

EKSC Policy on Privacy



BACKGROUND

1. Edmonton Keyano Swim Club (“EKSC”) recognizes the importance of privacy and the sensitivity of personal information. EKSC provides a broad range of services and employs a large number of individuals, which requires the collection of personal information. This policy outlines how EKSC will manage Personal Information and safeguard privacy in accordance with the applicable Provincial legislation pertaining to privacy and security of information.
2. EKSC is committed to maintaining the accuracy, security and privacy of Personal Information in accordance with applicable legislation. The objective of this Policy is to maintain responsible and transparent practices in the management of personal information.
3. 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.
4. Provincial legislation supersedes Federal legislation. As such, Alberta’s [Personal Information Protection Act](#) (PIPA) applies before PIPEDA. However, PIPEDA will still apply if any Personal Information crosses provincial borders.
5. PIPEDA and PIPA apply to EKSC’s use of Personal Information for Commercial Activity.
6. This Privacy Policy is based on the standards required by PIPEDA and PIPA as interpreted by EKSC.

PURPOSE

7. This Policy describes the way that EKSC collects, uses, safeguards, discloses, and disposes of Personal Information.
8. *The primary purposes of this Policy are to:*
 - a. *implement methods to protect Personal Information;*
 - b. *establish methods to receive and respond to complaints and inquiries;*
 - c. *establish methods of training staff and communicating to staff information about EKSC’s policies and practices.*

EKSC Policy on Privacy



APPLICATION OF THIS POLICY (SCOPE)

9. This Policy applies to all Stakeholders and Individuals in connection with personal information that is collected, used or disclosed during EKSC activity.

DEFINITIONS

10. For the purposes of this policy, the following terms are defined:
 - a. “Commercial Activity” – any particular transaction, act or conduct that is of financial benefit to EKSC.
 - b. “Individual” – All categories of membership defined in EKSC Bylaws as well as all individuals employed by, or engaged in activities with, EKSC including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, and directors and officers of EKSC.
 - c. “Personal Information” – As defined by PIPA ““personal information” means information about an identifiable individual”. EKSC clarifies this to include, but not limited to: gender, age, income, home address, home phone number, ethnic background, family status, health history, and health conditions. *Personal information does not include business contact information, including name, position or title, business telephone number, fax number, business address, and business email address.*
 - d. “Privacy Officer” – the individual who is appointed as designated officer to oversee compliance with this Policy.
 - e. “Stakeholder” – Individuals employed by, or engaged in activities on behalf of, EKSC including: coaches, staff members, contract personnel, volunteers, managers, administrators, committee members, and directors and officers of EKSC.

OBLIGATIONS

11. The Organization is obligated to follow and abide by PIPEDA and PIPA in all matters involving the collection, use, and disclosure of Personal Information.
12. In addition to fulfilling the legal obligations required by PIPEDA and PIPA, EKSC 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;

EKSC Policy on Privacy



- 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 EKSC;
- 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

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

- [See contact info on the EKSC website](#)

14. Duties - The Privacy Officer will:

- a. Establish and implement procedures to protect personal information;
- b. Establish and implement 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 EKSC privacy policies and practices.

IDENTIFYING PURPOSES

15. EKSC may collect Personal Information from Individuals and prospective Individuals for purposes that include, but are not limited to:

Communications

- a. Sending communications in any electronic form including e-mail, text message, news or a newsletters, or by mail with content related to EKSC programs, events, fundraising, activities, discipline, appeals, and other pertinent information
- b. Publishing articles, media relations and postings on EKSC'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

EKSC Policy on Privacy



- f. Checking residency status

Registration, Database Entry and Monitoring

- a. Registration in 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

Sales, Promotions and Merchandising

- a. Purchasing equipment, coaching manuals, resources and other products
- b. Promotion and sale of merchandise

General

- a. Travel arrangement and administration
 - b. Implementation of EKSC'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. Video recording and photography for promotional use, marketing and advertising by EKSC
 - h. Payroll, honorariums, company insurance and health plans
16. EKSC'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

17. By providing Personal Information to EKSC, Individuals are implying their consent to the use of that Personal Information for the purposes identified in the **IDENTIFYING PURPOSES** section of this Policy.



