

Procedures and Practices made under the Real Estate Council of Ontario's Access and Privacy Code

I. Purpose

These procedures and practices are made in furtherance to the Code.

II. Definitions

In addition to the definitions provided below, the defined terms from the Code are adopted for the purposes of this Policy.

Code	Means the Real Estate Council of Ontario's Access and Privacy Code
Policy	Means this Procedures and Practices Policy made under the Real Estate Council of Ontario's Access and Privacy Code.

III. Access Procedure

In furtherance to section 2 of the Code, Access to Records, this section of the Policy outlines the manner by which Records may be accessed.

i. Requests for Access to Public

In furtherance to section 2.6 of the Code, Access Requirements and Procedure, in order to make a request for access to public information, a requestor shall complete the form 'Request or Correction Request,' attached hereto as Schedule A, and submit said form with a deposit, as is prescribed in section V of this Policy, to the Chief Privacy Officer.

ii. Request for Access to Personal Information

In furtherance to section 2.8 of the Code, Access Requirements and Procedure – Personal Information, a requestor shall complete the form "Request or Correction Request," attached hereto as Schedule A, and submit said form with a deposit, as is prescribed in section VI of this Policy, to the Chief Privacy Officer.

IV. Retention Policy

In furtherance to section 6 of the Code, Retention and Security of Personal Information, this section of the Policy governs the period of time Personal Information is retained, and the manner by which it is to be destroyed, erased or made anonymous once no longer required by RECO.



i. Retention

As noted in section 6.2 of the Code, RECO shall, where possible, retain Personal Information for:

- a) a minimum of one (1) year; and
- b) only for as long as is necessary thereafter to fulfil the purpose for which the information was collected.

Notwithstanding these limitations to the retention of Personal Information, a record of Personal Information may be retained after it has fulfilled its purpose where:

- a) the Personal Information is the subject of an access request, so as to allow the requester to exhaust any recourse under the Code;
- b) another law requires or authorizes the retention;
- c) the record is reasonably required for the future regulatory actions of the RECO, including Enforcement Activity; or
- d) the record is transferred to storage or archives for the purpose of historical research or permanent preservation which are required for the administration of the Act.

ii. Anonymization

Except for those Records retained for the purposes of historical research or permanent preservation which are required for the administration of the Act, Records will be anonymized, ensuring the removal of all Personal Information contained therein.

iii. Destruction / Deletion

Records which have fulfilled their purpose for which they were collected for and which are no longer to be retained, will be destroyed in a manner which is appropriate and by means reasonable to the Record's medium.

V. Corrections, Complaints and Remedies

i. Request for Correction to Personal Information

Further to s.7.1(a) of the Code, requestors may complete the form 'Request or Correction Request,' attached hereto as Schedule A, and submit said form to the Chief Privacy Officer along with supporting documentation. There is no cost to applying to RECO for the correction of Personal Information.



ii. Complaints

In furtherance to section 7.4 and 7.5 of the Code, Other Complaints, this section of the Policy governs the practices and procedures for the handling of complaints with respect to RECO's handling of Records.

SUBMISSION

Complaints with respect to the handling of the release of Records to a requestor, RECO's refusal to release Records to a requestor, or any other matter within the Scope of the Code are to be made in writing, and may be submitted to RECO by using the 'Complaint Form' attached as Schedule B. All complaints are to be submitted to RECO's Chief Privacy Officer at the contact information provided in section 1.1 of the Code.

RESPONSE TIME

Pursuant to s.7.5(b) of the Code, RECO shall respond to any complaint received in writing within a reasonable number of days after receiving the request, and no later than 30 days from the date on which the complaint was received, unless special circumstances exist, determined at RECO's sole discretion.

REMEDIES

If a complaint is found to be justified, RECO, at its sole discretion, may take appropriate measures to rectify the problem, including where necessary, amending its procedures and practices.



VI. Fees Policy

In furtherance to section 8 of the Code, Fees, this section of the Policy outlines the process for the estimate and payment of fees associated with the retrieval and production of Records.

i. Purpose

The purpose of this section is to ensure that RECO provides Access to Records in a manner which accurately reflects the costs of doing so.

ii. Costs

The costs associated for providing Access to Records is determined on a case-by-case basis, and may include their research or retrieval. The following chart provides a guideline for how RECO will determine the cost associated with obtaining Access to Records.

Deposit	
Initial Records Retrieval Deposit	\$100.00
Research	
First two hours	\$50.00
Each additional hour	\$50.00
Copying	
Photocopying	\$0.75 (per page)
CD-ROMs	\$5.00 (per CD)
Certified Copies	\$5.00 (Per Certified Copy)
Retrieval	
Cost of retrieving file(s) from storage	TBD



iii. Deposit

For all requests for Access to Records, RECO requires that it be provided with a deposit of \$100.00. This money will be held by RECO in a non-interest bearing account, and applied against the cost of providing the requestor Access to the Records. Once the Records have been provided to the requestor, any remaining deposit funds will be returned to the requestor.

iv. Estimates: Large Requests for Access to Records

Where, at its sole discretion, RECO determines that a request for Access to Records will be excessive, it will provide the requestor with an estimate for providing Access to the Records. The Requestor will then provide RECO with a deposit in the amount of the estimate which RECO will deposit into a non-interest-bearing account. If RECO, at its sole discretion, determines that the amount it will cost to provide the requestor with Access to the Records exceeds the initial estimate, RECO may ask the Requestor to deposit additional funds. RECO must receive these monies prior to RECO continuing the request. Once the Records have been provided to the requestor, any remaining deposit funds will be returned to the requestor.

v. Payment

All payments made by certified cheque or money order are to be made payable to RECO. Payments on credit card may be made by completing the credit card portion to the corresponding schedule.