



## POLICY AND PROCEDURE

**Policy No: 0023**

**Policy Re: Privacy Code**

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### **PREFACE**

Skate Canada – Saskatchewan (hereinafter “the Section”) is committed to ensuring and protecting the privacy and confidentiality of personal information of those employees, coaches, managers, office volunteers, members and other persons (the Members) involved in the Section. By implementing recognized fair handling practices for personal information, the Section materially demonstrates its commitment to the protection of personal information.

### **1. INTRODUCTION**

The Section is committed to the protection of personal information of its employees, volunteers, Members and other persons involved in the Section. This Code constitutes a set of principles to assist the Section in developing and implementing policies and practices to be used when managing personal information of those persons.

The Code addresses two (2) broad issues: the way the Section collects, uses, discloses and protects personal information; and the right of Members to have access to their personal information and, if necessary, to have the information corrected. Ten (10) interrelated principles form the basis of the Code.

This Code describes the minimum requirements for the protection of personal information. Any applicable legislation must be considered in implementing these requirements.

### **2. PRINCIPLES IN SUMMARY**

Ten (10) interrelated principles form the basis of this Code.

#### **1. Accountability**

The Section is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the Section’s compliance with the following principles.

**2. Identifying Purposes**

The purpose(s) for which personal information is collected shall be identified by the Section at or before the time the information is collected.

**3. Consent**

The knowledge and consent of those Members are required for the collection, use, or disclosure of personal information, except for legal or security reasons.

**4. Limiting Collection**

The collection of personal information shall be limited to that which is necessary for the purposes identified by the Section. Information shall be collected by fair and lawful means.

**5. Limiting Use, Disclosure and Retention**

Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the Member or as required by law. Personal information shall be retained only as long as necessary for the fulfillment of those purposes.

**6. Accuracy**

Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

**7. Safeguards**

Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.

**8. Openness**

The Section shall make readily available to those Members specific information about its policies and practices relating to the management of personal information.

**9. Access**

Upon request, a Member shall be informed of the existence, use, and disclosure of his or her personal information and shall be given access to that information. A Member shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

## 10. Challenging Compliance

A Member shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the Section's compliance.

## 3. DEFINITIONS

The following definitions apply in this Code:

**“Member”** – persons about whom the Section collects personal information in carrying out its activities related to the Section, and includes persons who have dealt with or intend to deal with the Section, and any other person who has contacted the Section and provided his or her own personal information to the Section.

**“collection”** – the act of gathering, acquiring or obtaining personal information from any source, including from third parties, by any means.

**“consent”** – voluntary agreement with what is being done or proposed. Consent can be either express or implied. Express consent is given explicitly, either orally or in writing. Express consent is unequivocal and does not require any inference on the part of the Section seeking consent. Implied consent arises where consent may reasonably be inferred from the action or inaction of the person.

**“control”** – the Section controls personal information if the personal information is in the possession of the Section or a person to whom the Section has disclosed the personal information, excluding a person to whom such disclosure was required by law.

**“disclosure”** – making personal information available to others outside of the Section or to other persons involved in the Section for which the personal information is collected.

**“person”** – shall be broadly interpreted and includes an individual, corporation, partnership, joint venture, trust, association, unincorporated organization, any governmental authority or any other entity recognized by law.

**“personal information”** – information about an identifiable person.

**“use”** – treatment and handling of personal information within the Section for which the personal information is collected.

## 4. PRINCIPLES

### Principle 1 – Accountability

*The Section is responsible for personal information under its control and for establishing and implementing policies and practices for the appropriate collection, retention and use of the personal information.*

**4.1.1** The Section shall designate one or more individuals who shall be accountable for the Section's compliance with the principles set out in the Code. The identity of the individual(s) designated by the Section shall be available upon request.

**4.1.2** The Section is responsible for personal information in its possession, custody or control, including information that has been transferred to a third party for processing. Prior to disclosing any personal information to any third party, the Section shall use contractual or other means to provide a comparable level of protection while the personal information is in the possession, custody or control of a third party.

