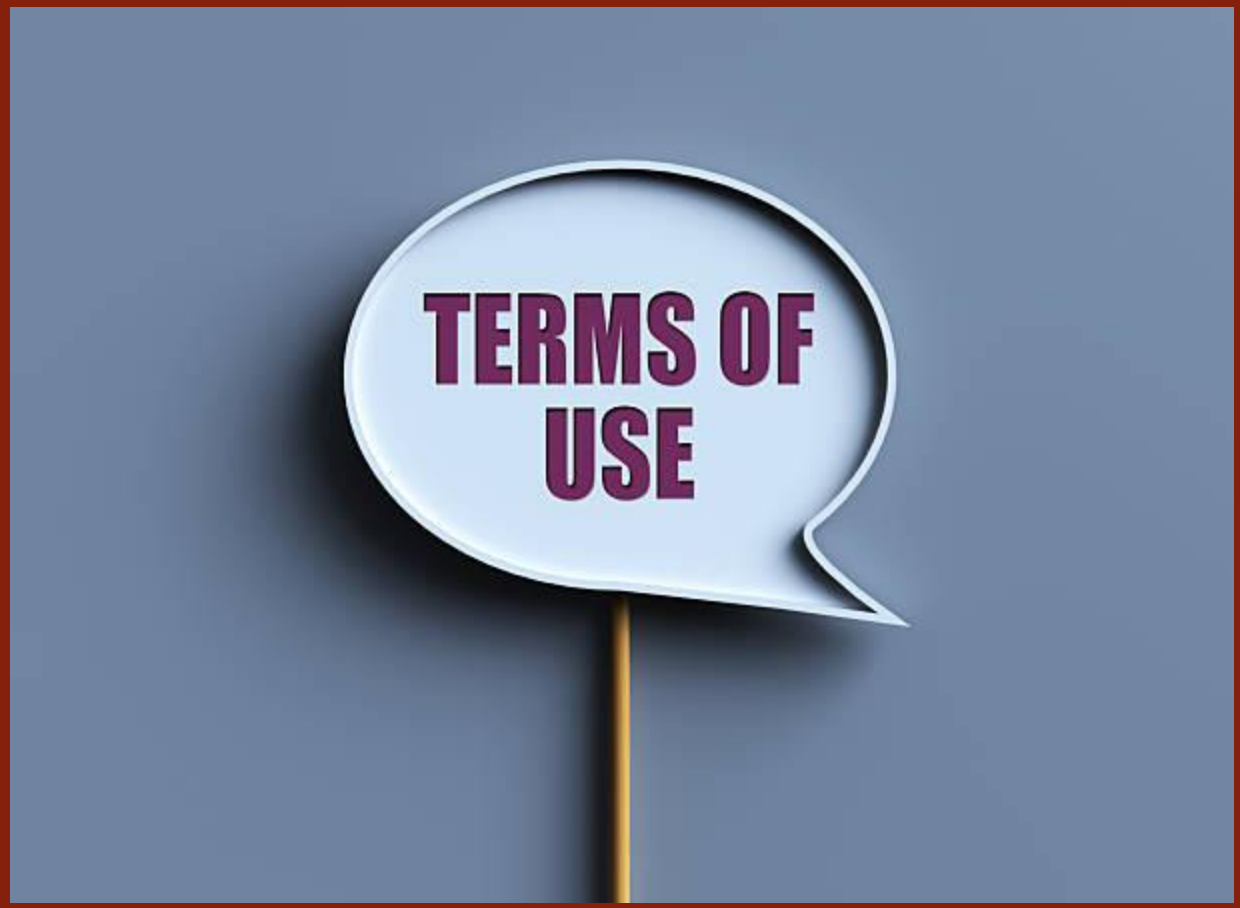
JURISDICTIONS

LEGAL CAVEAT:

LICENSED TO PRACTICE IN BC ONLY.

PRESENTATION IS INFORMATION, NOT ADVICE.

