



# Morinville Minor Soccer Club

**TITLE: Privacy, Confidentiality and Document Retention      POLICY # 12**

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Version No.	Effective Date	Significant Changes
1	July 14, 2020	None

## 1.0 Purpose

Morinville Minor Soccer Club's privacy policy is committed to protecting the privacy and confidentiality of the individuals engaged in activities with the organization. If an individual has any questions, concerns, or wishes to make a request to access their personal information, please contact MMSC at [morinvilleminorsoccer@yahoo.com](mailto:morinvilleminorsoccer@yahoo.com)

## 2.0 Background

**2.1** 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.

**2.2** Alberta has provincial legislation similar to PIPEDA that applies first, before PIPEDA is applied. However, PIPEDA will still apply if any personal information crosses provincial borders. In Alberta, the Personal Information Privacy Act (PIPA) applies before PIPEDA.

**2.3** This privacy policy is based on the standards required by PIPEDA and PIPA as interpreted by the organization.

## 3.0 Definitions

The following terms have these meanings in this policy:

**Commercial Activity** – any particular transaction, act or conduct that is of a commercial character.

**Individuals** – All categories of membership defined in the association's bylaws, as well as all individuals engaged in activities with the organization including, but not limited to, athletes,

coaches, referees, officials, volunteers, managers, administrators, committee members, spectators, parents/guardians, and directors and officers of the organization.

**Organization** – Morinville Minor Soccer Club

**Personal Information** – any information about an individual that relates to the person's personal characteristics including, but not limited to: gender, age, income, home address, home phone number, ethnic background, family status, health history, and health conditions.

**Members** – Individuals engaged in activities on behalf of, the organization including: coaches, staff members, contract personnel, volunteers, managers, administrators, committee members, and directors and officers of the organization

## **4.0 Purpose**

**4.1** The organization recognizes individuals' right to privacy with respect to their personal information. This policy describes the way that the organization collects, uses, safeguards, discloses, and disposes of personal information.

## **5.0 Application of this Policy**

**5.1** This policy applies to all members and individuals in connection with personal information that is collected, used or disclosed during the organization's commercial activities.

**5.2** Except as provided in PIPEDA and PIPA, the organization's Executive Board will have the authority to interpret any provision of this policy that is contradictory, ambiguous, or unclear.

## **6.0 Obligations**

**6.1** The organization is obligated to:

a) Follow and abide by PIPA and PIPEDA in all matters involving the collection, use, and disclosure of personal information during the organization's commercial activities.

b) Always disclose what personal information is being collected from individuals and for what purpose the personal information is being collected. The organization will not require the collection of any personal information if the purpose for its collection is not identified.

**6.2** In addition to fulfilling the legal obligations required by PIPEDA and PIPA, the organization's members 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

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 the organization

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

## **7.0 Accountability**

**7.1** MMSC Board of Directors and Executive Board are 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.

## **8.0 Duties**

**8.1** Implement procedures to protect personal information.

**8.2** Establish procedures to receive and respond to complaints and inquiries a

**8.3** Ensure any third party providers abide by this policy

**8.4** Train and communicate the information about the organization's privacy policies and practices.

## **9.0 Information Collection Purposes**

**9.1** The organization may collect personal information from individuals and prospective individuals for purposes that may include any of the following:

### **9.2 Non-Commercial Activity**

#### **9.2.1 Communications**

a) Sending communications in the form of e-news or a newsletter with content related to the organization's programs, events, fundraising, activities, discipline, appeals, and other pertinent information

b) Publishing articles, media relations and postings on the organization's website, displays or posters

c) Award nominations, biographies, and media relations

d) Communication within and between members and individuals

e) Discipline results and long term suspension list

f) Checking residency status

#### **9.2.2 Identification**

g) Informing governing bodies (e.g., Provincial Sport Organizations (PSOs), National Sport Organizations (NSOs)) of individuals' registration and/or participation with the organization

h) Informing government funders the number and demographic profile of registered individuals

#### **9.2.3 Registration, Database Entry and Monitoring**

i) Registration of programs, events and activities

- j) Database entry at the Coaching Association of Canada and to determine level of coaching certification, coaching qualifications, and coach selection.
- k) Database entry to determine level of officiating certification and qualifications
- l) Determination of eligibility, age group and appropriate level of play/competition
- m) Athlete registration, outfitting uniforms, and various components of athlete and team selection
- n) Technical monitoring, officials training, educational purposes, sport promotion, and media publications

#### **9.2.4 General**

- o) Travel arrangement and administration
- p) Implementation of the organization's screening program
- q) Medical emergency, emergency contacts or reports relating to medical or emergency issues
- r) Determination of membership demographics and program wants and needs
- s) Managing insurance claims and insurance investigations
- t) Video recording and photography for personal use, and not commercial gain, by spectators, parents/guardians and friends
- u) Company insurance and health plans
- v) Provincial, National, CIS/NCAA, University/College, and Professional Soccer Club Scouts and/or Athletic Department Staff for player scouting purposes.

