

ONTARIO CURLING ASSOCIATION (OCA) PRIVACY POLICY AND INTERNAL PROCEDURES

Article 1 General

1.1 Purpose – The purpose of this policy is to govern the collection, use and disclosure of personal information in a manner that recognizes the right of privacy of individuals with respect to their personal information and the need of the OCA to collect, use or disclose personal information.

1.2 Application – This policy applies to directors, officers, executive members, employees, committee members, volunteers, coaches, contractors, and other decision-makers with the OCA.

1.3 Statutory Obligations – The OCA is governed by the *Personal Information Protection and Electronic Documents Act* (PIPEDA) in matters involving the collection, use and disclosure of personal information.

1.4 Additional Obligations – In addition to fulfilling all requirements of PIPEDA, the OCA and its Representatives will also fulfill the additional requirements of this policy. Representatives of the OCA will not:

- a) Disclose personal information to a third party during any business or transaction unless such business, transaction or other interest is properly consented to in accordance with this policy;
- b) Knowingly place themselves in a position where they are under obligation to any person to disclose personal information;
- c) In the performance of their official duties, disclose personal information to family members, friends or colleagues, or to organizations in which their family members, friend or colleagues have an interest;
- d) Derive personal benefit from personal information that they have acquired during the course of fulfilling their official duties with the OCA; and
- e) Accept any gift or favor that could be construed as being given in anticipation of, or in recognition for, the disclosure of personal information.

1.5 Ruling on Policy – Except as provided in PIPEDA, the Board of Directors of the OCA will have the authority to interpret any provision of this policy that is contradictory, ambiguous, or unclear.

Article 2 Accountability

2.1 Privacy Officer – The OCA will designate an individual to oversee the implementation and monitoring of this policy and the security of personal information.

2.2 Duties – The Privacy Officer will:

- a) Implement procedures to protect personal information;

- b) Establish procedures to receive and respond to complaints and inquiries;
- c) Train staff and communicate to staff information about the OCA's policies and practices; and
- d) Develop information to explain the OCA's policies and procedures to members and the public.

2.3 Staff Training – The Privacy Officer will ensure all staff implement the proper procedures to protect personal information.

2.4 Identity – The identity of the Privacy Officer and his contact information will be communicated to members and the public.

2.5 Inquiries – The Privacy Officer will be responsible to respond to all requests and inquiries in regards to personal information.

2.6 Security – The OCA will implement policies and practices to secure all personal information during collection, use and disclosure.

2.7 Disclosure to Third Parties – A contract made with a third party having access to personal information held by the OCA will include a clause that ensures the third party does not breach the OCA's privacy policies.

2.8 Information – The OCA's policy and procedures relating to privacy of information will be communicated to members and the public.

2.9 Annual Review – This policy will be reviewed annually by the Privacy Officer and necessary changes will be made to ensure the protection of personal information and compliance with the law.

Article 3 Identifying Purposes

3.1 Collection – The OCA will only collect information reasonably necessary for the identified purposes set out in Article 3.2.

3.2 Purpose – Personal information may be collected from prospective members, members, coaches, officials, participants, managers, and volunteers ("Individuals") and used by the OCA Representatives for purposes that include, but are not limited to, the following:

- a) Name, address, phone number, cell phone number, fax number and e-mail address for the purpose of communicating about the OCA's programs, events and activities.
- b) NCCP number, education, resumes and experience for database entry at the Coaching Association of Canada to determine level of certification and coaching qualifications.
- c) Credit card information for entering competitions, registration at conferences, travel administration, and purchasing equipment, coaching manuals and other products and resources.
- d) Date of birth, athlete biography, and member club to determine eligibility, age group and appropriate level of play.
- e) Banking information, social insurance number, criminal records check, resume, and beneficiaries for the OCA's payroll.