CONTACT LEGAL COUNSEL IF YOU INTEND TO IMPLEMENET AND STATEGY DISCUSSED TODAY



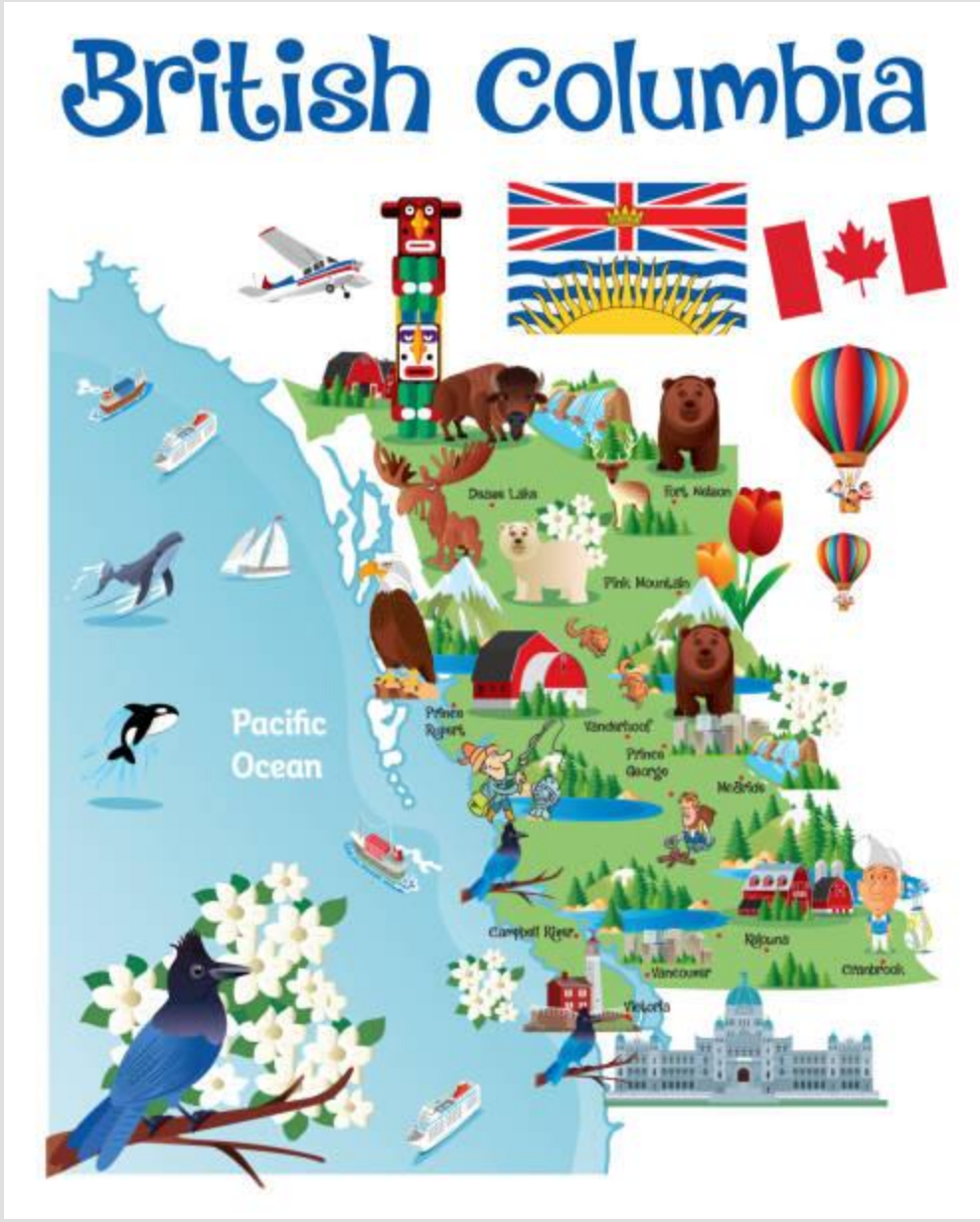
BRITISH COLUMBIA

PERSONAL INFORMATION PROTECTION ACT

ENACTED IN 2024

Designed to be "substantially similar" to the federal *Personal Information Protection and Electronic Documents Act* (PIPEDA)

SUBSTANTIALLY SIMLAR LEGISLATION IS EXEMTPED FROM PIPEDA.



ALBERTA

PERSONAL INFORMATION PROTECTION ACT
ENACTED IN 2004
SUBSTANTIALLY SIMILAR TO BC
EXEMPTED FROM PIPEDA

ONTARIO

DOES NOT HAVE ANYTHING LIKE BC AND AB PIPA.

INSTEAD, ONTARIO RELIES ON A PATCHWORK OF PROVINCIAL STATUTES THAT ARE SPECIFIC TO CERTAIN SECTORS.

