



Real Estate  
*Council*  
OF ALBERTA

**PRIVACY  
POLICY,  
PRACTICES & PROCEDURES**

January 1, 2004



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## 1. INTRODUCTION

The Real Estate Council of Alberta (RECA) must comply with the *Personal Information Protection Act* (PIPA). RECA has a Personal Information Code (“Code”) that assists in RECA’s compliance with PIPA and contains applicable rules for the collection, use, and disclosure of personal information by RECA. RECA supports an individual’s right to privacy of their personal information in accordance with PIPA.

The purpose of this document, *RECA Privacy Policy, Practices and Procedures*, is to describe RECA’s privacy policies, practices and procedures as they apply to industry members, the public and RECA staff. A copy of PIPA, the Code and this publication is available at [www.reca.ca](http://www.reca.ca).

## 2. THE CODE

The *Real Estate Act*, S.A. 2000 c. R-5 (the REA) at section 5 provides for RECA to administer the REA. The PIPA at s. 55 permits RECA to establish a Code in regard to personal information collected, used and disclosed by RECA.

RECA maintains the following categories of records: Licensing and registration (authorizations), Education, Complaints and Investigation, Inspection, Corporate, Prospectus Filings, Administration, Human Resources, Legal, Assurance Fund and Finance.

## 3. ACCESS TO PERSONAL INFORMATION

**3.1.** It is the policy of RECA to be open and accountable with the public and industry members regarding information maintained for the administration of the REA. In addition, RECA is accountable for maintaining an individual’s right to personal information protection. RECA must balance privacy protection with RECA’s requirements to collect, use and disclose personal information for the purposes outlined in the REA.

**3.2.** In accordance with PIPA and the REA, RECA may disclose personal information and records to carry out its administrative functions. RECA will disclose to the public on an individual record basis, business contact information and in particular an industry member’s name, license classification, whether the individual is currently licensed and registered, the brokerage’s name, business address, business telephone number, business e-mail address, if available, and facsimile number.

**3.3.** As a general rule, RECA will not provide public access/disclosure to information including information that:

- violates the PIPA
- violates an individual's right to privacy, unless required by law
- violates a legally recognized privilege
- impairs the ability of RECA to ensure a fair, safe and informed marketplace
- deals with a complaint, investigation/inspection
- involves information on the conduct of business by the Council, its committees or task forces.

**3.4.** RECA will not provide access/disclosure to personal information to the individual to whom it relates if the release would:

- violate the PIPA
- violate another individual's right to privacy, unless that individual consents to the release of the personal information, or unless required by law
- violate a legally recognized privilege

#### **4. ACCESS TO PERSONAL INFORMATION PROCEDURE**

**4.1.** RECA encourages individuals to informally request information from RECA as a first step. RECA has a policy of routinely providing information to industry members and the public without recourse to the procedures set out below. Information that is routinely available includes licensing information, annual reports, audited financial statements, newsletters, policies, *REA* interpretations, hearings decisions, etc.

RECA routinely provides information to industry members on the status of their license and registration, subject to confirmation of identity.

On request, RECA will provide an individual with information concerning the existence, use and disclosure of his or her personal information. If the personal information is not subject to the exceptions in paragraph 3.4 above, PIPA, the Code or other, RECA will provide the personal information in a form that is easily understandable.

**4.2.** When information can not be obtained through the informal route, a formal request in writing may be submitted to:

Jean Flanagan  
In-House Legal Counsel

Real Estate Council of Alberta  
Suite 340, 2424 4<sup>th</sup> St. S.W.  
Calgary, AB T2S 2T4

RECA will assist with the request which must be in writing, addressed to the privacy compliance officer and must describe the personal information requested. RECA will respond with a reply within 45 working days of receipt of the request. Reasons will be provided when disclosure is not provided to a record or personal information along with a description of how to request a review of the decision, if desired. There will be a .50 cent fee per page for photocopying of records with a minimum \$5.00 fee.

Where an individual disagrees with the accuracy of their personal information received from a formal request, the individual is entitled to request a correction. The request for correction must be in writing and addressed to the privacy compliance officer. If the correction is refused, the individual may require RECA to attach a Statement of Disagreement to the file.

**4.3.** When an individual is not satisfied with the response to the formal request, the individual may ask the Executive Director to review the decision. The request for review must be in writing, addressed to the Executive Director and must describe the request. A decision from the Executive Director on the formal request will be provided as soon as possible and within no more than 30 working days of receipt of the review request. PIPA provides for additional avenues of possible review to the Office of the Information and Privacy Commission. Details are outlined in the PIPA, Parts 4 and 5.

## **5. PERSONAL INFORMATION PRACTICES**

### **5.1. Collection**

**5.1.1.** Personal information will be collected by lawful means directly from the industry member to whom it relates whenever possible and be compiled only where there is a demonstrable need for the personal information or other information in order for RECA to administer the *REA*.

**5.1.2.** Individuals will be informed of the purposes for which personal information is collected by RECA, unless the information is collected as part of a complaint investigation/inspection.

The forms for license and registration under the *REA* will contain a statement that the information collected will be used only to determine whether the applicant is eligible for or remains entitled to the license and registration applied for under the *REA*.

**5.1.3.** An individual's consent will be obtained before personal information is collected except for the conduct of a complaint investigation/inspection. The forms for license and registration under the *REA* contain a consent to the collection of relevant personal information to determine if the applicant is eligible for or remains entitled to the license and registration applied for under the *REA*.

