

# SPORT MANITOBA POLICY AND PROCEDURES

Type	<b>Board Approved</b>
Subject	<b>Privacy Policy</b>
Approved:	Original March 26, 2014 Updated policy approved October 21, 2019

## Reason for Policy:

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 Sport Manitoba to collect, use or disclose personal information.

## Policy Statement:

Statutory Obligations – Sport Manitoba is governed by the *Personal Information Protection and Electronic Documents Act* (PIPEDA) in matters involving the collection, use and disclosure of personal information. The Sport Medicine Clinic in addition follows all legislation related to The Personal Health Information Act (PHIA).

Additional Obligations – In addition to fulfilling all requirements of the Act, Sport Manitoba and its Representatives will also fulfill the additional requirements of this Policy. Representatives of Sport Manitoba 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 person 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, friend or colleagues have an interest;

Ruling on Policy – Except as provided in the Act, the Board of Directors of Sport Manitoba will have the authority to interpret any provision of this Policy that is contradictory, ambiguous, or unclear.

## Scope:

This Policy applies to directors, officers, employees, committee members, volunteers, coaches, contractors, health care professionals and other decision-makers within Sport Manitoba.

## Definitions:

<i>Act</i>	The Personal Information Protection and Electronic Documents Act (PIPEDA) - is the federal privacy law for private-sector organizations. It sets out the ground rules for how businesses must handle personal information in the course of commercial activity.
<i>Commercial Activity</i>	any particular transaction, act or conduct that is of a commercial character.

<i>Organization</i>	includes an association, a partnership, a person, an unincorporated association, a trust, a not for profit organization, a trade union and a corporation.
<i>Personal Information</i>	any information about an identifiable individual, but does not include an employee's name, title, business address or telephone number.
<i>Personal Health Information</i>	any health information about an identifiable individual.
<i>Representatives</i>	Directors, officers, employees, committee members, volunteers, coaches, contractors and other decision makers within Sport Manitoba.

## Procedures:

### Article 1 Accountability

- 1.1 Privacy Officer – Sport Manitoba will designate an individual to oversee the implementation and monitoring of this Privacy Policy. Other individuals with the organization may be delegated to take responsibility for the day-to-day collection and processing of personal information.
- 1.2 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 Sport Manitoba's policies and practices; and
  - d) Develop information to explain Sport Manitoba's policies and procedures to Representatives and the public.
- 1.3 Identity - The identity of the Privacy Officer and his/her contact information will be made known via Sport Manitoba's web site and will be publicly accessible.
- 1.4 Inquiries – The Privacy Officer will be responsible to respond to all requests and inquiries in regards to personal information.
- 1.5 Principles – Sport Manitoba will implement policies and practices to secure all personal information during collection, use and disclosure.
- 1.6 Disclosure to Third Parties - A contract made with a third party having access to personal information held by Sport Manitoba will ensure these providers are in compliance with the Act and have an established privacy policy at least as effective as Sport Manitoba or that the third party agrees to be bound by the Sport Manitoba Privacy Policy.
- 1.7 Information- Information will be made available to the public via Sport Manitoba's web site explaining privacy policies and procedures.

### Article 2 Identifying Purposes

- 2.1 Collection – Sport Manitoba will only collect information reasonably necessary for the identified purposes set out in Article 3.2.
- 2.2 Purpose – Sport Manitoba may collect Personal Information from Individuals and prospective Individuals for purposes that include, but are not limited to:

### 2.3 *Communications*

- a) Sending communications in the form of e-news or a newsletter with content related to Sport Manitoba's programs, services, facilities, events, rentals, fundraising, activities, and other pertinent information.
- b) Publishing articles, media relations and postings on the Sport Manitoba's website, displays or posters.
- c) Award nominations, biographies, and media relations.
- d) Communication within and between Stakeholders and Individuals.
- e) Checking residency status.