PRIVATE SECTOR IS REGULATED BY THE FEDERAL *PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT (PIPEDA)*

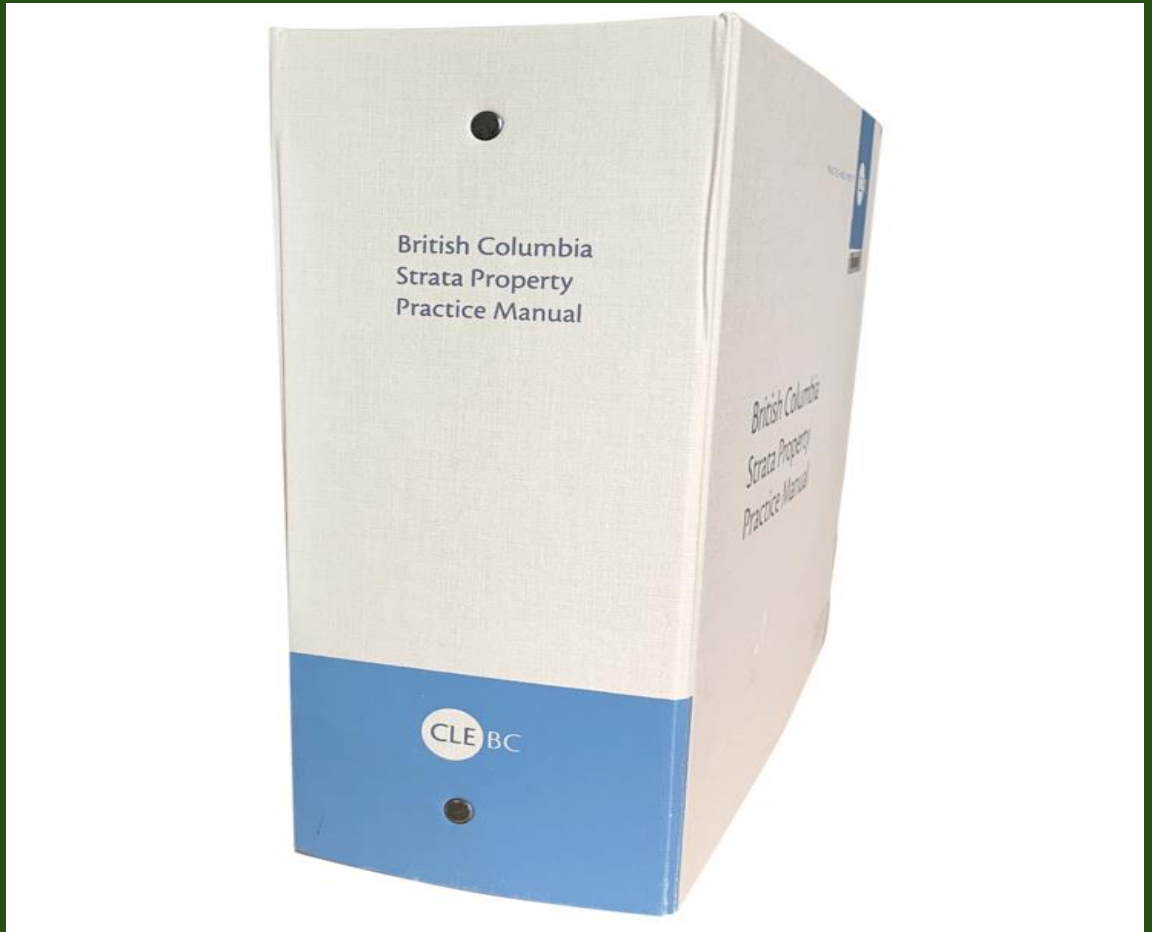
NEW BRUNSWICK

SAME AS ONTARIO

Did you know...

That Grant Haddock is the author/editor of the PIPA chapter in the *Strata Property Act* Practice Manual?

That the chapter is about 44 pages in length?



Did you know...

That despite the apparent complexity of PIPA and PIPEDA and their requirements, it pretty much comes down to common sense and it is very likely that you have been meeting basic PIPA/PIPEDA requirements without even knowing it.