#### **9.2.5 Commercial Activity - Sales, Promotions and Merchandising**

- a) Purchasing equipment, coaching manuals, resources and other products
- b) Promotion and sale of merchandise
- c) Video recording and photography for promotional use, marketing and advertising by the organization

**9.3** The organization's members 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.

### **10.0 Consent**

**10.1** By providing personal information to the organization, individuals are implying their consent to the use of that personal information for the purposes identified in the information collection purposes section of this policy.

**10.2** At the time of the collection of personal information and prior to the use or disclosure of the personal information, the organization will obtain consent from individuals by lawful means. The organization may collect personal information without consent when it is reasonable to do so and permitted by law.

**10.3** Individuals may consent to the collection and specified use of personal information in the following ways:

- a) Completing and/or signing an application or registration form (see sample Appendix A)
- 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) Implicitly by providing the personal information

**10.4** The organization 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.

**10.5** An individual may withdraw consent in writing, at any time, subject to legal or contractual restrictions. The organization will inform the individual of the implications of withdrawing consent.

**10.6** The organization 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.

**10.7** The organization 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 an individual's life, health, or security
- d) The information is publicly available as specified in PIPEDA and/or PIPA

**10.8** The organization is also not required to obtain consent for the collection of personal information if the information is for journalistic, artistic, or literary purposes.

**10.9** The organization may disclose personal information without the individual's knowledge or consent only:

- a) To a lawyer representing the organization
- b) To collect a debt that the individual owes to the organization
- 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 the organization believes the personal information concerns a breach of an agreement, contravenes a federal, provincial, or foreign law, or if the organization 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 (the organization 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 and/or PIPA
- k) If otherwise required by law

## **11.0 Accuracy, Retention, and Openness**

**11.1** 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.

**11.2** Personal information will be retained as long as reasonably necessary to enable participation in the organization programs, events, and activities, and in order to maintain historical records as may be required by law or by governing organizations.

**11.3** The organization's members will be made aware of the importance of maintaining the confidentiality of personal information and are required to comply with the organization's Privacy, Confidentiality and Documentation Retention Policy.

**11.4** 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.

**11.5** Personal information that has been used to make a decision (ex: discipline, appeals or selection to programs) 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.

**11.6** The organization will make the following information available to individuals:

- a) This privacy policy

- b) The name or title, and the address, of the person who is accountable for the organization's privacy policy
- c) The means of gaining access to personal information held by the organization
- d) A description of the type of personal information held by the organization, including a general account of its use
- e) Identification of any third parties to which personal information is made available

## **12.0 Access**

**12.1** Upon written request, and with assistance from the organization 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 provided with an account of third parties to which the personal information has been disclosed.

**12.2** 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.

**12.3** 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

**12.4** If the organization refuses a request for personal information, it shall inform the individual the reasons for the refusal and identify the associated provisions of PIPEDA and/or PIPA that support the refusal.

## **13.0 Compliance Challenges**

**13.1** Individuals are able to challenge the organization for its compliance with this policy.

**13.2** Upon receipt of a complaint, the organization 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 the organization'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

- 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 organization
- 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

**13.3** The organization will not dismiss, suspend, demote, discipline, harass, or otherwise disadvantage any the organization individual or members who:

- a) Challenges the organization for its compliance with this policy
- b) Refuses to contravene this policy or PIPEDA
- c) Takes precautions not to contravene this policy, PIPA or PIPEDA; even though said precautions may be in opposition to the regular duties performed by the individual

## **14.0 Additional Recourses**

[PIPA - Personal information Protection Act](#)

[PIPEDA - The Personal information Protection and Electronic Documents Act](#)

## **Appendix A – Consent**

1. I, the participant and/or parent/guardian on behalf of the minor participant, authorize Morinville Minor Soccer Club to collect and use personal information about me or my child/ward, including name, address, email, telephone number, gender and date of birth, for the purpose of:

- a. Receiving communications from the organization with regard to national, provincial and local programs, events, promotions, sponsorships, annual registration and demographics;
- b. Sharing medical and emergency contact information in the case of medical emergency;
- c. Reporting as required for national membership and/or government reporting;
- d. Provincial, National, CIS/NCAA, University/College, and Professional Soccer Club Scouts and/or Athletic Department Staff for player scouting purposes.

2. Furthermore, I, the participant and/or parent/guardian, grant permission to Morinville Minor Soccer Club to photograph and/or record me or my child/ward's image and/or voice on still or motion picture film and/or audio tape, and to use this material to promote the Association through the media of publications, newsletters, websites, television, film, radio, print and/or display form which can be viewed by anyone who accesses the Association's website or publications I understand that the audio/visual material and copyright will remain the sole property of the Association and 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 Morinville Minor Soccer Club you will advised of the implications of such withdrawal.