

# THE AGENCY FOR CO-OPERATIVE HOUSING

## POLICY MANUAL

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**AUTHORITY:**

Board of Directors

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**SUBJECT:**

Confidentiality and Access to Information

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### 1. Purpose of the Policy

- 1.1 The Agency is a transparent, accessible and accountable entity, operating in a spirit of openness. At the same time, the Agency protects the confidentiality of the information we hold about others to the full extent the law requires.
- 1.2 Information we gather and use while delivering services to Canada Mortgage and Housing Corporation belongs to CMHC and, as applicable, to the co-operative that provided the information or received it from the Agency. Such information is referred to in this policy as “CMHC Information.” CMHC Information and its distribution are governed by the federal *Access to Information Act*. CMHC does not own information the Agency receives or creates under any agreement with other legal clients or its own fee-for-services.
- 1.3 Agency information is any information that is neither CMHC Information nor owned by a third party.
- 1.4 This policy
  - defines the limited and specific circumstances in which we will withhold information about the Agency;
  - sets out the extent to which the Agency will share or protect the information we hold about individual housing co-operatives and other third parties, as distinct from information about individuals, which is the concern of the Privacy Policy.

## **2. Confidential Information**

“Confidential information” is all information, regardless of who owns it, that contains any of the following:

- i trade secrets of a third party;
- ii financial, commercial or technical information treated consistently in a confidential manner by the third party;
- iii information that, if shared, could reasonably be expected to result in material financial loss or gain, or could reasonably be expected to prejudice a third party’s competitive position;
- iv information that, if shared, could reasonably be expected to interfere with contractual or other negotiations of a third party.

## **3. Information about the Agency**

3.1 Subject to any applicable laws, the Agency is committed to disclosing in a full and timely way all information about its operations that it can reasonably share without injury to the public interest or to the legitimate privacy and confidentiality requirements defined in this and other policies. Client housing co-operatives, their members, other stakeholders and the public are entitled to clear, accurate and complete information about the Agency’s policies, services and initiatives, as follows:

- We will encourage our staff and directors to share what they know about the Agency and our work and to withhold information only as this policy or the Privacy or Human Resources Policies require.
- The Agency’s public website will provide t the Agency’s annual reports, annual client service report card and other information about the Agency, most of our policies and the programs we administer.
- We will share information on the Agency’s own performance with CMHC and other key stakeholders.

3.2 We will withhold information about the Agency that could reasonably be expected to do real harm to our business relationships, security or financial interests, if shared, or that would provide any person or legal entity with an undue financial benefit. These limitations do not prevent the Agency from sharing information with CMHC.

#### **4. Information about Individual Housing Co-operatives**

##### **4.1 Access by Client Co-operatives to Information about Themselves**

The Agency will provide clients of the CMHC programs we administer and their property managers of record with timely reports, compiled from the information contained in the client's Annual Information Return and, if applicable, quarterly or monthly monitoring reports. These reports will be presented in a usable, clear and reader-friendly format. For a reasonable fee that covers the Agency's costs, former clients, or new clients may subscribe for some of these reports through the Agency's Annual Health Check service. On request, the Agency may provide clients and their property managers with other information it holds about them, charging a reasonable fee for the service.

##### **4.2 Access by Members of Housing Co-operatives**

The Agency may share with individual members any non-confidential information about their housing co-operative, such as its CMHC program. Members must apply through their co-operative for any other information the Agency holds about the co-operative, including its operating agreement with CMHC, if any, which CMHC has deemed to be confidential information.

##### **4.3 CMHC Access**

CMHC is entitled to all information the Agency collects and holds about the clients whose CMHC agreements we administer, at times and in the form provided in the Agency's service agreement with CMHC.

##### **4.4 Access by Others**

4.4.1 For the purpose of providing assistance to any co-operative, the Agency may, with its written consent, share information about the co-op with a federation of housing co-operatives to which the co-op belongs, with the co-op's current mortgage lender or a prospective lender, or with any government entity that provides funding to the co-op. Written consent may take the form of a general consent to share information provided to the Agency by the co-op, if such general consent may be revoked at the co.op's discretion.

