

Cherryhill Homeowners' Association Policy Regarding Data Protection

BE IT RESOLVED, the association, acting by and through its board of directors, hereby adopts the following policy and procedures relating to record requests and retention.

EFFECTIVE DATE: _____, 2025.

Purpose. Compliance with the requirements of HB 18-1128 regarding consumer data privacy, as codified at C.R.S. §§ 6-1-713, - 713.5, and -716 (2018). The bill relates to the protection of homeowners personal information and require entities to take reasonable security procedures and practices of data security for paper and electronic data.

1. **Private Personal Information-Defined.** –For purposes of this policy, personal identifying information or “PII” is a:

- (a) Social security number
- (b) Personal identification number
- (c) Password
- (d) Pass code
- (e) Official state or government-issued driver’s license or identification card number
- (f) Government passport number
- (g) Biometric data (defined as unique biometric data generated from measurements or analysis of human body characteristics for the purpose of authenticating the individual when he accesses an online account)
- (h) Employer, student, or military identification number
- (i) Financial transaction device (defined by statute as a credit, banking card, debit card, electronic fund transfer card, guaranteed check card or account number representing a financial account or affecting the account holder’s financial interest, standing or obligation, that can be used to make financial payment or to obtain cash, property or services.)

2. **Association Use of Private Personal Information-** In the normal course of the Association’s business, the Association may have an individual’s PII in its records. The Association recognizes the need to maintain the confidentiality of any PII it may have in its possession and will take reasonable security steps, based on the nature of the PII and the volunteer nature of the Association’s operations, to protect any PII from unauthorized access, use, modification, disclosure or destruction. Pursuant to the Association’s records inspection policy and Colorado law, such PII is not available for inspection and/or copying by members and will be maintained separately from other Association records.

Currently the only PII collected by the Association are checks written by a member to pay dues or fines.

3. **Handling of Private Personal information by the Association**-The Association will follow reasonable security steps to protect any Association member's PII, whether stored electronically or in hard copy, from unauthorized access, use, modification, disclosure or destruction.
- (a) To protect PII, as defined in section 1 of this Policy, from unauthorized access, use, modification, disclosure, or destruction, the Association shall implement and maintain reasonable security procedures and practices that are appropriate to the nature of the PII, as well as the nature and size of the Association's operations.
 - (b) At minimum, the reasonable security measures implemented to protect PII shall include the following:
 - (c) Any paper records containing PII must be stored in an enclosed, locked area accessible only by authorized parties.
 - (d) All computing devices used to store PII must be password protected and each authorized user must have their own unique password for the purpose of accessing the PII.
 - (e) If the Association's PII is stored on a computer network, the network must be password protected.
 - (f) Personal checks submitted for payments shall not be copied by the HOA but deposited into the Association's account within a reasonable amount of time. If deposits are made electronically the physical paper check shall be shredded upon verification of the deposit.
 - (g) ded upon verification of the deposit.
4. **Destruction of Private Personal Information**- When the Association has determined that it no longer needs records containing PII, they will be disposed of or destroyed in a manner reasonably designed to make the PII unreadable or indecipherable. Possible methods of disposal or destruction include shredding of any physical files containing PII and using a wipe utility program to securely erase electronic files or otherwise erasing electronic files so that information cannot be read or reconstructed.
5. **Notification of Breach of Private Personal Information**- If the Association becomes aware that PII has been breached, it will promptly investigate the likelihood that PII has been or will be misused. Unless the Association determines that the PII has not been misused and is not reasonably likely to be misused, the Association will provide notice to any affected individuals in accordance with the requirements set forth in C.R.S. Section 6-1-716. The notice will inform the affected persons of what the Association has done to mitigate the breach of information and what information may have been compromised. This notice will be sent as soon as is reasonably possible, but no later than 30 days after the determination is made.

CERTIFICATION: The undersigned certifies that the board of directors of the association adopted the foregoing policy by majority vote.

CHERRYHILL HOMEOWNERS' ASSOCIATION

ATTEST:

James Perkins, President

Linda Elmer, Secretary