- f) Criminal records check and related personal reference information for the purpose of implementing the OCA's volunteer screening program.
- g) Personal health information including provincial health card numbers, allergies, emergency contact and past medical history for use in the case of medical emergency.
- h) Athlete information including height, weight, uniform size, shoe size, feedback from coaches and trainers, performance results for athlete registration forms, outfitting uniforms, media relations, and various components of athlete and team selection.
- i) Athlete whereabouts information including sport/discipline, training times and venues, training camp dates and locations, travel plans, competition schedule, and disability, if applicable, for Canadian Centre for Ethics in Sport inquiries for the purposes of out-of-competition drug testing.
- j) Marketing information including attitudinal and demographic data on individual members to determine membership demographic structure, and program wants and needs.
- k) [Other]

3.3 Identify – The OCA will identify in writing the purposes for which personal information is collected at or before the time of collection. The purposes will be stated in a manner that an individual can reasonably understand how the information will be used or disclosed.

3.4 Purposes not Identified – The OCA will seek consent from individuals when personal information is used for a purpose not previously identified. This consent will be documented as to when and how it was received.

Article 4 Consent

4.1 Consent – The OCA will obtain consent from individuals at the time of collection prior to the use or disclosure of this information. If consent of the collection, use or disclosure was not obtained upon receipt of the information, consent will be obtained prior to the use or disclosure of the personal information.

4.2 Lawful Means – Consent may not be obtained by deception.

4.3 Requirement – The OCA will not, as a condition of a product or service, require an individual to consent to the collection, use or disclosure of information beyond that required to fulfill the specified purpose.

4.4 Form – Consent may be written, oral or implied. In determining the form of consent to use, the OCA will all take into account the sensitivity of the information, as well as the individual's reasonable expectations. Individuals may consent to the collection and specified used of personal information in the following ways:

- a) By signing an application form;
- b) By checking a check-off box;
- c) By providing written consent either physically or electronically;
- d) By consenting orally in person; or
- e) By consenting orally over the telephone.

4.5 Withdrawal – An individual may withdraw consent to the collection, use or disclosure of personal information at any time, subject to legal or contractual restrictions, provided the

individual gives one week's notice of such withdrawal. The OCA will inform the individual of the implications of such withdrawal.

4.6 Legal Guardians – Consent may not be obtained from individuals who are minors, seriously ill, or mentally incapacitated and therefore will be obtained from a parent, legal guardian or person having power of attorney.

4.7 Exceptions for Collection – The OCA is not required to obtain consent for the collection, of personal information if:

- a) it is clearly in the individual's interests and consent is not available in a timely way;
- b) knowledge and consent would compromise the availability or accuracy of the information and collection is required to investigate a breach of an agreement or contravention of a federal or provincial law;
- c) the information is for journalistic, artistic or literary purposes;
- d) the information is publicly available as specified in PIPEDA.

4.8 Exceptions for Use – The OCA may use personal information without the individual's knowledge or consent only:

- a) if the OCA has reasonable grounds to believe the information could be useful when investigating a contravention of a federal, provincial or foreign law and the information is used for that investigation;
- b) for an emergency that threatens an individual's life, health or security;
- c) for statistical or scholarly study or research (the OCA must notify the Privacy Commissioner before using the information);
- d) if it is publicly available as specified in PIPEDA;
- e) if the use is clearly in the individual's interest and consent is not available in a timely way; or
- f) if knowledge and consent would compromise the availability or accuracy of the information and collection was required to investigate a breach of an agreement or contravention of a federal or provincial law.

