

Condo Smarts July 17, 2019

Video Surveillance

Dear Tony: Our strata council has just purchased and installed 8 cameras in our main entry, and parking entry to try and address a growing security problem in our community. At first the council refused to disclose how much was paid for the cameras and monitoring service or any of the details of the monitoring; however, after a group of our owners demanded a hearing and challenged council on their actions, they have disclosed the total cost of the equipment purchased is \$11,000, and they signed a service agreement for 2,000 a year for 5 years. We were told that because the funds came from a surplus account, they did not require the approval of the strata owners. The details of all of these contracts are still being challenged, but generally our owners are very unhappy with this action and want to know what our options are. Candice K.

Dear Candice: Your strata council have acted contrary to the Strata Property Act and the Personal Information Protection Act. Before your strata activates your system, they must convene a Special General Meeting to seek the approval of the owners or determine the next actions. Whenever a strata corporation acquires or disposes of personal property that exceeds \$1,000 in market value, they are required to first obtain a 3/4 vote of the owners at a properly convened annual or special general meeting. This amount may be increased if a strata corporation amends their bylaws approving a greater amount. As the value of the surveillance cameras and equipment, exceed the authorized amount, your strata council was required to convene a general meeting of the owners to approve the expense, regardless of which account or fund this money was drawn from. The other violation which must be addressed is the action of conducting surveillance. If a strata corporation intends on conducting surveillance through video monitoring, FOBS or other tracking systems, they require the consent of the owners of the corporation. This is approved through a bylaw and the bylaw requirements are set out by the Personal Information Protection Act. The office of the Privacy Commissioner provides an excellent guide for setting up a privacy policy and surveillance bylaw. Generally, a strata corporation's privacy policy or policies should address the following: • The only purposes for which the personal information collected by the video surveillance system and/or access control system will be used; • Who is authorized to view the surveillance footage or access control records and under what circumstances; • The location of video surveillance cameras. They should not be positioned, internally or externally, to monitor areas beyond the strata corporation property or capture images peripherally or directly through the windows of adjacent strata buildings. Video equipment should not monitor areas where owners, tenants, visitors and employees have a reasonable expectation of privacy such as change rooms and washrooms; • The times when the cameras will be operating; • The length of time the video recordings and access control records will be retained; • How the video surveillance records and access control records will be securely stored and destroyed; • How the strata corporation will respond to requests under PIPA for access to the personal information contained in video surveillance records or access control records; • How owners, tenants and visitors will be given notice that the premises are being monitored by video surveillance; and • How owners will be given notice that their movements may be monitored by the key fob system. Download a copy of the guide and consult with a lawyer on setting up a privacy and surveillance bylaw. Go to: [opic.bc.ca](http://www.oipc.bc.ca) or for a direct copy of the guide: <https://www.oipc.bc.ca/guidance-documents/1455>.

Tony Gioventu, Executive Director CHOA

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