

Privacy & Record Retention

Documents

Privacy & Record Retention

Documents

Privacy is on everyone's minds these days, and your Condominium Manager, Management Company and Board of Directors must do everything reasonably possible to protect the privacy of the Owners and Residents.

Some examples of ways they do this:

- During Board Meetings, any unit specific conversations are discussed confidentially "in-camera", and the minutes are typically taken accordingly. Should an Owner request to review the minutes, the unit specific information would be redacted.
- Directors & Managers keep meeting items confidential outside of meetings.
- All files – digital or hard copy must be kept in a secure location, and backed up as applicable.
- Management & Directors do not give Owner or Resident information out without a valid reason. A valid reason could be cooperating with a police investigation/warrant.

In 2017, there were several Amendments made to the Condominium Act, 1998, but there was one change that many people felt related directly to the privacy of Condominium Owners.

Condo Owners can now request a copy of the 'Record of Owners and Mortgagees'. When an Owner requests this core record, the Corporation is obligated to provide that person with this record, which typically lists the full name(s) of all owners/mortgagees, and their address (including the addresses of Owners living offsite).

Most commonly, this record would exclude telephone numbers and email addresses, but there could be cases where these are included. If this is a concern for you, please check with your Condominium Manager.

Corporation's being obligated to provide this record was not popular with many Owners and Directors, as they felt this was a violation of privacy. Some asked what such a record would be used for. There could be any number of reasons why an Owner might request this information, but the most common one would be if they are running for the Board and plan to campaign around the Condo. They may use this report to figure out which units have onsite Owners.

Record Retention

Section 55 of the Condominium Act pertains to the Condominium Corporation's records. The Corporation is required under the Condominium Act to retain certain records. There are Core Records and Non-Core Records, which have specific retention periods. [CAO RECORDS](#)

What is a Core Record?

- Declaration, By-laws, and Rules
- Drawings, Plans and Specs
- Current Budget
- Latest Financial Statements, Audit Report, Reserve Fund Study (RFS)
- Reciprocal Agreements, also known as Shared Facility Agreements
- Record of Owners and Mortgagees
- All Periodic Information Certificates (PICs) for the last 12 months
- Minutes of Owner or Board Meetings
- Any other record specified by a By-law as a core record.

Most core records cannot be destroyed, but there are some exceptions. For example, financial records typically only need to be retained for seven years, unless there is an ongoing request or dispute. However, most Condo Corporations will typically retain these records as long as storage space permits, which has been made easier in this digital age.

What is a Non-Core Record?

A non-core record would be all Corporation records that are not considered Core Records (listed above), and do not have to be retained indefinitely.

- Some examples of non-core records would be:
- Proxies/Ballots (must be retained for 90 days unless challenged)
- Expired Contracts
- Invoices and Work Orders (older than seven years)
- General notices posted or sent to Owners
- Outdated Amenity Forms, and similar
- Older Quotes & Proposals
- Expired Employment Contracts



For more info please contact us:

242 Applewood Crescent | Unit #5 | Concord | Ontario | L4K 4E5 | 905.669.0222
gpmmanagement.com | info@gpmmanagement.com

