

# **The Archers and Bowhunters Association of Manitoba** **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 ABAM to collect, use or disclose personal information.

1.2      Application – This policy applies to directors, officers, employees, and other decision-makers with The ABAM which may from time to time include committee members, volunteers, coaches, contractors.

1.3      Statutory Obligations – The ABAM 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      Ruling on Policy – Except as provided in PIPEDA, the Board of Directors of The ABAM 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 ABAM 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 ABAM's policies and practices; and
- d) Develop information to explain The ABAM'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/her 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 ABAM 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 ABAM will include a clause that instructs the third party not to breach The ABAM's privacy policies.

2.8 Information – The ABAM’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 ABAM 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, referees, participants, managers, and volunteers (“Individuals”) and used by The ABAM 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 ABAM’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 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 ABAM’s payroll, company insurance and health plan.
- f) Criminal records check and related personal reference information for the purpose of implementing The ABAM’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) Body weight, mass and body fat index to monitor physical response to training and to maintain an appropriate weight for competition.
- k) Marketing information including attitudinal and demographic data on individual members to determine membership demographic structure, and program wants and needs.
- l) Passport numbers and Aeroplan/frequent flyer numbers for the purposes of arranging travel.
- m) Name, address, phone number, cell phone number, fax number and e-mail address for the purpose of providing insurance coverage, managing insurance claims and conducting insurance investigations.

3.3 Identify – The ABAM 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 ABAM 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 ABAM 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 ABAM 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 ABAM 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 ABAM 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 ABAM 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 ABAM may use personal information without the individual's knowledge or consent only:

- a) if The ABAM 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 ABAM 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 ABAM may disclose personal information without the individual's knowledge or consent only:

- a) to a lawyer representing The ABAM;
- b) to collect a debt the individual owes to The ABAM;
- 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 ABAM's initiative when The ABAM 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 ABAM must inform the individual of the disclosure);
- h) for statistical, scholarly study or research (The ABAM 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 ABAM 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) Registration data and athlete information may be retained for a period of three years after an individual has left a program of The ABAM, in the event that the individual chooses to return to the program;
- b) Parental/family information may be retained for a period of three years after an individual has left a program of The ABAM, in the event that the individual chooses to return to the program;
- c) Information collected by coaches may be retained for a period of three years after an individual has left a program of The ABAM, in the event that the individual chooses to return to the program.
- d) Employee information will be retained for a period of seven years in accordance with Canada Customs and Revenue Agency requirements.
- e) Personal health information will be immediately destroyed when an individual provides written notification of a decision to leave a program of The ABAM. Otherwise it may be retained for up to three years.
- f) Marketing information will be immediately destroyed upon compilation and analysis of collected information.
- g) 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 ABAM will employ reasonable means to ensure that confidential data on the hard drive is erased.

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 President and Executive Director.

Membership Information- Membership information will be secured in a locked filing cabinet and on a password protected computer. It will be accessed and used under the supervision of the President or Executive Director.

Athlete Information – Athlete information will be secured in a locked filing cabinet in The ABAM's office and on a password protected computer. It will be accessed and used under the supervision of the President or Executive Director.

8.6 Personal Health Information – Personal health information will be secured in a locked filing cabinet in The ABAM's office and on a password protected computer. It will be accessed and used under the supervision of the President or Executive Director.

8.7 Marketing Information – Marketing information will be secured in a locked filing cabinet and on a password protected computer. It will be accessed and used under the supervision of the President or Executive Director.

## **Article 9 Openness**

9.1 Openness – The ABAM 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 Sport Manitoba, 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, 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 ABAM determines that the disclosure of personal information should be refused, The ABAM 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 by submitting a written complaint to the designated individual accountable for compliance. (the Privacy Officer)

11.2 Procedures – Upon receipt of a complaint The ABAM will:

- a) Record the date the complaint is received;
- b) Notify the Privacy Officer<sup>1</sup> who will serve in a neutral, unbiased capacity to resolve the complaint. If the Privacy Officer is a party in the complaint, then the complainant shall submit the written complaint to the President or another member of the Executive. The

Executive shall appoint a neutral, unbiased individual to fulfill the duties of the Privacy Officer with regard to this 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 ABAM 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 fourteen days of receipt of the complaint.
- e) Upon completion of the investigation and within thirty days of receipt of the complaint, the investigator will submit a written report to The ABAM.
- 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 ABAM in accordance with its policies for appeals.

11.4 Whistleblowing – The ABAM must not dismiss, suspend, demote, discipline, harass or otherwise disadvantage an employee of The ABAM, 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 ABAM 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.