

# **ASSOCIATION OF CONDOMINIUM MANAGERS OF ONTARIO PRIVACY POLICY**

**(Internal/ Disclosed Upon Request/Provided to Agents and Employees)**

ACMO advances the quality performance of condominium property managers and management companies in Ontario by:

- Offering professional development programs
- Representing the interests of the members to government, other associations, the media, condominium corporations and the general public;
- Providing programs which regulate the conduct of the members;
- Promoting the members and the association within ACMO to the condominium community and to the general public;
- Supporting the members through the provision of networking, group services and resources;
- Being responsive to the needs and wishes of the membership. (the “Mission Statement”)

As of and from January 1, 2004, all organizations engaged in commercial activities must comply with the *Personal Information Protection and Electronic Documents Act* (PIPEDA), unless the federal cabinet has exempted the organization because it is subject to “substantially similar” provincial legislation. The obligations under PIPEDA therefore extend to ACMO and ACMO recognizes that individuals have a right to privacy with respect to their personal information.

ACMO is responsible for the personal information it collects, uses, maintains and discloses in the various relationships it develops in the course of achieving its organizational goals and objectives. To ensure this accountability, ACMO has developed this policy, and trained its directors, officers, staff and third party service providers about its policies and practices to ensure implementation.

## **What is “Personal Information?”**

Personal information is any information that identifies an individual, or by which the individual’s identity could be deduced. It does not, however, include the name or business address or telephone number of a sole proprietor or an employee of an organization.

## **Types of Relationships ACMO Develops**

ACMO has three primary forms of relationships.

- The first relationship is with the members of ACMO.
- The second relationship is with its directors, officers and staff.
- The third relationship is with third party service providers which provide services and support for ACMO.

ACMO recognizes that it has an obligation to protect private information in the context of these relationships.

### **Types of Information ACMO Collects and How it Uses and/or Discloses It**

Personal information collected under this Policy is used to perform services within and to fulfill the scope of the Mission Statement. ACMO may also use it to provide a member through various channels with information that it believes will be of interest to the member. This includes such methods as:

- ✚ New services provided by ACMO, including the ACMO Manager Magazine, periodical publications of ACMO and the ACMO website;
- ✚ Notice of industry changes that may be of interest to a member;
- Newsletters; and
- ✚ Other professional or business developments.

Personal information is used only to allow efficient administration of the Association; distribute mailings; and monitor membership renewals and/or course completions. Within the office, individual's data is accessed only by the Association manager, and the membership and accounting departments. Personal information that is used and disclosed on a need to-know-basis, where the personal information is of a highly sensitive nature.

Examples of personal information (or sources thereof where personal information) may be collected, used and disclosed include:

- ✚ Credit card information from members;
- Letters or emails from or to a member, director or officer;
- ✚ Member records;
- Name;
- Residential address;
- ✚ A non-business telephone or facsimile transmission number
- A non-business e-mail address;
- ✚ Date of birth date
- Social Insurance Number.

Sometimes information may be obtained about an individual from a variety of sources, for example:

- ✚ The individual
- An employer;
- ✚ A physician; and/or
- a government agency or registry;

ACMO collects, uses and discloses personal information to fulfill the Mission Statement at a member's request and consent to do so may be actual or implied by virtue of requesting membership in ACMO; to provide a member with information on educational programs; to invoice a member; to provide a member with information ACMO believes will be of assistance to a member and to advise of upcoming ACMO events. ACMO

does not use personal information, unless personal information is business contact information, for the purpose of promoting members to ACMO's membership, the condominium industry and/or the general public, unless it receives written permission to do so.

ACMO, including directors, offices, employees and agents may collect, use and disclose certain personal information about a member, its employees, representatives and/or agents (a "member") only when that type of information is provided by a member or is obtained by us with implied, oral or written authorization to do so.

