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ATTORNEYS AT LAW

The Planned Community Act and Condominium Act allow boards to meet in executive session to discuss personal information. There is a significant question of what exactly constitutes personal information. Some people believe the board may go into executive session every time it discusses an individual person. Others are more conservative in their approach. However, neither the statute nor existing case law gives us any real test or direction.

One difficult issue that boards face is a request for architectural approval. On one hand, you could argue that this is usually not personal because the modification will usually be visible to the neighbors or public. On the other hand, the owner may believe that certain information, such as the architect or a design, is personal. For example, what if the plans include the location of security cameras? Also, there may be certain personal issues such as additions based on a disability.

Unfortunately, there is no easy answer for some of these questions. In general, we encourage transparency whenever possible. However, certain issues may require a case-by-case analysis.

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