

Ottawa Bicycle Club Policy #10

Privacy

Different privacy legislation applies to the public sector and to the private sector. Not-for-profit sport organizations in Canada are considered to be part of the private sector. The *Personal Information Protection and Electronic Documents Act* (PIPEDA) is the federal privacy legislation that applies to all not-for-profit sport OBCs in Canada.

PIPEDA applies to the Ottawa Bicycle Club (OBC) use of Personal Information for Commercial Activity.

This Privacy Policy is based on the standards required by PIPEDA as interpreted by the OBC.

Definitions

The following terms have these meanings in this Policy:

- a) "*Commercial Activity*" – any particular transaction, act or conduct that is of a commercial character.
- b) "*Personal Information*" – any information about an individual that relates to the person's personal characteristics including, but not limited to: gender, age, income, home address, home phone number, ethnic background, family status, health history, and health conditions
- c) "*Stakeholder*" – Individuals employed by, or engaged in activities on behalf of, the OBC including: coaches, staff members, contract personnel, volunteers, managers, administrators, committee members, and Directors and Officers of the OBC
- d) "*Individual*" - All categories of membership defined in the OBC's Bylaws as well as all individuals employed by, or engaged in activities with, the OBC including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, and Directors and Officers of the OBC

The OBC recognizes Individuals' right to privacy with respect to their Personal Information. This Policy describes the way that the OBC collects, uses, safeguards, discloses, and disposes of Personal Information.

This Policy applies to all Stakeholders and Individuals in connection with personal information that is collected, used or disclosed during the OBC's Commercial Activity and Non-Commercial activity.

Except as provided in PIPEDA, the OBC's Board will have the authority to interpret any provision of this Policy that is contradictory, ambiguous, or unclear.

The OBC is obligated to:

- a) Follow and abide by PIPEDA in all matters involving the collection, use, and disclosure of Personal Information during the OBC's Commercial Activity; and
- b) Always disclose what Personal Information is being collected from Individuals and for what purpose the Personal Information is being collected. The OBC will not require the collection of any Personal Information if the purpose for its collection is not identified.

In addition to fulfilling the legal obligations required by PIPEDA, the OBC's Stakeholders will not:

- a) Publish, communicate, divulge, or disclose to any unauthorized person, firm, corporation, or third party any Personal Information without the express written consent of the Individual
- b) Knowingly place themselves in a position where they are under obligation to any OBC to disclose Personal Information
- c) In the performance of their official duties, disclose Personal Information to family members, friends, colleagues, or OBCs in which their family members, friends, or colleagues have an interest
- d) Derive personal benefit from Personal Information that they have acquired during the course of fulfilling their duties with the OBC
- e) Accept any gift or favour that could be construed as being given in anticipation of, or in recognition for, the disclosure of Personal Information

The OBC's Privacy Officer is responsible for the implementation of this policy and monitoring information collection and data security, and ensuring that all staff receives appropriate training on privacy issues and their responsibilities. The OBC Vice President will normally act in the capacity of Privacy officer.

Duties

- a) Implement procedures to protect personal information
- b) Establish procedures to receive and respond to complaints and inquiries
- c) Ensure there is a record all persons having access to personal information
- d) Ensure any third party providers abide by this Policy

Information Collection Purposes

The OBC may collect Personal Information from Individuals and prospective Individuals for purposes that may include any of the following:

Non-Commercial Activity Communications

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- a) Sending communications in the form of e-news or a newsletter with content related to the OBC's programs, events, fundraising, activities, discipline, appeals, and other pertinent information
- b) Publishing articles, media relations and postings on the OBC's website, displays or posters
- c) Award nominations, biographies, and media relations
- d) Communication within and between Stakeholders and Individuals
- e) Discipline results and long term suspension list
- f) Checking residency status

Identification

- a) Informing governing bodies (e.g., Provincial Sport OBCs (PSOs), National

- Sport OBCs (NSOs)) of Individuals' registration and/or participation with the OBC
- b) Informing government funders the number and demographic profile of registered Individuals

Registration, Database Entry and Monitoring

- a) Registration of programs, events and activities
- b) Database entry at the Coaching Association of Canada and to determine level of coaching certification, coaching qualifications, and coach selection.
- c) Database entry to determine level of officiating certification and qualifications
- d) Determination of eligibility, age group and appropriate level of play/competition
- e) Athlete Registration, outfitting uniforms, and various components of athlete and team selection
- f) Technical monitoring, officials training, educational purposes, sport promotion, and media publications

General

- a) Travel arrangement and administration
- b) Implementation of the OBC's screening program
- c) Medical emergency, emergency contacts or reports relating to medical or emergency issues
- d) Determination of membership demographics and program wants
- e) Managing insurance claims and insurance investigations
- f) Video recording and photography for personal use, and not commercial gain, by spectators, parents and friends
- g) Payroll, honorariums, company insurance and health plans
- h) Any and all complaints and inquiries

Commercial Activity

Sales, Promotions and Merchandising

- a) Purchasing equipment, coaching manuals, resources and other products
- b) Promotion and sale of merchandise
- c) Video recording and photography for promotional use, marketing and advertising by the OBC

The OBC's Partners may collect Personal Information from Individuals and prospective Individuals for other purposes, provided that documented consent specifying the use of the Personal Information is obtained from the Individuals or prospective Individuals.

