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# Balancing the Right to **Privacy & Protection** in Condo Communities

The days of relying solely on patrol guards to monitor and protect a condominium property are long gone. We are now in a hybrid era of security centred on a combination of digital surveillance and live guarding. Condo security concierge and patrol teams are still a crucial part of a property's security strategy. Still, their effectiveness has been drastically enhanced with the addition of HD surveillance camera systems, biometric access controls and other high-tech tools that were once the stuff of science fiction.

It would be fair to say that technology-equipped condominium properties with an active security presence enjoy an unprecedented level of protection. While issues and crimes will

still occur, proactive and reactive risk mitigation has been taken to new levels thanks to emerging digital tools. And that technology is only in its infancy. Innovations such as facial recognition software add another advanced layer of protection to condominium property managers' security tool kits.

## **The Right to Privacy**

While condominium residents value security, many are concerned that the drive to protect properties has trumped the right to privacy. That feeling extends across society as a whole. A 2019 survey by the Office of the Privacy Commissioner of Canada found that 92 percent of Canadians are concerned

about protecting their privacy. Only 38 percent of Canadians felt that businesses protect their privacy rights, while 67 percent feel they have little or no control over how private companies use their personal information.

That conflict creates challenges across condominium communities as residents increasingly question how security technologies are utilized and to what end. Many are calling for a better balance between privacy and security. At the same time, condo property managers are working to incorporate new technology across complexes while paying close attention to the concerns of condo boards and residents alike. Then there is the question of compliance.





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Privacy laws vary by province, but every jurisdiction across the country applies limitations on how surveillance data is collected, stored and utilized.

According to the Information and Privacy Commissioner of Ontario, for example: “In the context of video surveillance, this means that as a general rule, institutions may only use personal information collected by means of video surveillance for the purpose of the video surveillance program or for a consistent purpose. Use of the information for other, unrelated purposes would not generally be permitted. When information collected for one purpose is used for another, unrelated purpose this is often called ‘function creep.’”

Legislation in Ontario, such as the Municipal Freedom of Information and Protection of Privacy Act and the Freedom of Information and Protection of Privacy Act, require full disclosure in situations where individuals’ personal information or likeness is captured on camera. And those are only a tiny fraction of the often complex privacy rules and regulations to which property managers must comply.

### Privacy & Security Protocols

While surveillance to protect residents is permitted—and in virtually all cases, its use is strictly to deter crime or react to inappropriate behaviour—condominium managers realize that achieving and maintaining compliance is often a high-wire act. With growing calls to limit or prohibit using some technology, such

as facial recognition software, many managers struggle to understand what tools are available to protect their properties, avoid legal risk, and shield the corporation from potentially costly fines or liability. But how are they supposed to review incidents or rebuild timelines when accidents occur if their surveillance hands are (at least partially) tied?

During the COVID-19 pandemic, this question took on new life as condominium managers were required to implement contact tracing measures, temperature monitoring (often using high-tech cameras) and other measures to mitigate the risk of a building-wide outbreak. While residents tolerated these unprecedented measures for a time, their patience and willingness to comply wore thin.

The best approach is to develop a strategy that balances the right to privacy with the need for security while also paying close attention to residents’ concerns and preferences. That means implementing comprehensive privacy protocols governing the use of data or footage collected from digital cameras or entry systems. The focus should be on setting the ground rules for how that information is collected, stored, managed and eventually destroyed. What are those timelines? Who will be the gatekeeper of that information? Who will access it in the meantime—and will it be stored locally or on a cloud server? What cybersecurity measures will be implemented to ensure that the information stays safe and secure?

### Calming Residents’ Concerns

Then, it’s essential to communicate with residents to explain how these measures will be deployed, listening, building trust, and responding to their feedback, ideas, and concerns. Involving the condominium board or a committee of residents can help ensure the appropriate levels of stakeholder input. Regularly reviewing and revising policies are important to maintain best practices and make residents as comfortable as possible with their personal information.

A security provider or a surveillance management consultant can help develop a governance framework and manage the process on behalf of property managers. And, of course, security teams will need to be an integral part of the process of easing residents’ fears and making sure they embrace the tactics need to ensure their protection—using the very best technology available.

Involving experienced service providers in that process not only helps mitigate the risk of policy and process errors and omissions but allows property managers to focus on providing the very best resident experience possible. ■

**Winston Stewart** is the President and CEO of Wincon Security, a Scarborough, Ontario-based security firm that has delivered property monitoring and protective services to retail, commercial, industrial and condominium clients across the Greater Toronto Area for more than 25 years.  
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