ACMO may collect, use and disclose certain personal information about a director, officer or staff member when such personal information is provided by such director, officer or staff member and consent, whether direct or implied, is provided for the purpose of permitting ACMO to conduct its day-to-day operations, including the provision of insurance, completion of any requisite government filings, compliance with any government contribution plans, and compliance with applicable laws.

ACMO may collect, use and disclose personal information in the context of taking membership registration or renewals. For on-line registrations, this data shall be captured from the Internet and entered onto a secure server, which is not connected to the Internet. For mail registrations, the information is collected, used and stored on a secure server. ACMO collects membership registrations and renewals data by phone, mail or in person. This may include your name, address, telephone number, e-mail address, birth date, employer, position, and Social Insurance Number. Data is used only to allow efficient administration of the Association; distribute mailings; and monitor membership renewals and/or course completions. This data is entered by a third party service provider onto a secure server that is not connected to the Internet and is only accessible by management, the membership and Accounting departments of ACMO or their third party outsourcer, where applicable.

From time to time, ACMO may retain outside consultants to conduct membership surveys. Third parties may use members' contact information, which may include personal information, available to them to facilitate the process. However, this information shall be communicated to them under the contractual stipulation that it will only be used for the survey. Further, all results reported in the survey shall not be identifiable as coming from specific individuals, and aggregate statistical data is encouraged.

On-line payments are handled securely by ACMO's credit card provider, and no credit card data is available to ACMO. On-line registration for seminars, conferences, etc. is handled according to these same protocols. All payments are processed either through a third party credit/debit card machine (the Accounting Department of which retains copies of transactions only for bank verification/reconciliation) or are deposited directly to a financial institution. Once again, transactions are processed securely, and the account information would not be entered into any computer or manual database.

ACMO may publish a membership roster from time to time. Such a roster would include members' names and contact information. While participation in the roster is voluntary, ACMO assumes that members consent to being included unless they notify ACMO in writing to the contrary.

ACMO member's contact information may be made available to telephone committees to generate attendance at events, follow up on lapsed memberships or ask for committee support; however, no financial information is provided to them.

Aggregate statistical data may be made available to ACMO directors and/ or membership. No data collected is sold, rented or given to third parties.

ACMO also collects contact information from individuals if they enquire about membership. Such data is used to send information to individuals, and is made available to ACMO members or staff to follow up on enquiries. Data is stored only on a secure server that is not connected to the internet, and is only accessible by the ACMO. Data is not sold, rented or given to third parties.

Members contact information may be made available to telephone committees to generate attendance at events, follow up on lapsed memberships or ask for committee support; however, no financial information is provided to them.

Aggregate statistical data regarding the membership may be made available to ACMO for information purpose. Such statistical information is made anonymously. No data collected is sold, rented or given to third parties.

If you do not wish to receive such information, you may opt out by sending an email to [privacy@acmo.org](mailto:privacy@acmo.org) or by advising Amanda Curtis, the individual responsible for implementation of this privacy policy at ACMO, and ACMO will discontinue sending you information other than in regard to the services being provided and account matters.

### **Parties to Whom the Firm Discloses Information**

ACMO is concerned with the management of confidential information which includes personal information and accordingly has developed this Privacy Policy. ACMO, as a rule, does not disclose information about any of its members or former members unless requested by a member to do so, to fulfill the Mission Statement or unless required to by law or at the request of the client:

Under certain circumstances, however, personal information may be disclosed:

- to comply with a validly issued and enforceable subpoena, summons or similar judicial proceeding;
- when a member has consented to the disclosure;
- when the services ACMO is providing require it to give your information to a third party, your consent will be implied, unless you tell ACMO otherwise;
- where it is necessary to establish or collect fees;
- where it is necessary for a corporate member to maintain ACMO 2000 compliance, ACMO shall confirm whether an RCM, working for that company, is a current member in good standing.
- ACMO engages a third party to provide administrative services to it (including computer back-up services or archival file storage) and the third party is bound

by our privacy policy or by its own privacy policy which is in compliance with PIPEDA;