PART 1: PRINCIPLES

Principles of Personal Information Protection (CHFBC)

PIPA/PIPEDA is based on ten principles of personal information protection. These principles explain the intent of the Acts. They are:

1) Accountability

2) Identifying purposes

3) Consent

4) Limiting collection

5) Limiting use, disclosure and retention

6) Accuracy

7) Safeguards

8) Openness

9) Individual access

10) Challenging compliance

1. Accountability

Each organization must appoint an individual, or individuals, responsible for ensuring compliance with PIPA/PIPEDA.

An organization is responsible for the personal information under its control. It must implement policies and practices that apply these principles.

(CHF BC)

2. Identifying purposes

Organizations must identify how they will use information when they collect it.

Organizations must tell individuals why they are collecting personal information.

If an organization wants to use information in a different way at a later date, the individual must give their consent

(CHF BC)

3. Consent

Individuals must know about, and consent to, the collection of personal information about them.

The supply of a product or service may not be made conditional on consent to the collection of non-essential information.

(CHF BC)

4. Limiting collection

Organizations may only collect the information that is necessary for the identified purposes.

(CHF BC)

5. Limiting use, disclosure and retention

Organizations may use and disclose personal information only for identified purposes.

Organizations may keep personal information only as long as they need it for identified purposes. They must then destroy it. Document audit.

If an organization uses personal information to make a decision about an individual, they must keep the information long enough for the individual to have access to the information after the decision has been made.

(CHF BC)

6. Accuracy

The use of the information determines how accurate and up-to-date the information must be.

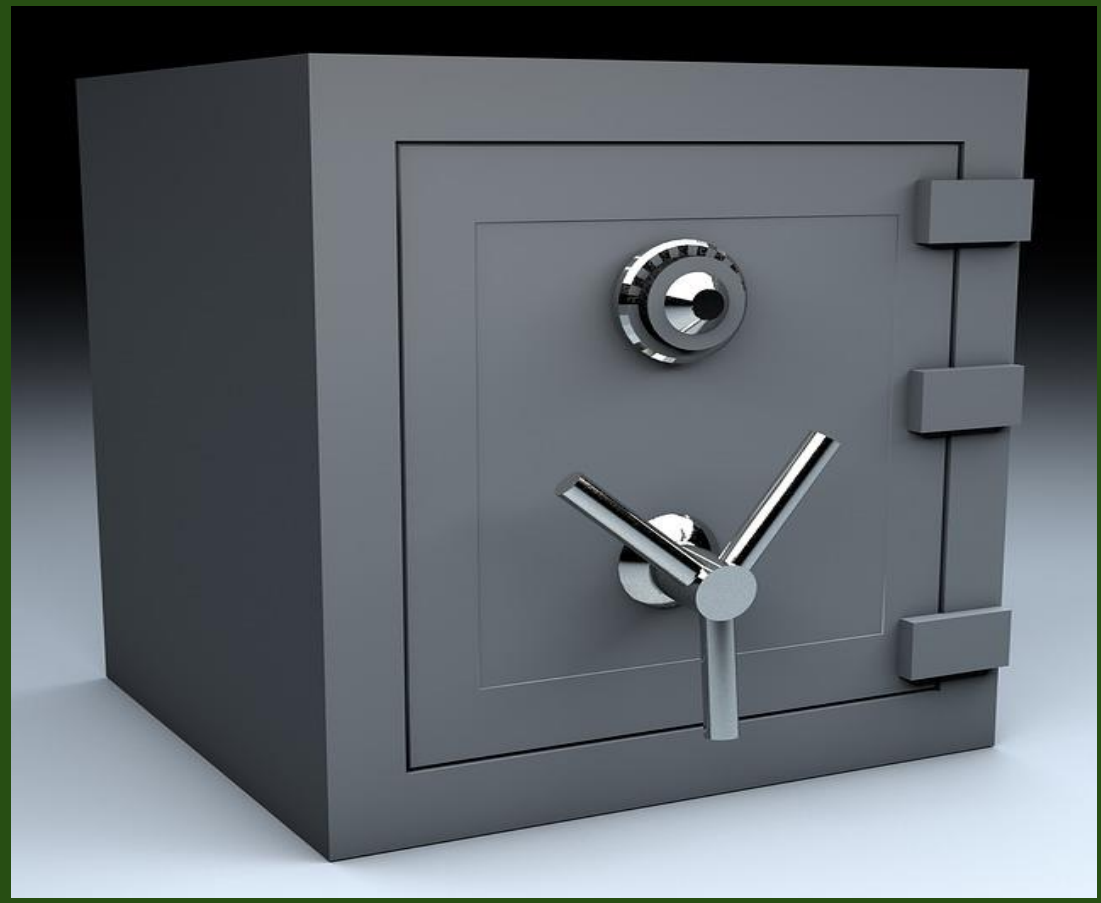
Organizations may not update information routinely unless necessary.

