

THE AGENCY FOR CO-OPERATIVE HOUSING

POLICY MANUAL

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Board of Directors

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SUBJECT:

Confidentiality and Access to Information

1. Purpose of the Policy

- 1.1 The Agency wishes to be a visible, accessible and accountable entity, operating in a spirit of openness. At the same time, it must respect the confidentiality of the information it holds about others to the full extent the law requires.
- 1.2 Information the Agency gathers and uses in the course of providing services to Canada Mortgage and Housing Corporation belongs to CMHC. 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 another legal client.
- 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 the Agency will withhold information about itself;
 - sets out the extent to which the Agency will share or protect the information it holds about individual housing co-operatives and other third parties, as distinct from information about individuals, which is the concern of the Privacy Policy.

2. Information about the Agency

2.1 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 needs defined in this and other policies. Client housing co-operatives, 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, contact information for its staff and their roles, and other information about the Agency, its policies and the programs it administers.
- The Agency will share information on its own performance with CMHC and with other key stakeholders, as identified by the Board of Directors.

2.2 The Agency will withhold information about itself 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.

3. Information about Individual Housing Co-operatives

3.1 Access by Client Co-operatives to Information about Themselves

The Agency will provide individual housing co-operatives with timely reports, 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 and made available through a password-protected area of the Agency's website. On request, for a reasonable fee that covers its handling costs, the Agency may provide co-ops with other information it holds about them.

3.2 Access by Members of Housing Co-operatives

The Agency may share with individual members any information about their housing co-operative that is considered to be public, such as published financial statements, which CMHC program the co-op operates under, and the amount of federal assistance CMHC provides. Members must apply through their co-operative for any other information the Agency holds about the co-op, including its operating

agreement with CMHC, which CMHC has determined to be confidential information.

3.3 CMHC Access

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

3.4 Access by Others

3.4.1 For the purpose of providing assistance to the co-operative, the Agency may, with its written consent, share information about a co-op with a federation of housing co-operatives of which the co-operative is a member or client, or with the co-operative's current mortgage lender or a prospective lender to the co-op, or any other 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, provided such general consent may be revoked at the co-op's discretion.

3.4.2 Unless it has 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, except for information that 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 general public.

4. Aggregated Information about Housing Co-operatives

Nothing in Article 3 precludes the Agency from sharing, for various purposes including benchmarking and performance reporting, aggregated information about subsets or all of the housing co-operatives operating under programs the Agency administers. The Agency will consult with CMHC from time to time on the nature and extent of information to be shared and appropriate limitations on the sharing of information that may reasonably be considered commercially sensitive.

5. **Information about CMHC**

The Agency will observe any confidentiality requirements respecting CMHC or CMHC's affairs set out in its agreement with CMHC.

6. **Information about Other Parties**

6.1 **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 Policy.

6.2 **CMHC-Owned Information**

Other than as set out in Article 3, 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.

6.3 **Agency-Owned Information**

The Agency may share information about third parties where that information does not belong to CMHC, provided that it does not contain

- 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.

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

7. **Access to the Agency's Password-Protected Site**

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 area (the client website). Each group will receive access only to the specific information to which it is entitled, as described below.

7.1 Access for Housing Co-operatives and Management Companies

Housing co-operatives will receive a single unique username and password that gives them access to the client website. Co-ops are free to share their username and password with members, or, if they prefer, to restrict access.

Through the client website, co-op users can view their co-op's Agency documents (e.g., Agency reports), CMHC and other legal agreements, and reference materials relevant to their program and the province they operate in.

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 of its clients.

7.2 CMHC's Access

The Agency will supply each separate user at CMHC with an individual account and a username and password that provides that user with the appropriate level of access to CHAIS.

Depending on their position, 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 reports to CMHC and Agency board and committee minutes.

7.3 Access for Auditors

The Agency will send each client's audit firm of record a name and password that will allow the auditor's staff to view and download resource materials, such as the *Auditor's Guide to the AIR*, and to file Annual Information Returns for their clients through CHAIS.

7.4 Access by Federations of Housing Co-operatives

Each federation will receive its own username and password, which will enable it to view selected information on 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 will allow federations to view reference materials relevant to the co-operative housing programs found in their region and the province they operate in, and 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 the federation.

8. 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 it 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.

9. 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.

10. 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.

11. 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 directed without delay to CMHC for handling.