**4.1.3** The Section shall implement policies and practices to give effect to the principles, including:

- (a) implementing procedures to protect personal information;
- (b) establishing procedures to receive and respond to complaints and enquiries;
- (c) training staff and communicating to staff information about the Section's policies and practices; and
- (d) developing information to explain the Section's policies and procedures.

## **Principle 2 – Identifying Purposes**

*The purpose(s) for which personal information is collected shall be identified to the person by the Section before or at the time the information is collected.*

**4.2.1** The Section shall document the purpose(s) for which personal information is collected in order to comply with the Openness principle (Clause 4.8) and the Person Access principle (Clause 4.9).

**4.2.2** Identifying the purpose(s) for which personal information is collected at or before the time of collection allows the Section to determine the information it needs to collect and to fulfill these purpose(s). The Limiting Collection principle (Clause 4.4) requires the Section to collect only that information necessary for the purpose(s) that have been identified.

**4.2.3** The identified purpose(s) should be specified at or before the time of collection to the Member from whom the personal information is collected. Depending upon the way in which the information is collected, this can be done orally or in writing. An application form, pamphlet or other suitable media, for example, may give notice of the purpose(s) for which personal information is being collected.

**4.2.4** When personal information that has been collected is to be used for a purpose not previously identified, the new purpose shall be identified before use. Unless the new purpose is required by law, the consent of the Member is required before personal information can be used for that purpose.

**4.2.5** When collecting personal information, the Section should be able to explain to Members or other identified individuals, the purpose(s) for which the information is being collected.

### **Principle 3 – Consent**

*The knowledge and consent of the Member are required for the collection, use, or disclosure of personal information, except as provided in this principle.*

**4.3.1** Consent is not required for the collection, use and disclosure of personal information for legal or security reasons such as the collection of personal information for the detection and prevention of fraud, or compliance with subpoenas, search warrants and other court, regulatory or government orders, where obtaining consent might defeat the purpose of collecting the information. Consent shall not be required for the collection, use and disclosure of personal information for reasons of discipline of Members nor to meet Sask. Sport Inc. or Skate Canada eligibility or membership guidelines.

**4.3.2** Consent is required for the collection of personal information and the subsequent use or disclosure of this information. The Section must obtain consent for the use or disclosure of the information at the time of collection. In certain circumstances, consent with respect to use or disclosure may be sought after the information has been collected but before use (for example, when the Section wants to use information for a purpose not previously identified).

**4.3.3** The principle requires “knowledge and consent.” The Section shall make a reasonable effort to ensure that the Member is advised of the purpose(s) for which the personal information will be used. To make the consent meaningful, the purpose(s) must be stated in such a manner that the individual can reasonably understand how the personal information will be used or disclosed. In obtaining consent, the reasonable expectations of the Member or other identifiable individual are also relevant.

**4.3.4** The Section shall not, as a condition of the supply of a service or product, require a Member to consent to the collection, use, or disclosure of personal information beyond that required to fulfill the explicitly specified purpose(s). The Section must explain to the Member the personal information requirements that are related to the product or service. In so doing, the Section provides a specified, explicit and legitimate purpose. The Section can then refuse to deal with a Member who will not consent to the collection, use and disclosure of the personal information for the specified, explicit and legitimate purpose.

**4.3.5** The form of the consent sought by the Section may vary, depending upon the circumstances and the type of personal information. In determining the form of consent to use, the Section shall take into account the sensitivity of the personal information.

**4.3.6** Consent can also be given by an authorized representative (such as a legal guardian or a person having power of attorney).

**4.3.7** Members can give consent in many ways. For example:

- (a) an application form may be used to seek consent, collect personal information and inform the Member of the use that will be made of the personal information. By completing and signing the form, the Member is giving consent to the collection and the specified uses;
- (b) a check-off box may be used to allow persons to request that certain or all personal information not be given to third parties. Persons who do not

- check the box are assumed to consent to the transfer of this personal information to third parties for specified purposes;
- (c) consent may be given orally when personal information is collected over the telephone, provided that the Section reasonably verifies the identity of the person giving consent over the telephone;
  - (d) consent may be given at the time that Members request or use a product or service; or
  - (e) consent may be given electronically over the Internet or by other electronic means, if the Members can be reliably identified as the source of such consent.