- ✚ in the course of a review of ACMO's practices, including for insurance purposes, or as necessary to properly respond to an inquiry or complaint, however, use and disclosure of information will be strictly on a required basis and where consent may be reasonably obtained in advance, such consent will be obtained;
- if the information is already publicly known;
- In the event of a reorganization or amalgamation of ACMO;
- As a part of any actual or threatened legal or alternative dispute resolution proceedings including those initiated by or against ACMO, its officers, directors, third party service providers, employees, or agents, provided ACMO discloses only the information necessary to file, pursue, or defend against the lawsuit and take reasonable precautions to ensure that the information disclosed does not become a matter of public record to the extent possible;
- ✚ To provide information to affiliates of ACMO and nonaffiliated third parties who perform services or functions for us in conjunction with our services to a client, but only if we have a contractual agreement with the other party that prohibits them from collecting, disclosing or using the information other than for the purposes for which it was disclosed. (Examples of such disclosures include engaging a records-retention agency to store prior year records.)
- ACMO may publish a membership roster from time to time; such a roster would include member's names and contact information. ACMO assumes that all such information provided for this purpose will not be personal information unless otherwise advised by an individual, where written consent will be obtained. Participation in the roster is voluntary and ACMO assumes that members consent to being included unless members notify the Association office to the contrary, in writing.
- ✚ To conduct membership surveys
- ✚ To process credit card payments, however, this personal information is not available to ACMO but is securely held by a third party credit card processor.

ACMO may disclose certain personal information about an individual to a third party service provider on a need to know basis and for the purpose of assisting ACMO in fulfilling its Mission Statement's objectives. Where a third party service provider is used and personal information is disclosed, ACMO requires that the third party service provider have developed and implemented a privacy policy together with appropriate procedures in compliance with PIPEDA.

### **Confidentiality and Security of Personal Information and Destruction**

Except as otherwise described in this policy, ACMO shall restrict access to non-public personal information about an individual to third party service providers and employees of ACMO who must use that information to permit ACMO to fulfill its obligations to a member and/or its employees. Their right to further disclose and use the information is limited by the policies of ACMO, applicable law, and nondisclosure agreements where appropriate. ACMO and its third party service providers shall maintain physical, electronic, and procedural safeguards in compliance with applicable laws and

regulations to guard personal information from unauthorized access, alteration, or premature destruction and retains personal information for a minimum of seven years. ACMO does not and will not sell personal information to any third party without written consent of the applicable individual. After seven years all personal information shall be destroyed unless retained for requirements by law.

### **Correcting Errors**

If ACMO holds information about an individual that is inaccurate, incomplete or obsolete, ACMO, upon notification and receipt of accurate information, will take reasonable steps to correct it.

### **Can an Individual be denied Access to His/Her Personal Information?**

- Access personal information is not an absolute right. Access may be denied when:
  - denial of access is required or authorized by law information relates to existing or anticipated legal proceedings against the individual;
  - when granting access would have an unreasonable impact on other people's privacy;
  - when to do so would prejudice negotiations;
  - to protect ACMO's rights and property;
  - where the request is frivolous or vexatious.

If ACMO denies a request for access to, or refuses a request to correct information, the Privacy Officer shall explain why.

### **Updating Information**

Since ACMO may use personal information to provide services, it is important that the information be kept accurate and up-to-date by the individual. If any of information changes, please inform us so that we can make any necessary changes.

### **Request for Access**

Any questions, or requests to access personal information shall be directed to ACMO's Privacy Officer Amanda Curtis at [privacy@acmo.org](mailto:privacy@acmo.org).

### **Inquiries / Complaints**

All inquires and/or complaints regarding the collection, use or disclosure shall be directed to the Privacy Officer, who shall provide a written response within a reasonable period of time from the date of receiving the inquiry/complaint outlining the information required or an explanation as to why the information cannot be provided. The Privacy Officer must also provide the name and address of the federal Privacy Commissioner for the purpose of forwarding the complaint or request to the said Privacy Commissioner.