

BC WHEELCHAIR SPORTS ASSOCIATION

Privacy Policy

Background

1. 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 organizations in Canada.
2. British Columbia has provincial legislation similar to PIPEDA that applies first, before PIPEDA is applied. However, PIPEDA will still apply if any Personal Information crosses provincial borders. In British Columbia the Personal Information Protection Act (PIPA) applies before PIPEDA.
3. PIPEDA and PIPA apply to the BCWSA's use of Personal Information for Commercial Activity.
4. This Privacy Policy is based on the standards required by PIPEDA and PIPA as interpreted by the BCWSA.

Definitions

5. 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 BCWSA including: coaches, staff members, contract personnel, sport science and medical personnel, volunteers, managers, administrators, committee members, and Directors and Officers of the BCWSA
 - d) "*Individual*" - All categories of membership defined in the BCWSA's Bylaws as well as all individuals employed by, or engaged in activities with, the BCWSA including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, and Directors and Officers of the BCWSA

Purpose

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

Application of this Policy

7. This Policy applies to all Stakeholders and Individuals in connection with personal information that is collected, used or disclosed during the BCWSA's Commercial Activity and Non-Commercial activity.
8. Except as provided in PIPEDA and PIPA, the BCWSA's Board will have the authority to interpret any provision of this Policy that is contradictory, ambiguous, or unclear.

Obligations

9. The BCWSA is obligated to:

- a) Follow and abide by PIPEDA and PIPA in all matters involving the collection, use, and disclosure of Personal Information during the BCWSA'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 BCWSA will not require the collection of any Personal Information if the purpose for its collection is not identified.
10. In addition to fulfilling the legal obligations required by PIPEDA and PIPA, the BCWSA'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 organization to disclose Personal Information
 - c) In the performance of their official duties, disclose Personal Information to family members, friends, colleagues, or organizations 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 BCWSA
 - 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

Accountability

11. The BCWSA'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 BCWSA's Privacy Officer also handles personal information access requests and complaints. The BCWSA's Privacy Officer may be contacted at the following address:

Michelle McDonell, Executive Director
c/o BC Wheelchair Sports Association
780 SW Marine Drive
Vancouver, BC VYP 5Y7

12. Duties - The Privacy Officer will:

- a) Implement procedures to protect personal information
- b) Establish procedures to receive and respond to complaints and inquiries
- c) Record all persons having access to personal information
- d) Ensure any third party providers abide by this Policy
- e) Train and communicate to staff information about the BCWSA's privacy policies and practices.

Information Collection Purposes

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

Non-Commercial Activity

Communications

- a) Sending communications in the form of e-news or a newsletter with content related to the BCWSA's programs, events, fundraising, activities, discipline, appeals, and other pertinent information
- b) Publishing articles, media relations and postings on the BCWSA'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 Organizations (PSOs), National Sport Organizations (NSOs)) of Individuals' registration and/or participation with the BCWSA
- 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 BCWSA's screening program
- c) Medical emergency, emergency contacts or reports relating to medical or emergency issues
- d) Determination of membership demographics and program wants and needs
- 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 BCWSA

14. The BCWSA recognizes that some Individuals may, from time to time, be under a 'no information order'. If the BCWSA collects Personal Information from these Individuals, it will respect the 'no information order' as it pertains to the use and disclosure of that Personal Information.

15. The BCWSA's Stakeholders 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

16. By providing Personal Information to the BCWSA, 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.

17. At the time of the collection of Personal Information and prior to the use or disclosure of the Personal Information, the BCWSA will obtain consent from Individuals by lawful means, in a manner similar to the form in **Appendix A**. The BCWSA may collect Personal Information without consent when it is reasonable to do so and permitted by law.
18. In determining whether to obtain written or implied consent, the BCWSA will take into account the sensitivity of the Personal Information, as well the Individuals' reasonable expectations. Individuals may consent to the collection and specified use of Personal Information in the following ways:
 - a) Completing and/or signing an application or registration form (see **Appendix A**)
 - b) Checking a check box, or selecting an option (such as 'Yes' or 'I agree')
 - c) Providing written consent either physically or electronically
 - d) Consenting orally in person
 - e) Consenting orally over the phone
19. The BCWSA 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.
20. An Individual may withdraw consent orally or in writing, at any time, subject to legal or contractual restrictions. The BCWSA will inform the Individual of the implications of withdrawing consent.
21. The BCWSA 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.
22. The BCWSA 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 an Individual's life, health, or security
 - d) The information is publicly available as specified in PIPEDA and PIPA
23. The BCWSA is also not required to obtain consent for the collection of Personal Information if the information is for journalistic, artistic, or literary purposes.
24. The BCWSA may disclose Personal Information without the Individual's knowledge or consent only:
 - a) To a lawyer representing the BCWSA
 - b) To collect a debt that the Individual owes to the BCWSA
 - 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 BCWSA 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 and PIPA

Accuracy, Retention, and Openness

- 25. 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.
- 26. Personal Information will be retained as long as reasonably necessary to enable participation in the BCWSA programs, events, and activities, and in order to maintain historical records as may be required by law or by governing organizations.
- 27. 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.
- 28. The BCWSA will make the following information available to Individuals:
 - a) This *Privacy Policy*
 - b) Any additional documentation that further explains the BCWSA's *Privacy Policy*
 - c) The name or title, and the address, of the person who is accountable for the BCWSA's *Privacy Policy*
 - d) The means of gaining access to Personal Information held by the BCWSA
 - e) A description of the type of Personal Information held by the BCWSA, including a general account of its use
 - f) Identification of any third parties to which Personal Information is made available

Access

- 29. Upon written request, and with assistance from the BCWSA 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.
- 30. 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.
- 31. 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
- 32. If the BCWSA refuses a request for Personal Information, it shall inform the Individual the reasons for the refusal.

Compliance Challenges

- 33. Individuals are able to challenge the BCWSA for its compliance with this Policy.
- 34. Upon receipt of a complaint, the BCWSA will:

- a) Record the date the complaint is received
 - b) Notify the Privacy Officer who will serve in a neutral, unbiased capacity to resolve the complaint;
 - c) Acknowledge receipt of the complaint by way of telephone conversation and clarify the nature of the complaint within seven (7) days of receipt of the complaint
 - d) Appoint an investigator using the BCWSA's personnel or an independent investigator, who will have the skills necessary to conduct a fair and impartial investigation and will have unfettered access to all file and personnel
 - e) Upon completion of the investigation and within thirty (30) days of receipt of the complaint, the investigator will submit a written report to the BCWSA
 - f) Notify the complainant the outcome of the investigation and any relevant steps taken to rectify the complaint, including any amendments to policies and procedures
35. The BCWSA will not dismiss, suspend, demote, discipline, harass, or otherwise disadvantage any BCWSA Individual or Stakeholder who:
- a) Challenges the BCWSA for its compliance with this Policy
 - b) Refuses to contravene this Policy or PIPEDA and PIPA
 - c) Takes precautions not to contravene this Policy or PIPEDA and PIPA; even though said precautions may be in opposition to the regular duties performed by the Individual

Appendix A – Consent

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

1. I authorize the BCWSA to collect and use personal information about me for the purposes described in the BCWSA's *Privacy Policy*.
2. In addition to the purposes described in the BCWSA's *Privacy Policy*, I authorize the BCWSA to:
 - a) Distribute my information to the _____ (*any applicable Club / PSO*)
 - 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
 - c) (*The BCWSA may add other specific purposes*)
3. I understand that I may withdraw such consent at any time by contacting the BCWSA's Privacy Officer. The Privacy Officer will advise the implications of such withdrawal.