

**ALBERTA WATER POLO ASSOCIATION (“AWPA”)
PRIVACY POLICY**

Article 1 General

- 1.1 **Background** - Privacy of personal information is governed by the *Personal Information Protection and Electronics Documents Act* ("PIPEDA") and the *Personal Information Privacy Act* ("PIPA") provincial privacy legislation. This policy describes the way that the AWPA collects, uses, safeguards, discloses and disposes of personal information, and states AWPA's commitment to collecting, using and disclosing personal information responsibly. This policy is based on the standards required by PIPEDA and PIPA privacy legislation, and AWPA's interpretation of these responsibilities.
- 1.2 **Purpose** –The purpose of this policy is to govern the collection, use and disclosure of personal information in the course of commercial activities in a manner that recognizes the right to privacy of individuals with respect to their personal information and the need of the AWPA to collect, use or disclose personal information.
- 1.3 **Definitions** – The following terms have these meanings in this Policy:
- a) *Act* – Personal Information Protection and Electronic Documents Act.
 - b) *Commercial Activity* – any particular transaction, act or conduct that is of a commercial character.
 - c) *Personal Information* – any information about an identifiable individual including information that relates to their personal characteristics including, but not limited to, gender, age, income, home address or phone number, ethnic background, family status, health history and health conditions.
 - d) *Representatives* – Members, directors, officers, committee members, employees, coaches, officials, referees, managers, trainers, volunteers, administrators, contractors and participants within the AWPA.
- 1.4 **Application** –This Policy applies to Alberta Water Polo Association (AWPA) Representatives in connection with personal information that is collected, used or disclosed during any commercial activity related to the AWPA.
- 1.5 **Statutory Obligations** – The AWPA is governed by the *Personal Information Protection, Electronic Documents Act and Personal Information Privacy Act* in matters involving the collection, use and disclosure of personal information.
- 1.6 **Additional Obligations** – In addition to fulfilling all requirements of the *Act*, Alberta Water Polo Association (AWPA) and its Representatives will also fulfill the additional requirements of this Policy. Representatives of Alberta Water Polo Association(AWPA) 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 organization 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, 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 AWPA; 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.
- 1.7 **Ruling on Policy** – Except as provided in the *Act*, the Board of Directors of the AWPA 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 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:

Alberta Water Polo Association
2225 MacLeod Tr. S.
Box 54, Calgary, AB
Ph: (403)-652-7723
Fax: (403)-652-7725

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) Record all persons having access to personal information;
- d) Ensure any third party providers abide by this policy; and
- e) Train and communicate to staff information about AWPA privacy policies and practices.

Article 3 Identifying Purposes

3.1 **Purpose** – Personal information may be collected from Representatives and prospective Representatives for purposes that include, but are not limited to, the following:

- a) Receiving communications from the AWPA in regards to E-news, newsletters, programs, events and activities.
- b) Database entry at the Coaching Association of Canada to determine level of coaching certification and qualifications.
- c) Database entry to determine level of officiating certification and qualifications.
- d) Determination of eligibility, age group and appropriate level of competition.
- e) Implementation of the AWPA screening program.
- f) Promotion and sale of merchandise.
- g) Medical emergency.
- h) Athlete registration, outfitting uniforms, and various components of athlete and team selection.
- i) Canadian Centre for Ethics in Sport inquiries for the purposes of out-of competition drug testing.
- j) Purchasing equipment, manuals, resources and other products.
- k) Published articles, media relations and posting on the AWPA website, displays or posters.
- l) Determination of membership demographics and program wants and needs.
- m) Managing insurance claims and insurance investigations.

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

Article 4 Consent

4.1 **Consent** – The AWPA will obtain consent by lawful means from individuals at the time of collection and prior to the use or disclosure of this information. The AWPA may collect personal information without consent where reasonable to do so and where permitted by law.

4.2 **Implied Consent** – By providing personal information to the AWPA, individuals are consenting to the use of the information for the purposes identified in this policy.