(CHF BC)

7. Safeguards

Organizations must keep personal information secure and restrict access to it.

(CHF BC)



8. Openness

Organizations must provide information about their policies on the management of personal information. They must indicate who in the organization is responsible to ensure compliance with PIPA/PIPEDA (for example, personal information protection policy posted on website).

(CHF BC)

9. Individual access

When asked, organizations must tell individuals what personal information is held about them and they must allow the individual to check the accuracy of the information.

The organization must correct inaccurate information.

(CHF BC)

10. Challenging compliance

Organizations must have a procedure in place to receive and handle complaints about how they collect and use personal information.

(CHF BC)

PIPA checklist (CHF BC)

Personal Information Protection Act

- ❑Adopt a personal information protection policy
- ❑Draft a “Personal Information Protection Officer” job description
- ❑Appoint one or more Personal Information Protection Officer(s)
- ❑Develop a procedure for dealing with complaints
- ❑Review your current practices involving the collection, use and sharing of personal information collection. This includes auditing all Co-op and in house forms.
- ❑Change any practices that do not follow the Act
- ❑Establish a program to educate your Board and staff about their responsibilities for protecting personal information
- ❑Find out if Co-op insurance covers Board and management complains under the Act.

Develop procedures for routinely destroying personal information that you no longer need:

BRITISH COLUMBIA

one year after a decision was made for credit checks and for any information on inactive applicants

seven years for financial information on members while they remain members

PIPEDA & AB

There is no single, fixed statutory deadline for destroying all documents. Instead, PIPA dictates a principle-based approach: **organizations must destroy or anonymize personal information as soon as it is no longer needed for a reasonable business or legal purpose**

PART 2: PIP OFFICER

Personal Information Protection Officer (PIP Officer) Policy Suggestions

H&CO | HADDOCK & COMPANY LAWYERS

Purpose

The PIP Officer**[s]** will ensure that the (Organization) follows the PIPA/PIPEDA, its principles and the (Organization)'s personal information protection policy (if they have one).

Personal Information Protection Officer (PIP Officer) Policy Suggestions

H&CO | HADDOCK & COMPANY LAWYERS

Job description

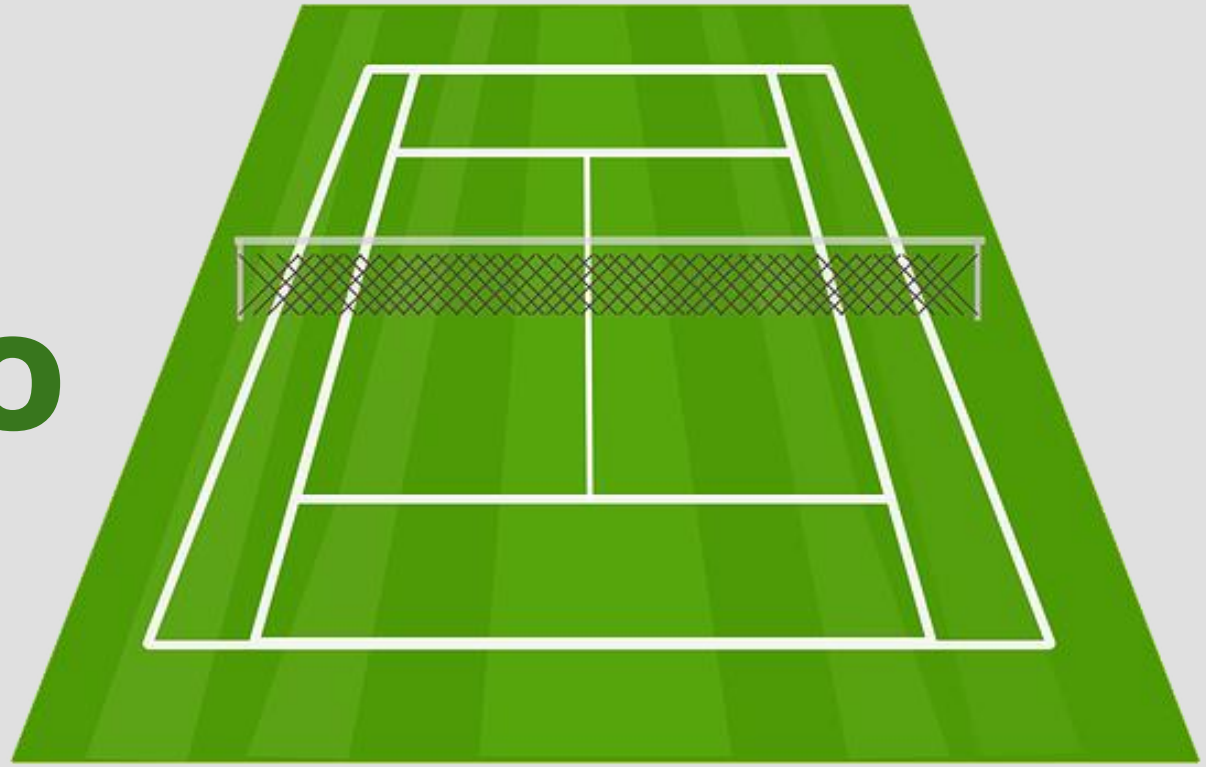
The PIP Officer**['s]** job is to:

