



Text of Email on HOA Personal Data Opt-Out

Pinebrook HOA and Use Fee Members,

Pinebrook treats and protects your personal data on file as confidential to you!

A New California Law effective January 1, 2020, will allow any other Pinebrook HOA Member, or his delegated representative, unfettered access to your individual information on file with Pinebrook upon request, with only 10 days' notice. The law requires Pinebrook provide the information.

The law has a provision for each HOA Member to “Opt-Out” of involuntarily sharing your Pinebrook personal data to others. Opt-Out is simple, just send a reply to this email, **changing the subject line to “Opt-Out Request” and stating your names clearly in the email text. That is all you have to do.**

If you do not want to “Opt-Out”, and therefore allow sharing of your personal data to others, change the subject line to “Opt-Out Request” and state your names clearly in the email text along with a statement “I/We do not want to “Opt-Out”.

Please open the attachment to this email and read both pages carefully. If you decide on the simple email reply process (as described above), a hard copy of your reply email will be stapled to P&P 11-1 and maintained on file at Pinebrook. Your email reply is allowed by law. If you would rather sign P&P 11-1 you can do so and send it back to Pinebrook via USPS, or scan and send by email.

You can always change your “Opt-Out” status with Pinebrook by requesting Pinebrook to remove your Opt-Out request.

We are posting all of the information on the Pinebrook Website www.pinebrookhoa.org .

Please note that some of Pinebrook’s Policy & Procedures have been revised to reflect requirements of the new law. The revised procedures are P&P 2 and 2.5; & P&P 11 and 11-1, 11-2. These revised Policy & Procedures have been posted on the website under HOA Legal Documents.

If you desire to read the actual legal text of California Senate Bill 323, access the bill by Google. Pinebrook has thoroughly dissected the bill and the bills numerous references to other civil laws.

We need everyone to respond to this email with a decision to “Opt-Out” for personal dataprotection, OR to NOT “Opt-Out” to allow others to get your personal data.

PLEASE READ THE NEXT 3 PAGES



POLICY and PROCEDURE

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Board Approval Date	11/02/2019
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PINEBROOK HOA MEMBER DATA "OPT-OUT" REQUEST

To: Pinebrook Homeowners Association
 Subject: My / Our Personal Data on File with Pinebrook Homeowners Association
 Reference: A - California Civil Code 5220 as amended by SB 323
 B - Pinebrook P&P 11-2 HOA Member Alternative Contact Process

Gentlepersons:

I / We choose to Opt-Out of Pinebrook providing our personal data and information to other Pinebrook HOA Members or their designated agent, in accordance with the provisions for Opt-Out in the referenced California civil code, which is stated as follows:

"5220. A member of the association may opt out of the sharing of that member's name, property address, and mailing address by notifying the association in writing that the member prefers to be contacted via the alternative process described in subdivision (c) of Section 8330 of the Corporations Code. This opt out shall remain in effect until changed by the member."

8330 (c) The corporation may, within ten business days after receiving a demand under subdivision (a), deliver to the person or persons making the demand a written offer of an alternative method of achieving the purpose identified in said demand without providing access to or a copy of the membership list. An alternative method which reasonably and in a timely manner accomplishes the proper purpose set forth in a demand made under subdivision (a) shall be deemed a reasonable alternative....."

The personal data that we consider confidential to Pinebrook and is part if the Opt-Out is defined as Name(s), Pinebrook Address and Lot Number, Mailing Address, Emergency Contacts and Phone Numbers, all personal Phone Numbers, and all Email Addresses.

I / We have read and understand the "Alternative Contact Process", stated in Pinebrook P&P 11-2 HOA Member Alternative Contact Process. We also understand that the determination of "**.....which reasonably and in a timely manner accomplishes the proper purpose set forth in a demand.....**" is not under the direct control of Pinebrook and may not be successful.

_____	_____	_____
HOA Member	HOA Member	Date
_____	_____	_____
Lot Number(s)		Verified By



POLICY and PROCEDURE

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HOA MEMBER ALTERNATIVE CONTACT PROCESS

BACKGROUND

Pinebrook Homeowner Association Members that have provided Pinebrook with a written and signed request to “Opt-Out” in accordance with California Corporation Code 5220, understand that Pinebrook must provide an “Alternative Contact Process” that is reasonable in meeting the contact objectives of another Pinebrook HOA Member, or his delegated agent who wants to contact the HOA Member.

Pinebrook Homeowners Association is intent on processing information to HOA Members upon request, in accordance with California laws. California law requires the requestor to initiate the request in writing, and that request states the reason for the request, which must be reasonable, and specific to applicable law(s) which must be stated.

The majority, if not all, Pinebrook HOA Members have instructed Pinebrook to maintain confidentiality of their personal contact information. Personal contact information is Name(s), Pinebrook Address and Lot Number, Mailing Address, Emergency Contacts and Phone Numbers, all Personal Phone Numbers, and all Email Addresses. Pinebrook interprets this information to be covered by the “Opt-Out” provisions of 5220.

To meet the intent of California Law and preserve the confidentiality of HOA Member contact data, Pinebrook has established the following Alternative Contact Process.

ALTERNATIVE CONTACT PROCESS

Upon receipt of a reasonable Pinebrook HOA Member request to contact other Pinebrook HOA Member(s), Pinebrook will take immediate action as follows:

1. Within 10 days contact the requestor by Phone or Email acknowledging the receipt of the request. Refer to Contact List on www.pinebrookhoa.org . The Pinebrook office is only open one (1) day a week.
2. Determine the reason for the request, the objective of the request and the reasonableness of the request.
3. Determine a course of action in consultation with the Board of Directors and others as applicable.
4. Communicate back to the “requestor” with a defined course of action.
5. If Pinebrook agrees that the request is reasonable, the following alternative process of contact will be offered to the requestor:
 - a. Pinebrook will allow the requestor, or his delegated representative, to view a list of all HOA Members showing their name and address and allow the requestor to verify the total number of members and their voting rights. The requestor will not be allowed to copy any information from the list.
 - b. If the requestor requests to contact HOA Members, Pinebrook will offer the requestor to do the following:



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HOA MEMBER ALTERNATIVE CONTACT PROCESS

- i.
- ii. Pinebrook will prepare a letter or email with the requestors text (text to be reasonable and in conformance with applicable law), on the requestor's letterhead
- iii. Letters and envelopes will be processed by Pinebrook at a reasonable cost to the requestor that will be communicated to the requestor as soon as the task is defined. Pinebrook will fold and insert the letters in the envelopes witnessed by the requestor. The requestor will provide the necessary postage and Pinebrook will deliver the letters to the post office, again witnessed by the requestor. The requestor will not be allowed to copy any name and address information.
- iv. Alternatively, subject to the same "reasonable cost", Emails can be sent and will be subject to the same "content" provisions of ii. above, Pinebrook will show the requestor the exact process for sending emails from Pinebrook. All emails are sent via MS Outlook as blind copies "bcc". Pinebrook will prepare the email to the requestor's satisfaction (reasonableness a factor) and send the emails with the requestor witnessing the "Send".
- v. Should the requestor's text, in either a letter or email, require a reply to the requestor's address, either USPS or Email, the decision to reply will be up to each Pinebrook HOA Member and the HOA Member personal contact information will then be revealed to the requestor to the extent allowed by the HOA Member.