**4.3.8** A Member may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. The Section shall inform the Member of the implications of such withdrawal. Absent any such withdrawal, consent is valid for the length of time needed to achieve the identified purposes.

#### **Principle 4 – Limiting Collection**

*The collection of personal information shall be limited to that which is necessary for the purpose(s) identified by the Section. Information shall be collected by fair and lawful means.*

**4.4.1** The Section shall not collect personal information indiscriminately. Both the amount and the type of information collected shall be limited to that which is necessary to fulfill the purpose(s) identified. The Section may obtain personal information from Members through hard copy, electronic or other means, and sources including but not limited to credit bureaus, third party websites or other third parties who represent that they have the right to disclose the information. The Section shall collect personal information from third parties only with the consent of the Member or identifiable individual concerned, unless the collection is clearly in the interests of the individual and consent cannot be obtained in a timely way, it is reasonable to expect that the collection with the knowledge of the Member or identifiable individual would compromise the availability or accuracy of the information and the collection is reasonable for purposes relating to investigating a breach of an agreement or a contravention of law, or the information is publicly available and is specified by the regulations to the PIPEDA. The Section shall specify the type of information collected as part of its information-handling policies and practices in accordance with the Openness principle (Clause 4.8).

**4.4.2** The requirement that personal information be collected by fair and lawful means is intended to prevent the Section from collecting information by misleading or deceiving Members about the purpose for which information is being collected. This requirement implies that consent with respect to collection must not be obtained through deception.

#### **Principle 5 – Limiting Use, Disclosure & Retention**

*Personal information shall not be used or disclosed for purpose(s) other than those for which the information was collected, except with the consent of the Member or as required by law. Personal information shall be retained only as long as necessary for the fulfillment of those purpose(s).*

**4.5.1** There are situations specific to the Section where the Section will disclose personal information that is necessary in the course of the Section. Only the personal information necessary for these purposes will be provided by the Section. Every such

disclosure shall be made subject to the protection measures specified below in clause 4.7.3 of this Code.

**4.5.2** In using personal information for a new purpose, the Section shall document this purpose.

**4.5.3** The Section will, as an ongoing process, develop guidelines and implement procedures with respect to the retention of personal information. These guidelines will, if deemed appropriate, include minimum and maximum retention periods, subject to any legislative requirements.

**4.5.4** Personal information that is no longer required to fulfill the identified purposes should be destroyed, erased or made anonymous. The Section will, as an ongoing process, shred all paper records containing personal information, and erase in a proper fashion all computer records.

### **Principle 6 – Accuracy**

*Personal information shall be as accurate, complete and up-to-date as is necessary for the purpose(s) for which it is to be used.*

**4.6.1** The extent to which personal information shall be accurate, complete and up-to-date will depend upon the use of information, taking into account the interests of the Member. Information shall be sufficiently accurate, complete and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about the Member.

**4.6.2** The Section shall not routinely update personal information, unless such a process is necessary to fulfill the purpose(s) for which it was collected.

**4.6.3** Personal information that is used on an on going basis, including information that is disclosed to third parties, should generally be accurate and up-to-date, unless limits to the requirement for accuracy are clearly set out.

### **Principle 7 – Safeguards**

*Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.*

**4.7.1** The security safeguards shall protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification. The Section shall protect personal information regardless of the format in which it is held.

**4.7.2** The nature of the safeguards will vary depending on the sensitivity of the information that has been collected, the amount, distribution and format of the information and the method of storage. More sensitive information should be safeguarded by a higher level of protection.

- 4.7.3** The methods of protection should include:
- (a) physical measures, for example, locked filing cabinets and restricted access to offices;
  - (b) organizational measures, for example, security clearances and limiting access on a “need-to-know” basis;
  - (c) technological measures, for example, the use of passwords and encryption; and
  - (d) contractual measures, for example, the use of non-disclosure agreements with third parties to which the Section discloses personal information.

**4.7.4** The Section shall make the importance of maintaining the confidentiality of personal information known to its agents, employees and any third parties (for example, see clause 4.5.1).

**4.7.5** Care shall be used in the disposal or destruction of personal information, to prevent unauthorized parties from gaining access to the information.