1. Review the Organization policies and practices for dealing with personal information
2. Make recommendations to help the Organization follow PIPA/PIPEDA
3. Provide information to owners and the public about how the Organization protects personal information
4. Handle complaints as outlined in the complaints procedure in the Act.

The PIP Officer**[s]**:

5. Reports to the AGM or SGM with periodic reports to the Board.
6. Serves for 1 year and is renewed **[annually]** by the **[general meeting]**.

PART 3: RESPONDING TO A REQUEST



Responding to a Request

Section 23 of PIPA provides that an individual ("Applicant") may request of an organization the Applicant's personal information under the control of that organization. The organization is not required to disclose the personal information under its control in the following circumstances:

1. The personal information is protected by solicitor/client privilege. That is, any information about the Applicant collected in the context of conversations or communications with the organization's lawyer is not to be disclosed to the individual;

2. The personal information was collected without the applicants' consent as allowed by PIPA for the purposes of an investigation and where the investigation and associated proceedings and appeals have not been completed. An example of this type of information would be documents and information gathered by the Co-op as part of their investigation on a membership termination.

What Should Be Disclosed

3. The organization must not disclose personal information in the following circumstances:

a) The disclosure could reasonably be expected to threaten the safety or physical or mental health of an individual other than the Applicant;

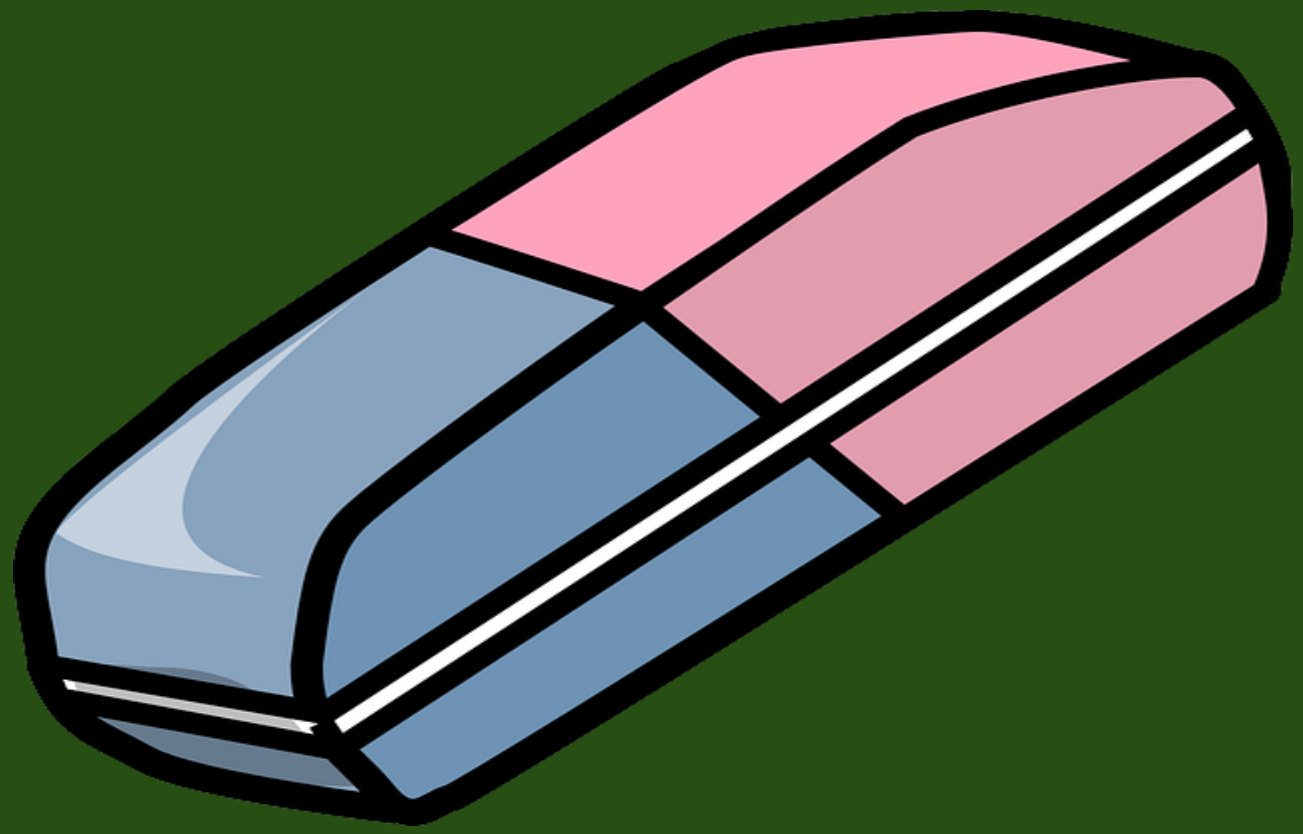
b) The disclosure could reasonably be expected to cause immediate or grave harm to the safety or the physical or mental health of the Applicant;

