

CO-OPERATIVE HOUSING PROGRAMS ADMINISTRATION AGENCY OF CANADA

POLICY MANUAL

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Privacy Policy
Bilingual Services Policy

DATE OF LAST REVIEW:**AUTHORITY:****DUE FOR NEXT REVIEW:**

2007

SUBJECT:

Confidentiality and Access to Information

1. Purpose of the Policy

This policy establishes the Agency as a visible, accessible and accountable entity, operating in a spirit of openness. It defines the limited and specific circumstances in which the Agency will withhold information about itself.

The policy also sets out the extent to which the Agency will share or protect the information it collects about individual housing co-operatives and other third parties, as distinct from information about persons, which is the concern of the Privacy Policy.

2. Information About the Agency

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 needs defined in this and other policies. Housing co-operative clients, their members, other stakeholders and the general public are entitled to clear, accurate and complete information about the Agency's policies, services and initiatives, as follows:

- The Agency will encourage its staff and directors to share what they know about the Agency and its work and to withhold information only as this policy or the Privacy Policy requires.
- The Agency's public website will provide the general public with the Agency's annual reports, minutes of meetings of the Board of Directors, contact information for its staff and their roles, and other information about the agency, its policies and the programs it administers.

- The Agency's major stakeholders are entitled to receive reports on the Agency's performance and its management of the co-operative housing programs.
- Subject only to applicable privacy laws, Canada Mortgage and Housing Corporation (CMHC) is entitled to full and complete information on the Agency and its operations.

3. **Information about Housing Co-operatives**

(a) Client Co-operatives

Individual housing co-operatives are entitled to receive timely reports from the Agency, compiled from the information contained in the co-op's annual information return. These reports will be presented in a usable, clear and reader-friendly format. Through its website, the Agency will give co-ops access to the information it holds about them in its information system. On request, for a reasonable fee that covers its handling costs, the Agency will provide co-ops with more extensive information it holds on them.

(b) Members of Housing Co-operatives

The Agency may share with individual members of a housing co-operative any information about the co-op that may reasonably be considered to be public, such as published financial statements. Members must apply through their co-operative for any other information the Agency holds about the co-op.

(c) Service Organizations and Professionals

With the purpose of providing assistance to the co-operative and subject to paragraphs 4 and 8, the Agency may share information about a co-operative with a federation of housing co-operatives, management company, operational services group or other service professional, provided the co-operative is its member or client.

(d) CMHC

CMHC is entitled to all information the Agency holds about the housing co-operatives operating under programs it administers for CMHC, at times and in the form provided in its agreement with CMHC.

4. Information Only with Written Permission

Unless it has an individual housing co-operative's written permission, the Agency will not provide any information on the co-op, except information that is already in the public domain or that would be available from CMHC, on request, under the *Access to Information Act* with the following entities:

- 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
- financial institutions and lenders with whom the co-operative does not have a loan
- the general public.

5. Access-to-Information Requests

If the Agency receives a request for information under the *Access to Information Act*, it will re-direct it to CMHC for processing. The Agency will give CMHC any assistance it needs in responding to the request.

6. Information about CMHC

The Agency will observe any confidentiality requirements respecting CMHC or CMHC's business contained in its agreement or agreements with CMHC.

7. 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 prepared.

8. Circumstances that Limit or Preclude the Sharing of Information

The Agency recognizes that in specific circumstances full and free sharing of information must be restricted or precluded, as follows.

(a) Information About the Agency

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

(b) Information About Third Parties

The Agency will not disclose information where that information contains

- 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 to, 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.

If the third party is a housing co-operative, the Agency will withhold information where revealing it could reasonably be expected to do real harm to the co-op's reputation.

Staff and contractors must use their judgement in applying these rules.

(c) Personal information

Personal information, whether about the Agency's employees or other persons, may be shared only in the following circumstances:

- i. the Agency has notified the person involved, who has agreed to the sharing;
- ii. the information is already in the public domain;
- iii. the disclosure accords with the Agency's Privacy Policy.

(d) Aggregated Information About Housing Co-operatives

Nothing in this article 8 precludes the Agency from sharing, for various purposes, including benchmarking and performance reporting, aggregated information about sub-groups or all of the housing co-operatives operating under programs the Agency administers.

9. Agreements to Protect Information

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

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10. Complaints

The Privacy Officer receives and resolves complaints under this policy. If a complainant is dissatisfied with the result, he or she may follow the Agency's dispute resolution or ombuds process or bring the concern directly to the Board of Directors in writing.