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COMMUNITY ASSOCIATION NETWORK

## Virtual Meetings Exposed Online: What You Can Do to Help Protect Member Privacy



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The year 2020 pushed us into so many uncharted territories as the coronavirus pandemic forced us to change our daily lives and adapt to virtual technology. My children, along with children worldwide, were suddenly forced to learn virtually through online platforms such as Zoom. While I am eager for my kids to return to face-to-face learning, these online platforms are something I've been wanting my Association clients to start using for a long time. The pandemic pushed my clients into adapting to these new platforms and it's been a change for the better. In addition to increasing member attendance at Board meetings, it's allowed me as General Counsel to attend and assist with more Board meetings than ever because my travel time (especially during rush hour traffic for evening meetings) is non-existent.





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The immediate push into using these platforms did come with some challenges. When schools and religious organizations started using Zoom in March of this year, they were faced with privacy concerns. "Zoom bombing" suddenly became an issue, where a hacker would intrude on a meeting and create disturbing and offensive content. Zoom immediately responded by encouraging everyone to make the meetings private and require a password upon entry. This has now become the standard practice for all Zoom meetings, including for my Association clients.

Unfortunately, an additional privacy issue has developed. Owners are recording private, members-only Board meetings and posting these videos publically on YouTube. This creates privacy issues because faces, names, phone numbers and the view of inside of homes are now visible online for all to see. The participants did not know the meeting was being recorded and they certainly did not know it was going to be posted publically. While Florida statute allows Owners the right to "videotape" meetings, it was never intended for these meetings to be posted publically online. In addition to creating right to privacy issues, my Board members are concerned about the impact on their professional lives and their ability to speak freely at these meetings, where they conduct important Board business for the not-for-profit corporation they represent.

While we wait for the laws and technology to catch up with these changing times, I encourage my Boards to adopt reasonable rules and regulations related to videotaping meetings. I highly recommend that pre-registration is



required if anyone on the call is not on the Association roster, they should be dropped from the call after a verbal warning. It should be announced that the participants must advise if they are recording the meeting and must understand they are not permitted to post the meeting publically online. If the video is posted publically, immediately contact the person who posted and demand that it be removed. Flag the video and file a formal complaint with YouTube for breach of privacy. Only first party claims may be made, however as the attorney for the Association, I can bring a claim on behalf of all members.

As always, feel free to contact us if we can be of any assistance to your community at [Dara@garfinkel.law](mailto:Dara@garfinkel.law). I commend all Board members who have tirelessly volunteered their time during these unprecedented times. 2020 has been such a difficult year but I am thankful for the positive changes that has come with it.

Dedicated to Community,

**Dara L. Lahav, Esq.**



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