c) The disclosure would reveal personal information about another individual;

d) The disclosure would reveal the identity of an individual who has provided personal information about another individual and the individual providing the personal information does not consent to disclosure of his or her identity. An example of this would be complaint letters made against a member. These would not be provided to an Applicant as they would reveal the identity of an individual (the letter writer) who had not consented to the disclosure.

What Should Be Disclosed

If the organization is able to remove the information that it must not disclose from a document, then the document can be redacted (altered) to remove that information and then made available to the individual making the request.



What Should Be Disclosed

The obligations of the Organization can be summarized as follows:

a) The Organization is obligated to make available personal information that the Organization has collected about a particular individual. The totality of the information collected on the individual will likely be in the member's file, and

b) Of the personal information of the member, the Organization must remove:

i. Any document or information which has solicitor/client privilege attached to it;

ii. Any document or information that if disclosed might threaten the safety or physical or mental health of an individual other than the person in the request;

iii. Any document or information that if disclosed may cause immediate or grave harm to the safety or physical or mental health of the individual making the request;

iv. Any document or information that may reveal personal information about another individual;

v. Any document or information that would reveal the identity of the person providing the information about the requesting individual if the person providing the information has not consented to their identity being disclosed.

Time to Respond

Pursuant to Section 29 of PIPA, the organization has 30 days after receiving the applicant's request to respond to the request.

The organization has the option of extending this matter for a further 30 days for a number of reasons. A reason that might apply to the organizatIon is that a large amount of personal information is requested and must be searched and meeting the time limit would unreasonably interfere with the operations of the organization.

If the organization decides to avail itself of the extra 30 days, it must also advise the applicant of both the extension and advise them of their right to request an order from the Privacy Commissioner that the organization comply with the original 30 day deadline.

Copies or Actual Documents

Section 28 of PIPA provides that the organization must make reasonable efforts to provide the requested personal information. This means that the organization has to make reasonable efforts to provide the applicants with copies of the personal information that the individuals have requested. Section 28 also provides that if the personal information cannot be reasonably provided, then the organization must provide individuals with a reasonable opportunity to examine the personal information. They are not allowed to take possession of the information and remove it to some other location for examination.

Fee is Chargeable

Section 32 of PIPA provides that the organization can charge the individual requesting the information a "minimal fee" to access the individual's personal information. There is no guidance as to what a minimal fee is. If the organization intends to charge individuals a minimal fee, the organization must firstly provide individuals seeking the information with an estimate of the fee before providing the service and may require the applicant to pay a deposit for all or part of the fee.