Consent

By providing Personal Information to the OBC, Individuals are implying their consent to the use of that Personal Information for the purposes identified in the **Information Collection Purposes** section of this Policy.

The OBC will not, as a condition of providing a product or service, require Individuals to consent to the use, collection, or disclosure of Personal Information beyond what is required to fulfill the specified purpose of the product or service.

An Individual may withdraw consent orally or in writing, at any time, subject to legal or contractual restrictions. The OBC will inform the Individual of the implications of withdrawing consent.

The OBC will not obtain consent from Individuals who are minors, seriously ill, or mentally incapacitated. Consent from these individuals will be obtained from a parent, legal guardian, or a person having power of attorney.

The OBC is not required to obtain consent for the collection of Personal Information, and may use Personal Information without the Individual's knowledge or consent, only if:

- a) It is clearly in the Individual's interests and the opportunity for obtaining consent is not available in a timely way
- b) Knowledge and consent would compromise the availability or accuracy of the Personal Information and collection is required to investigate a breach of an agreement or a contravention of a federal or provincial law
- c) An emergency threatens a Individual's life, health, or security
- d) The information is publicly available as specified in PIPEDA

The OBC is also not required to obtain consent for the collection of Personal Information if the information is for journalistic, artistic, or literary purposes.

The OBC may disclose Personal Information without the Individual's knowledge or consent only:

- a) To a lawyer representing the OBC
- b) To collect a debt that the Individual owes to the OBC
- c) To comply legal proceedings of any sort
- d) To comply with government regulations
- e) To an investigative body for purposes related to the investigation of a breach of an agreement or a contravention of a federal or provincial law
- f) In an emergency threatening an Individual's life, health, or security (the OBC will inform the Individual of the disclosure)
- g) To an archival institution
- h) 20 years after the individual's death or 100 years after the record was created
- i) If it is publicly available as specified in PIPEDA

Accuracy, Retention, and Openness

To minimize the possibility that inappropriate Personal Information may be used to make a decision about a Member, Personal Information will be accurate, complete, and as up-to-date as is necessary for the purposes for which it will be used.

Personal Information will be retained as long as reasonably necessary to enable participation in the OBC programs, events, and activities, and in order to maintain historical records as may be required by law or by governing OBCs.

Personal Information will be protected against loss or theft, unauthorized access, disclosure, copying, use, or modification by security safeguards appropriate to the sensitivity of the Personal Information.

The OBC will make the following information available to members:

- a) This *Privacy Policy*
- b) Any additional documentation that further explains the OBC's *Privacy Policy*
- c) The name or title, and the address, of the person who is accountable for the OBC's *Privacy Policy*
- d) The means of gaining access to Personal Information held by the OBC
- e) A description of the type of Personal Information held by the OBC, including a general account of its use
- f) Identification of any third parties to which Personal Information is made available

Access

Upon written request, and with assistance from the OBC after confirming the Individual's identity, Individuals may be informed of the existence, use, and disclosure of their Personal Information and will be given access to that Personal Information. Individuals are also entitled to be informed of the source of the Personal Information, and provided with an account of third parties to which the Personal Information has been disclosed

Unless there are reasonable grounds to extend the time limit, requested Personal Information will be disclosed to the Individual, at no cost to the Individual, within thirty (30) days of receipt of the written request.

Individuals may be denied access to their Personal Information if the information:

- a) Is prohibitively costly to provide
- b) Contains references to other individuals
- c) Cannot be disclosed for legal, security, or commercial proprietary purposes
- d) Is subject to solicitor-client privilege or litigation privilege

If the OBC refuses a request for Personal Information, it shall inform the Individual the reasons for the refusal.

The OBC will not dismiss, suspend, demote, discipline, harass, or otherwise disadvantage any OBC Individual or Stakeholder who:

- a) Challenges the OBC for its compliance with this Policy
- b) Refuses to contravene this Policy or PIPEDA
- c) Takes precautions not to contravene this Policy or PIPEDA; even though said precautions may be in opposition to the regular duties performed by the Individual

Appendix A – Consent

The OBC will include the following paragraph (or a variation) whenever Personal Information is being collected from Individuals:

1. I authorize the OBC to collect and use personal information about me for the purposes described in the OBC's *Privacy Policy*.
2. In addition to the purposes described in the OBC's *Privacy Policy*, I authorize the OBC to:
 - a) Distribute my information to the Ontario Cycling Association
 - b) Photograph and/or record my image and/or voice on still or motion picture film and/or audio tape, and to use this material to promote the sport through the media of newsletters, websites, television, film, radio, print and/or display form. I understand that I waive any claim to remuneration for use of audio/visual materials used for these purposes
3. I understand that I may withdraw such consent at any time by contacting the OBC's Privacy Officer. The Privacy Officer will advise the implications of such withdrawal.