**5.1.4** RECA will use consent clauses that are easy to find, clearly worded and as specific as possible regarding the purposes of collection, use or disclosure. RECA will obtain express consent wherever possible. In determining what form of consent to use, we will take into account the sensitivity of the personal information and the reasonable expectations of individuals. We may obtain consent in person, by telephone, by mail, facsimile or via the Internet (e-mail).

**5.1.5.** RECA staff involved in the collection of personal information will communicate the reasons personal information is required as outlined in the PIPA and at the request of the individual to whom the information pertains.

## **5.2. Use and Disclosure of Personal Information**

**5.2.1.** Personal information will not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual to whom the information applies.

All RECA staff sign a Confidentiality Agreement that requires employees to maintain as confidential all information that comes to their knowledge as part of their employment with RECA, unless disclosure is allowed by law.

**5.2.2.** An individual's written consent must be obtained before personal information may be disclosed to third parties except in regard to the conduct of a complaint, investigation/inspection or legal proceeding or where the information is disclosed for purposes related to the investigation or enforcement activities of RECA and in compliance with *PIPA*. The forms for license and registration under the *REA* will contain a consent to the disclosure of information to third parties to determine if the applicant is eligible for or is entitled to the license and registration applied for under the *REA*.

**5.2.3.** When personal information is made available to third parties acting on behalf of RECA, RECA will contractually require that the third party have in place measures that protect the personal information.

The protective measures will be described in the contract with the third party and will include as a minimum locked premises and passwords where appropriate. RECA will allow personal information transferred to third parties to be used only for purposes consistent with license and registration and educational activities of RECA. The personal information will not be used for direct marketing purposes.

RECA will update the personal information provided to third parties on a regular basis.

### **5.3. Accuracy, Security, Retention and Destruction of Personal Information**

**5.3.1.** Personal information will be retained for as long as is necessary to fulfill the purposes for which the information was collected and used. Since passage of the Act in 1995, RECA has and continues to maintain all personal information collected in either hardcopy or electronic form.

**5.3.2.** In the future, if destruction is to occur in accordance with a change in policy pursuant to paragraph 5.3.1, it is anticipated that personal information maintained on paper will be destroyed by shredding. The method of destroying personal information in electronic form has yet to be developed. This method will be openly communicated.

**5.3.3.** RECA will keep personal information accurate and up to date based upon information provided by industry members. Industry members will be reminded periodically through the newsletter of their statutory obligation to keep license and registration information accurate and up to date.

**5.3.4.** RECA will record changes to personal information received from industry members within ten working days.

**5.3.5.** RECA will take measures to ensure that personal information is maintained in a secure manner. Passwords are used to restrict access to the computer system. The passwords also control access by staff of RECA to the personal information the employee is authorized to use.

Access to the premises of RECA is controlled by a security system and security cards.

**5.3.6.** A formal request or complaint about RECA's compliance with *PIPA* and the personal information privacy policy, practices and procedures may be made to the RECA Privacy Compliance Officer. The complaint must be in writing and a response in writing will be provided within 45 working days of the receipt of the request or complaint.

For more information SCHEDULE "A" contains RECA's Privacy Request/Complaint Handling Procedure.

## **6. FEES**

**6.1.** An Employment History will be provided to the individual it relates to, or to another person with the consent of the individual, in accordance with section 3.3 above. Personal information will otherwise be provided as set out herein.

RECA charges fees for the production of records and these amounts may vary from time to time.

**6.2.** RECA will provide personal information to the person to whom it relates on both an informal basis and through a formal request. Fees for photocopying will apply.

## **7. QUESTIONS ABOUT THE PRIVACY POLICY, PRACTICES AND PROCEDURES**

The person responsible for RECA's compliance with the Personal Information Protection Act and RECA's Privacy Policy and Practices is RECA's Executive Director. The Executive Director has appointed, Jean Flanagan, as his delegate in regard to RECA's obligations hereunder and she may be contacted at:

Real Estate Council of Alberta  
Suite 340, 2424 4<sup>th</sup> St. S.W.  
Calgary, Alberta T2S 2T4

Phone: (403) 228-2954  
Fax: (403) 228-3065  
Toll Free: 1- 888-425-2754



## **SCHEDULE "A"**

### **Privacy Request/Complaint/Correction Handling Process**

1. Informal issue, perhaps verbal, directed to Privacy Compliance Officer "PCO" ;
2. Formalized request/complaint/correction in writing directed to PCO;
3. File opened and system request/complaint/correction registration by PCO;
4. Written acknowledgement of written request/complaint/correction to applicant by PCO;
5. Gather information regarding request/complaint/correction from applicant and RECA unit manager or manager delegate and consultations with RECA staff as necessary by PCO;
6. Provision of PCO interim findings and recommendations to Legal Counsel regarding the request/complaint/correction including, application of the Real Estate Act, Personal Information Protection Act, the Personal Information Code and/or RECA policy;
7. Final report and recommendation to Executive Director regarding request/complaint/correction;
8. Instructions to PCO and Legal Counsel from Executive Director;
9. PCO carries out Executive Director's instructions and communicates in writing to the applicant;
10. Legal Counsel coordinates with PCO and others regarding privacy issues at the Office of the Information and Privacy Commissioner;
11. Letter to applicant and file closed ;
12. Legal Counsel reports regularly to Executive Director.

Note : Flow chart in development