### **Principle 8 – Openness**

*The Section shall make readily available to Members specific information about its policies and practices relating to the management of personal information.*

**4.8.1** The Section shall be open about its policies and practices with respect to the management of personal information. Persons shall be able to acquire information about the Section’s policies and practices without unreasonable effort. This information shall be made available in a form that is generally understandable.

- 4.8.2** The information made available shall include:
- (a) the name or title and address of the person who is accountable for the Section’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 Section;
  - (c) a description of the type of personal information held by the Section, including a general account of its use;
  - (d) a copy of any brochures or other information that explain the Section’s policies, standards or codes; and
  - (e) what specific personal information is made available to organizations related to the Section (e.g. subsidiaries, committees, etc.).

**4.8.3** The Section will seek to make information on its policies and practices available in a variety of ways. For example, the Section may mail information to those inquiring about policies and provide online access and/or establish a toll-free telephone number.

### **Principle 9 – Access**

*Upon request, a Member shall be informed of the existence, use and disclosure of his or her personal information and shall be given access to that information. A Member shall be able to assess the accuracy and completeness of the information and have it amended as appropriate.*

**4.9.1** The Section shall respond to a written request for personal access with due diligence and in any case not later than 30 days after receipt of the request or any



permitted extension by informing the Member whether or not the Section holds personal information about the Member. The Section will allow the personal access to this information unless to do so would: (1) reveal personal information about a third party, or (2) breach a solicitor-person privilege, or (3) potentially threaten the life or security of another individual, or (4) disclose personal information collected to investigate a breach of an agreement or contravention of law, or (5) reveal information generated in the course of a dispute resolution process. If such a request is denied, the Section will provide to the Member the reasons for the denial.

**4.9.2** Before the Section provides a response of the existence, use and disclosure of personal information of a particular Member, the Member may be required to provide sufficient information to permit the Section to investigate the existence, use and disclosure of personal information. The information provided shall only be used for this purpose.

**4.9.3** In providing a response of third parties to which it has disclosed personal information about a Member, the Section will attempt to be as specific as possible. When it is not possible to provide a list of the organizations or person to which it has actually disclosed information about a Member, the Section will provide a list of organizations or other persons to which it may have disclosed information about the Member.

**4.9.4** The Section shall respond to a Member's request within a reasonable time and not later than 30 days after receipt of the request or any permitted extension and at minimal or no cost to the Member. The requested information shall be provided or made available in a form that is generally understandable. For example, if the Section uses abbreviations or codes to record information or other Games-specific terminology, an explanation shall be provided.

**4.9.5** When a person successfully demonstrates the inaccuracy or incompleteness of personal information, the Section will amend the information as required. Depending upon the nature of the information challenged, amendment could involve the correction, deletion or addition of information. Where appropriate, the amended information shall be transmitted to third parties having access to the information in question.

**4.9.6** When a challenge is not resolved to the satisfaction of the Member, the substance of the unresolved challenge shall be recorded by the Section. When appropriate, the existence of the unresolved challenge shall be transmitted to third parties having access to the information in question.

#### **Principle 10 – Challenging Compliance**

*A Member shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the Section's compliance.*

**4.10.1** The individual accountable for the Section's compliance is discussed in Clause 4.1.1.

**4.10.2** The Section shall adopt procedures to receive and respond to complaints or inquiries about its policies and practices relating to the handling of personal information.

The objective of the complaint procedures is that they be easily accessible and simple to use. Those procedures shall include:

- (a) receipt of complaints by telephone, mail, in person or by electronic mail;
- (b) recording of the complaint;
- (c) investigation of the complaint;
- (d) recording of interviews, statements, and other details of the incident;
- (e) determining a resolution;
- (f) implementing a resolution;
- (g) advising the complainant of the result of the investigation and resolution.

**4.10.3** The Section shall inform Members who make inquiries or lodge complaints of the existence of relevant complaint procedures.

**4.10.4** The Section shall investigate all complaints. If a complaint is found to be justified through either the internal or external complaint review process, the Section shall take appropriate measures, including amending its policies and practices, if necessary.

**4.10.5** Members have, in addition to the foregoing, the remediation procedures in the PIPEDA.

Approved by:  
Date:

Board of Directors  
Sept 2004