4.9 Exceptions for Disclosure – The OCA may disclose personal information without the individual's knowledge or consent only:

- a) to a lawyer representing the OCA;
- b) to collect a debt the individual owes to the OCA;
- c) to comply with a subpoena, a warrant or an order made by a court or other body with appropriate jurisdiction;
- d) to a government institution that has requested the information, identified its lawful authority, and indicated that disclosure is for the purpose of enforcing, carrying out an investigation, or gathering intelligence relating to any federal, provincial or foreign law; or that suspects that the information relates to national security or the conduct of international affairs; or is for the purpose of administering any federal or provincial law;
- e) to an investigative body named in PIPEDA or a government institution on the OCA's initiative when the OCA believes the information concerns a breach of an agreement, or a contravention of a federal, provincial, or foreign law, or suspects the information relates to national security or the conduct of international affairs;

- f) to an investigative body for the purposes related to the investigation of a breach of an agreement or a contravention of a federal or provincial law;
- g) in an emergency threatening an individual's life, health, or security (the OCA must inform the individual of the disclosure);
- h) for statistical, scholarly study or research (the OCA must notify the Privacy Commissioner before disclosing the information);
- i) to an archival institution;
- j) 20 years after the individual's death or 100 years after the record was created;
- k) if it is publicly available as specified in the regulations; or
- l) if otherwise required by law.

Article 5 Limiting Collection

5.1 Limiting Collection – The OCA may not collect personal information indiscriminately. Information collected will be for the purposes specified in Article 3.2.

5.2 Method of Collection – Information will be collected by fair and lawful means.

Article 6 Limiting Use, Disclosure and Retention

6.1 Limiting Use – Personal information will not be used or disclosed for purposes other than those for which it was collected as described in Article 3.2, except with the consent of the individual or as required by law.

6.2 Retention Periods – Personal information will be retained for certain periods of time in accordance with the following:

- a) Employee information will be retained for a period of seven years in accordance with Canadian Revenue Agency requirements.
- b) Personal health information will be immediately destroyed when an individual chooses to leave a program of the OCA.
- c) Marketing information will be immediately destroyed upon compilation and analysis of collected information.
- d) As otherwise may be stipulated in federal or provincial legislation.

6.3 Destruction of Information – Documents will be destroyed by way of shredding and electronic files will be deleted in their entirety. When hardware is discarded, the OCA will ensure that the hard drive is physically destroyed.

6.4 Exception – Personal information that is used to make a decision about an individual will be maintained for a minimum of one year of time to allow the individual access to the information after the decision has been made.

Article 7 Accuracy

7.1 Accuracy – Personal information will be accurate, complete and up to date as is necessary for the purposes for which it is to be used to minimize the possibility that inappropriate information may be used to make a decision about the individual.

7.2 Update – Personal information will only be updated if it is necessary to fulfill the purposes for which the information was collected unless the personal information is used on an ongoing basis.

7.3 Third Parties – Personal information disclosed to a third party will be accurate and up-to-date.

Article 8 Safeguards

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

8.2 Sensitivity – The nature of the safeguards will be directly related to the level of sensitivity of the personal information collected. The more sensitive the information, the higher the level of security employed.

8.3 Methods of Protection – Methods of protection and safeguards include, but are not limited to, locked filing cabinets, restricted access to offices, security clearances, need-to-know access and technological measures including the use of passwords, encryption, and firewalls.

8.4 Employees – Employees will be made aware of the importance of maintaining personal information confidential and may be required to sign confidentiality agreements.

8.5 Financial Information – Personal information of employees will be secured in a locked filing cabinet and on a password protected computer accessed only by **General Manager**.

8.6 Membership Information- Membership information will be secured in a locked filing cabinet and on a password protected computer accessed only by **OCA Staff**.

8.7 Athlete Information – Athlete information will be secured in a locked filing cabinet in the OCA's office and on a password protected computer, both of which may only be accessed by **OCA Staff**.

8.8 Personal Health Information – Personal health information will be secured in a locked filing cabinet in the OCA's office and on a password protected computer, both of which may only be accessed by **OCA Staff**.

8.9 Marketing Information – Marketing information will be secured in a locked filing cabinet and on a password protected computer, both of which will only be accessed by **OCA Staff**

Article 9 Openness

9.1 Openness – The OCA will publicize information about its policies and practices relating to the management of personal information. This information will be in a form that is generally understandable.