4.4.2 Without an individual housing co-operative's specific written permission, the Agency will not provide to the following entities any information originating with the co-op unless the information is already in the public domain:

- federations or associations of which the co-operative is not a member;

- other housing co-operatives;
- other housing businesses, whether non-profit or investor-owned;
- the public.

**5. Aggregated Information about Housing Co-operatives**

Nothing in Article 4 precludes the Agency from sharing, for various purposes including benchmarking and performance reporting, aggregated information about subsets or all the our client housing co-operatives .

**6. Information about CMHC**

The Agency will observe the confidentiality requirements respecting CMHC set out in our agreement with CMHC.

**7. Information about Other Parties**

**7.1 Personal Information**

Personal information, whether about the Agency's employees or other individuals, may be shared only if the disclosure accords with the Agency's Privacy and Human Resources policies.

**7.2 CMHC-Owned Information**

Other than as set out in Article 4, the Agency will not disclose information about third parties that belongs to CMHC under Article 1. Persons seeking such information will be directed to CMHC.

**7.3 Agency-Owned Information**

The Agency may share non-confidential information about third parties where that information does not belong to CMHC.

**8. Access to the Agency's Client Database**

The Agency maintains a database of information about its client housing co-operatives (the Co-operative Housing Agency Information System or CHAIS). The Agency will provide access for its client housing co-operatives, CMHC and federations of housing co-operatives to selected information in CHAIS through a password-protected portal . Each group will receive access only to the specific information to which it is entitled, as described below.

## **8.1 Access for Housing Co-operatives and Management Companies**

Under the authority of each client's board of directors, a housing co-operative designates a co-operative administrator who authorizes other individuals associated with the co-operative to receive access to specific functions of the client portal for viewing, reporting and filing purposes.

Co-ops are free to authorize any member of their co-operative to view their co-op's annual information returns, Agency reports, as well as any current and former legal agreements with CMHC and other parties.

At the request of any management company with multiple Agency clients, the Agency will provide a single username and password that gives the manager's staff access to information on all its clients.

## **8.2 CMHC's Access**

The Agency will supply CMHC with one or more usernames and passwords that provide the appropriate level of access to CHAIS.

Depending on their access rights, CMHC users will be able to view valid AIRs, Agency reports to co-ops and other client documents the Agency and CMHC agree should be made available in this way. Some CMHC users will also be able to view the Agency's quarterly reports to CMHC and Agency board and committee minutes.

## **8.3 Access for Auditors**

The Agency will send each client's audit firm of record a username and password that will allow the auditor's staff to view rental assistance and rent supplement claims and reconciliations and to upload financial statements and file Annual Information Returns for their clients.

## **8.4 Access by Federations of Housing Co-operative**

Each federation will receive its own username and password, which will enable it to view selected information in CHAIS. While a federation's username and password may be used by more than one person, the Agency will arrange individual accounts for each separate user within a federation, on request.

The Agency shares federations aggregated information about Agency clients in their area. Federations can also see which co-ops the Agency's records show are federation members and which have consented to share information with them.

**9. Access to Information Requests**

If the Agency receives a request under the *Access to Information Act* for information that belongs to CMHC, it will re-direct the request to CMHC before the end of the following business day, after first logging it in the Agency's information system. The Agency will give CMHC any assistance it needs in responding to the request, as well as to requests made directly of CMHC.

**10. Language of Information**

Except as otherwise required by the Bilingual Services Policy, the Agency will make information available in the language in which it was received or prepared.

**11. Agreements to Protect Information**

When releasing information to third parties under this policy, the Agency may execute agreements or obtain undertakings that limit its use to the purposes for which it is given, as appropriate.

**12. Complaints**

The Agency's Privacy Officer receives and resolves complaints under this policy. A complainant dissatisfied with the result may follow the Agency's published dispute-resolution process or bring the concern directly to the Board of Directors in writing. Any complaints made pursuant to the *Access to Information Act* will be logged in the Agency's information system and directed to CMHC for handling before the end of the following business day.

**13. Education**

The Agency will ensure that, once a year, Agency employees are reminded of this policy, its underlying principles and aims, and any associated procedures.