EKSC Policy on Privacy

18. At the time of the collection of Personal Information and prior to the use or disclose of the Personal Information, EKSC will obtain consent from Individuals by lawful means, in a manner similar to the form in **APPENDIX A**. EKSC may collect Personal Information without consent when it is reasonable to do so and permitted by law.
19. In determining whether to obtain written or implied consent, EKSC 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 form
 - 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
 - f. Consenting orally in person
20. EKSC 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.
21. An Individual may withdraw consent in writing, at any time, subject to legal or contractual restrictions. EKSC will inform the Individual of the implications of withdrawing consent.
22. EKSC 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.
23. EKSC 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 or PIPA
24. EKSC is also not required to obtain consent for the collection of Personal Information if the information is for journalistic, artistic, or literary purposes.

EKSC Policy on Privacy



25. EKSC may disclose Personal Information without the Individual's knowledge or consent only:

- a. To a lawyer representing EKSC
- b. To collect a debt that the Individual owes to EKSC
- 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 and identified its lawful authority, if that government institution indicates that disclosure is for one of the following purposes: enforcing or carrying out an investigation, gathering intelligence relating to any federal, provincial, or foreign law, national security or the conduct of international affairs, or administering any federal or provincial law
- e. To an investigative body named in PIPEDA or PIPA or a government institution, if EKSC believes the Personal Information concerns a breach of an agreement, contravenes a federal, provincial, or foreign law, or if EKSC suspects the Personal Information relates to national security or the conduct of international affairs
- f. 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
- g. In an emergency threatening an Individual's life, health, or security (EKSC will inform the Individual of the disclosure)
- h. To an archival institution
- i. 20 years after the individual's death or 100 years after the record was created
- j. If it is publicly available as specified in PIPEDA or PIPA
- k. If otherwise required by law

ACCURACY, RETENTION and OPENNESS

26. In order 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.

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

28. EKSC's Stakeholders will be made aware of the importance of maintaining the confidentiality of Personal Information and are required to comply with EKSC's Confidentiality Policy.

EKSC Policy on Privacy



29. 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.
30. Personal Information that has been used to make a decision about an Individual will be maintained for a minimum of one year in order to allow the individual the opportunity to access the Personal Information after the decision has been made.
31. EKSC will make the following information available to Individuals:
 - a. This Privacy Policy
 - b. Any additional documentation that further explains EKSC's Privacy Policy
 - c. The name or title, and the address, of the person who is accountable for EKSC's Privacy Policy
 - d. The means of gaining access to Personal Information held by EKSC
 - e. A description of the type of Personal Information held by EKSC, including a general account of its use
 - f. Identification of any third parties to which Personal Information is made available

ACCESS

32. Upon written request, and with assistance from EKSC 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.
33. 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.
34. 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
35. If EKSC refuses a request for Personal Information, it shall inform the Individual the reasons for the refusal and identify the associated provisions of PIPEDA or PIPA that support the refusal.

EKSC Policy on Privacy



COMPLIANCE CHALLENGES

36. Individuals are able to challenge EKSC for its compliance with this Policy.
37. Upon receipt of a complaint, EKSC 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 a) Appoint an investigator using EKSC'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
 - d. Upon completion of the investigation and within thirty (30) days of receipt of the complaint, the investigator will submit a written report to EKSC
 - e. Notify the complainant the outcome of the investigation and any relevant steps taken to rectify the complaint, including any amendments to policies and procedures
38. EKSC will not dismiss, suspend, demote, discipline, harass, or otherwise disadvantage any EKSC Individual or Stakeholder who:
- a. Challenges EKSC for its compliance with this Policy
 - b. Refuses to contravene this Policy, PIPEDA or PIPA
 - c. Takes precautions not to contravene this Policy, PIPEDA or PIPA; even though said precautions may be in opposition to the regular duties performed by the Individual

EKSC Policy on Privacy



Appendix A – Consent

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

1. I authorize EKSC to collect and use personal information about me for the purposes described in EKSC's Privacy Policy.
2. In addition to the purposes described in EKSC's Privacy Policy, I authorize EKSC to:
 - a. Distribute my information to Swim Alberta and Swimming Natation Canada
 - 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 EKSC's Privacy Officer. The Privacy Officer will advise the implications of such withdrawal.