

**Policy: Examination, inspection, and copying of association records, policies, and procedures:**

*Kipling Sun Homeowners Association, Inc. is an Association and Corporation belonging to its members (the owner's) and that as such the owners have a right to examine or receive copies of the HOA's records except those records (such as certain, legally privileged, attorney-client communications) specifically exempted by law. Requests to examine or copy records should be made of the Property Manager, the HOA's records custodian. The Board has taken action, which can be found in their minutes of 5/12/05 (adopted as a directive to the property manager 7/14/05 [and shown below]) to protect confidential information of members (owners.) This records access is assured the owners in several places:*

*CRS 38-33.3-317 (2), which states:*

(2) All financial and other records shall be made reasonably available for examination and copying by any unit owner and such owner's authorized agents.

*That law further states at part (4):*

(4) As used in this section, "reasonably available" means during normal business hours, upon notice of five business days...

*This statute also indicates that the same availability of records to which the HOA is subject also applies to the property manager or others wherein it states at CRS 38-33.3-302 (3) (a):*

(3)(a) Any managing agent, employee, independent contractor or other person acting on behalf of the Association shall be subject to this article to the same extent as the Association itself would be.

*The Declarations also state at 5.6:*

All Owners, First Mortgagees, insurers, or guarantors of a First Mortgage of a lot in the project shall, upon request, be entitled to:

- A. Inspect the books and records of the Association during normal business hours.
- B. Receive a copy of the financial statement of the Association for the preceding fiscal year at no charge.
- C. Written notices of all meetings of the Association and be permitted to designate a representative to attend all of such meetings.
- D. Current copies of this Declaration, By Laws, Articles of Incorporation, and any Rules and Regulations concerning the Project upon payment of the cost for such copies.

*The law also provides that such records should be susceptible to electronic copying & transmittal and allows for a copying charge not to exceed the HOA's actual cost of up to .25 per page.*

***KIPLING SUN TOWNHOMES ASSOCIATION, INC***

*Privacy Policy-Adopted 7/14/05 as a directive to the property manager*

The Board of directors adopts the following policy to assure confidentiality of member's records and information. In general, the policy of the HOA is to encourage individual member responsibility for their own information and not retain any records or information where there is no legitimate need.

The HOA policy, with respect to the following records where some concerns have been expressed is:

**A. Phone numbers**

Members should be advised that telephone numbers in the possession of the HOA, including its property manager are available as established by law and the governing documents to any of the 120 owners to whom the HOA belongs. Should any person not wish to have their telephone number recorded with the HOA that is their choice but the HOA will be unable to contact them by telephone should the need arise. For existing members, a notice shall be placed in the community newsletter immediately following adoption of this policy for members to express their wishes within 30 days that they do not wish their telephone numbers in the record. If a member so chooses, his/her telephone number shall be deleted from all HOA records.

**B. E-mail addresses**

Members should be advised that E-mail addresses in the possession of the HOA, including its property manager are available as established by law and the governing documents to any of the 120 owners to whom the HOA belongs. Should any person not wish to have their E-mail address recorded with the HOA that is their choice but the HOA will be unable to contact them by E-mail should the need arise. For existing members, a notice shall be placed in the community newsletter immediately following adoption of this policy for members to express their wishes within 30 days that they do not wish their E-mail addresses in the record. If a member so chooses, their E-mail address shall be deleted from all HOA records.

**C. Social Security numbers & Driver's license information**

The HOA or its property manager shall not, in any format whatsoever, retain any member's Social Security number or driver's license information. If the information is needed for banking transactions, that information shall remain solely in possession of the responsible Bank.

**D. Banking numbers**

The HOA or its property manager shall not, in any format whatsoever, retain any member's Bank account numbers or information. If the number is needed for banking transactions, that information shall remain solely in possession of the responsible Bank.

**E. Credit card information**

Safeguarding of credit card information is the primary responsibility of the credit card holder. The HOA does not accept payment by credit card and has no legitimate need for credit card information. The HOA or its property manager shall not, in any format whatsoever, retain any member's Credit Card information. If this information is currently contained in any record of the HOA or its property manager, it shall be deleted. If the information is needed for banking transactions, that information shall remain solely in possession of the Bank.

**F. Any health records**

The HOA has no legitimate need for any health records. Any such information in the possession of the HOA or its property manager shall be immediately deleted or returned to the owner to whom such records belong.

**G. Privileged communications**

Certain communications with attorneys and many others are privileged and extensive definitions and details are contained in the law. Privileged communications as defined by law are not available for member's inspection or dissemination in any manner except as provided by law.

**GENERAL:**

1. Owners are entitled to see records as defined in law and the governing documents, it is their corporation, not that of the management company or the Board. 'Records' is a broad statement by design.

2. 'Privileged information' is specifically defined in many places in the statutes and is not within the authority or purview of the HOA Board to define it. The HOA must comply with law.
3. Members should be aware that with modern technology, telephone numbers and Email addresses are accessible through other means.
4. The HOA shall never sell for profit any of its information or lists.
5. Colorado and Federal laws and their Constitutions and the governing documents define this area.
6. The HOA has no powers to dictate the use or potential use of any such information.
7. When a person agrees to become a Board member of the HOA, a quasi-public body, they represent people by choice, and inherently forfeit some of their privacy.
8. The board relies upon it's agents to provide proper guidance in such areas, and requests its agents to provide disclosure of any and all information only to the extent required by local, state and or federal laws. Conversely, the board also requests its agents to adhere to any and all local, state or federal protection of privacy laws.