

**POLICY ON INFORMATION REQUESTS MADE
FOR COMMERCIAL OR BUSINESS PURPOSES**
Fairwood Greens Homeowners' Association

This Policy is intended to supplement, not supercede or amend, the Records Definition and Retention Policy adopted and enacted by the Board on November 27th, 2007.

For this Policy, “commercial use” or “business use” or “commercial or business use” of owners’ information means any use which is primarily intended to directly or indirectly obtain personal pecuniary gain or compensation for the person applying to the Association for owner information, including without limitation selling such information to third parties or using such information for compiling marketing lists to be used to send advertising on behalf of the applicant owner or by or for third parties not owners of the Association.

Also for this Policy, “official records of the Association” has the meaning defined in the Records Definition and Retention Policy referred to above.

The Board has learned that information requests about owners’ names and addresses could be made where the application for information is for the purpose of business or commercial use. The records of the Association contain information about owners/members, including addresses, phone numbers, and the names of family members. The governing documents do not address the issue of records information requests made for commercial use. The Board feels it is proper and reasonable to adopt measures which limit or restrict requests for owners’ information by an owner where the primary purpose or intent behind the request is for commercial or business use of the information.

Under the Homeowners’ Association Act, R.C.W. 64.38, owners have the right of access to the records of the Association. Balanced against that, however, is the need for some privacy, which is evident by portions of that Act which restrict such access regarding unlisted phone numbers. On the same level as unlisted phone numbers, email addresses, by their nature, are considered by the Association to be private and will not be given to owners requesting records access as to other owners. The Board of Trustees of the Association believes it is improper for Association records/information about owners to be sought and used for commercial or business use.

Accordingly, this Policy is being adopted in order to protect owners from Association information on them not being used for commercial use. This Policy is not intended to limit owners’ rights to access Association records for purposes other than commercial or business use.

The Board hereby adopts the following Policy:

POLICY:

Hereafter, an owner requesting Association records involving information about owners' and/or Tenants' names, addresses, phone numbers or other information personal about the owner or his/her family, must certify or state under penalty of perjury that the request is not made for the purpose of, and the Association owners' information will not be used or disseminated for, commercial or business use. The certification or statement will be in the form as attached hereto, or in such other form as the Board from time to time may adopt for use under this Policy. If the Board has information at time of the request indicating that it is likely that it is being made with the intent of using the information requested about owners for commercial use, the Association may deny the request.

In the event it is later discovered or determined by the Board that the owner to whom such information was provided did, in fact, use it for commercial or business purposes, a fine of \$1000.00 will be assessed against the owner, in which case the owner has the right to a hearing and other procedures previously adopted in Rules and Regulations by the Association for fines will apply and be applicable, as well as the right to lien and collect the fine if not timely paid as if it is a delinquent assessment.

Adopted and Enacted by the Board this 22nd day of February, 2011.