
PHOTOGRAPHY DURING UNIT INSPECTIONS

Occasionally photography during unit inspections is necessary. However, tenants, co-op members, and owners, may be concerned about preserving their privacy rights. Therefore, it is important that photographs taken during unit inspections are collected in compliance with the *Personal Information Protection Act* (“PIPA”).

This Legally Speaking will outline how housing organizations such as co-ops, strata corporations, and landlords can conduct unit inspection photography in compliance with PIPA.

Photographs of Units are Personal Information

Under PIPA, “personal information” is “information about an identifiable individual.”¹ Personal information does not include contact information or work product information. Some examples of personal information include, but are not limited to: names, date of birth, physical characteristics, income, home address, personal health number, and personal phone number.²

A photograph of a unit on its own may not be considered personal information if you cannot identify the individual occupying the unit. However, if the photograph is combined with other information that could identify the individual, then it is considered personal information and falls under PIPA. For example, if photographs are included in a report noting the unit number or the name of the individual who lives there. Therefore, organizations should ensure they conduct PIPA compliant inspections.

PIPA Compliant Inspections

S. 12(c) of PIPA allows organizations to collect personal information **without consent** if: (1) it is reasonable to expect that the consent of the individual would compromise the availability or accuracy of the personal information and (2) the collection is reasonable for an investigation or a proceeding.

¹ *Personal Information Protection Act*, SBC 2003, c 63 at s 1.

² Office of the Information & Privacy Commissioner for British Columbia, “[Guidance Document: Private Sector Landlords and Tenants](#)” (2019), at s 3.1; Office of the Information & Privacy Commissioner for British Columbia, “[A Guide to B.C.’s Personal Information Protection Act for Businesses and Organizations](#)” (2015) at pp 5-6.

This applies to unit inspections because they are a regular proceeding and form of investigation for most housing organizations. If consent was required, then individuals could decline and organizations would be unable to properly operate.

S. 10(1) requires that on or before collecting personal information, an organization must disclose to the individual verbally or in writing: (1) the purpose of collecting the information, and (2) on request by the individual, information about an officer or employee of the organization who can answer their questions about the collection.

S. 11 further provides that organizations may only collect personal information that a reasonable person would consider appropriate in the circumstances and that fulfills the purpose the organization disclosed.

Unit inspections are a reasonable and appropriate circumstance to take photographs. However, when taking photographs, the organization must adhere to the stated purpose of collection. For example, if the organization is taking photographs of units for a maintenance inspection, it would be both unreasonable and not for the stated purpose of collection, if the organization took photographs of the inside of an individual's backpack.

Key Takeaways

Taking photographs during unit inspections is a form of collecting personal information. Personal information may be collected without consent where the collection is necessary and reasonable for an inspection or proceeding. The following are key recommendations for housing organizations planning to take photographs during unit inspections:

1. Provide notice as required under the relevant rules or laws for entry into the unit.
2. When providing notice, state you will be collecting personal information and state the purpose of the collection.
3. When providing notice, advise individuals to remove or conceal any sensitive personal information, such as identification documents, that they would not want photographed.
4. If an individual requests contact information, provide the contact information of an officer or employee who can answer their questions regarding the collection.
5. The individual taking photographs during the inspection should limit photographs to what is reasonably necessary for the stated purpose and avoid capturing items that may reveal the occupant's sensitive personal information.
6. Store the photos in accordance with PIPA.
7. Do not disclose the photos, unless the disclosure is authorized or required under PIPA.

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