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

4.4 **Form** – Consent may be written or implied. In determining the form of consent to use, the AWPA will 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) Completing and/or signing an application form;
- b) Checking a check off box;
- c) Providing written consent either physically or electronically;
- d) Consenting orally in person; or
- e) Consenting orally over the phone.

4.5 **Withdrawal** – An individual may withdraw consent in writing, to the collection, use or disclosure of personal information at any time, subject to legal or contractual restrictions. The AWPA will inform the individual of the implications of such withdrawal.

4.6 **Legal Guardians** – Consent will 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 AWPA 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; or
- d) The information is publicly available as specified in the *Act*.

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

- a) If the AWPAs 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;
- d) If it is publicly available as specified in the *Act*;
- 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 AWPAs may disclose personal information without the individual's knowledge or consent only:

- a) To a lawyer representing the AWPAs;
- b) To collect a debt the individual owes to the AWPAs;
- 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 the *Act* or government institution when the AWPAs 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 AWPAs will inform the individual of the disclosure);
- h) For statistical, scholarly study or research;
- 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, Use, Disclosure and Retention

5.1 Limiting Collection, Use and Disclosure – The AWPAs will not collect, use or disclose personal information indiscriminately. Information collected will be for the purposes specified in Article 3.1, except with the consent of the individual or as required by law.

5.2 Retention Periods – Personal information will be retained as long as reasonably necessary to enable participation in the AWPAs, to maintain accurate historical records and or as may be required by law.

5.3 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 6 Accuracy

6.1 Accuracy – Personal information will be accurate, complete and as 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.

Article 7 Safeguards

7.1 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.

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

Article 8 Openness

8.1 Information – Information made available will include:

- a) The name or title, and the address, of the person who is accountable for AWPA’s privacy policy 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 information that explains the organization’s privacy policies; and
- e) Third parties in which personal information is made available.

Article 9 Individual Access

9.1 Access - Upon written request, and with assistance from the AWPA, an individual may be informed of the existence, use and disclosure of his or her personal information and will be given access to that information. As well, an individual is entitled to be informed of the source of the personal information along with an account of third parties to whom the information has been disclosed.

9.2 Response - Requested information will be disclosed to the individual within 30 days of receipt of the written request at no cost to the individual, or at nominal costs relating to photocopying expenses, unless there are reasonable grounds to extend the time limit.

9.3 Denial - An individual may be denied access to his or her personal information if:

- a) This 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 purposes;
- d) The information is subject to solicitor-client or litigation privilege.

9.4 Reasons - Upon refusal, the AWPA will inform the individual the reasons for the refusal and the associated provisions of *PIPEDA* and/or *PIPA* and applicable provincial privacy legislation.

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

Article 10 Challenging Compliance

10.1 Challenges – An individual will be able to challenge compliance with this Policy and the *Act* to the designated individual accountable for compliance.

10.2 Procedures – Upon receipt of a complaint the AWPA 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 AWPA 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 AWPA.
- 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.

10.3 Whistle-blowing – The AWPA will not dismiss, suspend, demote, discipline, harass or otherwise disadvantage any AWPA Representative, and other decision-makers within the AWPA or deny that person a benefit because the individual, acting in good faith and on the basis of reasonable belief:

- a) Disclosed to the commissioner that the AWPA has contravened or is about to contravene the *Act*;
- b) Has done or stated an intention of doing anything that is required to be done in order to avoid having any person contravene the *Act*; or
- c) Has refused to do or stated an intention of refusing to do anything that is in contravention of the *Act*.

Article 11 IP Address

11.1 11.2 The AWPA does not collect, use or disclose IP Addresses.

Article 12 Cookies

12.1 The AWPA does not use cookies to identify specific individuals.

Article 13 Copyright and Legal Disclaimer

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Article 14 Applicable Law

14.1 This site is created and controlled by the AWPA in the province of Alberta. As such, the laws of the province of Alberta will govern these disclaimers, terms and conditions.

Article 15 Approval and Review

15.1 This Policy was approved by the Board of Directors of the AWPA on December 17, 2009.