9.2 Information – The information made available will include:

- a) the name or title, and the address, of the person who is accountable for the organization's policies and practices and to whom complaints or inquiries can be forwarded;
- b) the means of gaining access to personal information held by the organization;
- c) a description of the type of personal information held by the organization, including a general account of its use;
- d) a copy of any brochures or other information that explain the organization's policies, standards, or codes; and
- e) a referral to organizations such as the Canadian Curling Association, Curl Ontario, the Canadian Centre for Ethics in Sport, and the Coaching Association of Canada, to which personal information may be disclosed.

Article 10 Individual Access

10.1 Individual Access – Upon written request, and with assistance from the OCA, an individual will be informed of the existence, use, and disclosure of his or her personal information and will be given access to that information.

10.2 Amendment – An individual may challenge the accuracy and completeness of the information and have it amended as appropriate.

10.3 Denial – An individual may be denied access to his or her personal information and provided a written explanation as to why if:

- a) the information is prohibitively costly to provide;
- b) the information contains references to other individuals;
- c) the information cannot be disclosed for legal, security, or commercial proprietary reasons, and
- d) the information is subject to solicitor-client or litigation privilege.

10.4 Contents of Refusal -- If the OCA determines that the disclosure of personal information should be refused, the OCA must inform an individual of the following:

- a) the reasons for the refusal and the provisions of PIPEDA on which the refusal is based;
- b) the name, position title, business address and business telephone number of the Privacy Officer who can answer the applicant's questions; and
- c) notification that the individual may ask for a review within thirty (30) days of being notified of the refusal.

10.5 Source – Upon request, the source of personal information will be disclosed along with an account of third parties to whom the information may have been disclosed.

10.6 Identity – Sufficient information may be required to confirm an individual's identity prior to providing that individual an account of the existence, use, and disclosure of personal information.

10.7 Response – Requested information will be disclosed within 30 days of receipt of the request at no cost to the individual, or at nominal cost relating to photocopying expenses, unless there are reasonable grounds to extend the time limit. The requested information will be provided in a form that is generally understandable.

10.8 Costs – Costs may only be levied if an individual is informed in writing in advance of the approximate cost and has agreed to proceed with the request.

10.9 Inaccuracies – If personal information is inaccurate or incomplete, it will be amended as required and the amended information will be transmitted to third parties in due course.

10.10 Unresolved Complaints – An unresolved complaint from an individual in regards to the accuracy of personal information will be recorded and transmitted to third parties having access to the information in question.

Article 11 Challenging Compliance

11.1 Challenges – An individual may challenge compliance with this Policy and the PIPEDA to the designated individual accountable for compliance.

11.2 Procedures – Upon receipt of a complaint the OCA 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 three days of receipt of the complaint;
- d) Appoint an investigator using the OCA personnel or an independent investigator, who will have the skills necessary to conduct a fair and impartial investigation, and who will have unfettered access to all files and personnel, within ten days of receipt of the complaint.
- e) Upon completion of the investigation and within 25 days of receipt of the complaint, the investigator will submit a written report to the OCA.
- f) Notify the complainant of the outcome of the investigation and any relevant steps taken to rectify the complaint, including any amendments to policies and procedures, within 30 days of receipt of the complaint.

11.3 Appeal – An individual may appeal a decision made by the OCA in accordance with its policies for appeals.

11.4 Assistance – The OCA will assist an individual in preparing a request for information.

11.5 Whistleblowing – The OCA must not dismiss, suspend, demote, discipline, harass or otherwise disadvantage an employee of the OCA, or deny that employee a benefit because the employee, acting in good faith and on the basis of reasonable belief:

- a) has disclosed to the federal Privacy Commissioner that the OCA has contravened or is about to contravene PIPEDA;
- b) has done or stated an intention of doing anything that is required to be done in order to avoid having any person contravene PIPEDA;
- c) has refused to do or stated an intention of refusing to do anything that is in contravention of PIPEDA.