



# POLICY and PROCEDURE

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Board Approval Date	11/02/2019
Original P&P Date	03/14/1998

## OFFICE - COMPUTER & DATA CONTROL

### PURPOSE

To establish controls for use and security of the Pinebrook computer, and to maintain confidentiality of HOA Member information.

### POLICY

Use of Pinebrook's computer will be limited to persons authorized by the Pinebrook President, Vice President or Treasurer. Confidentiality of Member and UFM data is to be maintained. The computer is to be used for accounting, property owner data, membership matters and communications. All "lists" created that include HOA Member personal data are to be controlled as confidential information to be used by Board of Director designated persons only.

### REFERENCE

A - P&P 24 Office – Computer Software Procedures

B - California Civil Code Record Inspection 5200 – 5240 – SB 323

### FORMS

P&P Form 11-1 Pinebrook HOA Member Data "Opt-Out" Request

P&P Form 11-2 HOA Member Alternative Contact Process

### PROCEDURE

1. Computer keyboard passwords will be changed as directed by the board of directors. Only those persons authorized by the board of directors will be given the password for computer access.
2. Homeowner Member Data on the computer is to be considered confidential to the member and is not to be divulged to any other party. The member data on the computer is to be used for maintaining the member account for dues and assessments, hold harmless recordation, verification of membership by Common Area Use Attendants, and communications with the member for both normal and emergency matters.
3. Any reports generated by computer programs will be considered as confidential information and distributed and controlled in accordance with specific distribution procedures. Obsolete printed reports will be shredded.
4. Creating lists of any computer data and/or copying any computer data for individual use is strictly prohibited.

### DATA CONFIDENTIALITY

1. Those persons authorized to use the Pinebrook computer have read the above policy and procedure and agree to abide by the restrictions of data reproduction and distribution, control of data and the importance of data confidentiality.

continued



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### CONTROL OF HOA MEMBER PERSONAL DATA

1. HOA Member Personal Data 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.
2. Pinebrook Home Owners Association considers all of the information in 1. above to be maintained as confidential records of the HOA Member and not to be shared with other members except as directed by the HOA Member.
3. The California State Constitution states – “ARTICLE I DECLARATION OF RIGHTS, SECTION 1 – All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and in protecting property, and pursuing and obtaining safety, happiness, and privacy.” PRIVACY IS HEREBY EMPHASIZED.
4. California SB 323, effective January 1, 2020, amends the Civil Codes in Reference B OF THIS DOCUMENT, and allows any Pinebrook HOA Member, or his designated agent, to request the personal information of any other Pinebrook HOA Member, and Pinebrook Homeowners Association must comply with the request unless:
  - A. A Pinebrook HOA Member has submitted an “Opt-Out” request in accordance with Civil Code 5220, and:
  - B. Pinebrook Home Owners Association provides the HOA Member requesting the data to use an alternative method of contact that is, “ultimately”, legally acceptable.
5. The “Opt-Out” in Civil Code 5220 and SB 323 does not include Email Addresses. However, Pinebrook considers this an error of omission in SB 323 and Pinebrook intends to include Email Addresses as part of the “Opt-Out” personal data.
6. Each Pinebrook HOA Member must complete P&P Form 11-1 “Opt-Out” Request and return it to Pinebrook, or all of their personal information maintained by Pinebrook will be provided to any Pinebrook HOA Member or his designated agent upon a reasonably stated request.
7. Providing Pinebrook with a signed P&P Form 11-1, does not prevent any Pinebrook HOA Member from contacting you directly, but contact will be made in accordance with P&P Form 11-2 HOA Member Alternative Contact Process

### SUMMARY OF CHANGE FROM PREVIOUS ISSUE

Changes to Purpose, Polity, Reference, Forms, and added “CONTROL OF HOA MEMBER PERSONAL DATA”



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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



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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](http://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:
    - i.



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### HOA MEMBER ALTERNATIVE CONTACT PROCESS

- 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.