Fee is Chargeable

If management is saddled with the task of assembling this information, then we would suggest the organization charge a minimum fee and I would suggest $5 per hour, or perhaps there is a term in the management agreement. Photocopying expenses may also be charged. We would suggest $0.15/page. We would also suggest requiring a deposit for all or part of the fee as we have found that there is an excellent chance that you will never see payment of that fee if the information is provided.

Fee is Chargeable

If the job of collecting the information is to fall on a member or privacy officer, then I don’t believe the organization would have good grounds to charge a fee outside of photocopying costs, since the position is voluntary.

PART 4: PRACTICE TIPS

Record Keeping Tips (CHF BC)

Computer password protection

Locking computers to desk surface

Keeping files with personal information in locked cabinets

Secure any confidential computer disks

Neutral comments in files – (Not sure if I agree with this recommendation)

Retention policies for files

Retain records provided through a PIPA request in a separate file for producing to the Commissioner, if required

Record Keeping Tips

Consider separating records into two files, if appropriate, in order to separate information that the tenant would be most interested in seeing from the standard information. Sever (black out) information that identifies a third party who has not agreed to release their information.

Don’t keep tenant files in plain view of other tenants and third parties.

Record Keeping Tips

Video surveillance – does your strata use surveillance cameras and if so, how do you store the information? Signs should inform people that surveillance is in place. While cameras should be in public common areas, take care with hallways so as not to focus on a particular unit entrance.

Record Keeping Tips

Destroy previous owner files and financial information about current members after 7 years. Destroy personal information used to make a decision one year later.

Purchase zigzag shredder

Review archives and secure personal information

MANDTORY REPORTING

EXCEPT FOR BC, MANDATORY REPORTING IS REQUIRED FOR SECURITY BREACHES POSING A “REAL RISK OF SIGNIFICANT HARM” TO THE PRIVACY COMMISSIONER OF CANADA (OR OFFICE OF THE PRIVACY COMMISSIONER IN ALBERTA) AND NOTIFY AFFECTED INDIVIDUALS “AS SOON AS FEASBILE”. MANDATORY REQUIREMENTS INCLUDE KEEPING RECORDS OF ALL BREACHES FOR AT LEAST TWO YEARS AND NOTIFYING OTHER ORGANIZATIONS THAT CAN MITIGATGE HARM.

PART 5: DRAMA IN REAL LIFE

Drama in Real Life

The Board passes a Policy that requires all member and guests who wish to use the common room to disclose their vaccine status.

The Organization wants install fake cameras to enhance security.

A tenant wants access to emails regarding the tenant going between Board members on their personal accounts.

Q & A

Haddock & Company, Lawyers

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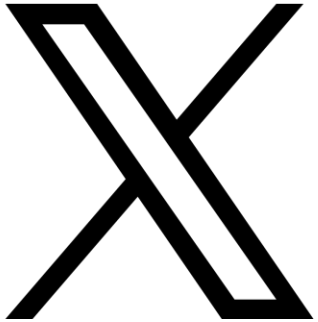
Thank you for your time!

Share what you've learned on social media!

- Post photos, favourite moments, or key learnings from today's workshops on social media
- Tag us @chfcanada
- Use the hashtag #CHFCanada2026



CO-OPERATIVE HOUSING FEDERATIONS

The National Education Committee presents

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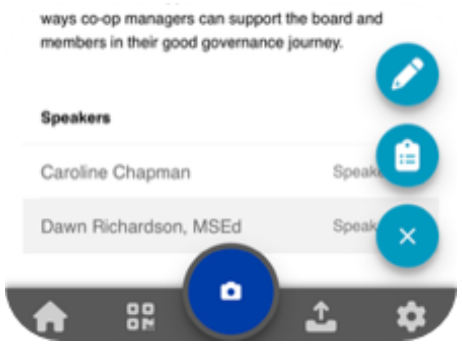
We need your help to do better!

Fill out a paper evaluation, fold in half and leave it in the room.

Or fill out a digital evaluation using our conference app.

Thanks!



When you get home

Find today's workshop materials in the resources section on our website:

chfcanada.coop/education/resources

Reminders

- **Voting in CHF Canada National Business meeting happens on Saturday**. Your co-op's delegate must be there in order to vote. The delegate can pick up a voting device at conference services.
- **All coffee breaks will be held in the tradeshow area!** Make sure you visit all the tradeshow exhibitors so that you can complete the bingo card (found in your bag) and have a chance to win prizes.