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

- a) Registration of memberships, programs, events, facility rentals, classes, workshops, volunteering, and activities.
- b) Database entry at the Coaching Association of Canada and to determine level of coaching certification, coaching qualifications, and coach selection.
- c) Determination of eligibility, age group and appropriate level of play/competition.
- d) Athlete Registration, outfitting uniforms, and various components of athlete and team selection.
- e) Technical monitoring, officials training, educational purposes, sport promotion, and media publications.
- f) Database entry of sport partner demographic and program information to provide services, grants and carry out programs and other organizational activities, all with a view to advancing the goals of our Mission Statement.

### 2.5 *Sales, Promotions and Merchandising*

- a) Purchasing equipment, memberships, workshops, programs, camps, coaching manuals, resources, services, activities and other products.
- b) Promotion and sale of merchandise, programs, services and activities.

### 2.6 *General*

- a) Travel arrangement and administration.
- b) Implementation of the Sport Manitoba's volunteer involvement policy and screening program.
- c) Medical emergency, emergency contacts or reports relating to medical or emergency issues.
- d) Determination of 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 Sport Manitoba.
- h) Payroll, honorariums, company insurance and health plans.
- i) Banking and other financial details to process payments and grants.
- j) To meet legal and regulatory requirements.

Sport Manitoba's may additionally 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.

2.7 Identify – Sport Manitoba 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.

2.8 Purposes not Identified – Sport Manitoba 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 3      Consent**

- 3.1 By providing Personal Information to Sport Manitoba, Individuals are implying their consent to the use of that Personal Information for the purposes identified in the **Identifying Purposes** section 3 of this Policy.
- 3.2 Consent – Sport Manitoba will obtain consent from individuals at the time of collection prior to the use or disclosure of this information. If consent to the collection, use or disclosure was not obtained upon receipt of the information, consent must be obtained prior to the use or disclosure of the personal information.
- 3.3 Requirement – Sport Manitoba will not, as a condition of a grant, product or service, require an individual to consent to the collection, use or disclosure of information beyond that required to fulfill the specified purpose.
- 3.4 Form – Consent may be written, oral or implied. In determining the form of consent to use, Sport Manitoba 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 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
- 3.5 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. Sport Manitoba will inform the individual of the implications of such withdrawal.
- 3.6 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.
- 3.7 Exceptions for Collection – Sport Manitoba 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) An emergency threatens and Individual's life, health, or security;
  - d) The information is for journalistic, artistic or literary purposes;
  - e) The information is publicly available as specified in the Act.

### **Article 4      Limiting Collection**

- 4.1 Limiting Collection – Sport Manitoba will not collect personal information indiscriminately. Information collected will be for the purposes identified. The amount and type of information will not go beyond that which is necessary to fulfil the identified purpose.

## **Article 5      Limiting Use, Disclosure and Retention**

- 5.1 Limiting Use / Disclosure – Sport Manitoba may disclose Personal Information without the Individual’s knowledge or consent only:
- a) To a lawyer representing Sport Manitoba
  - b) To collect a debt that the Individual owes to Sport Manitoba
  - 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 a government institution, if Sport Manitoba believes the Personal Information concerns a breach of an agreement, contravenes a federal, provincial, or foreign law, or if Sport Manitoba 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 (Sport Manitoba 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
  - k) If otherwise required by law
- 5.2 Retention Periods – Regular reviews of personal information resources shall be conducted. Personal information shall be kept for the minimum length of time as needed to achieve the identified purpose for which it was collected and the required length of time to meet legal and statutory retention requirements as imposed by the Canada Revenue Agency or other authorities.
- 5.3 Destruction of Information - Documents will be destroyed by way of shredding and electronic files will be deleted in their entirety.
- 5.4 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. .
- 5.5 Third Parties- Information may be disclosed to a third party that is involved with supplying our services, carrying out our programs or other organization activity or who is engaged to perform functions on our behalf as permitted by this Policy.–Information which has been consented to be disclosed to a third party will be protected by a third party agreement to limit use and disclosure.

## **Article 6      Accuracy**

- 6.1 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.
- 6.2 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.
- 6.3 Third Parties – Personal information disclosed to a third party will be accurate and up-to-date.

## **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. The more sensitive the information, the higher the level of security employed.
- 7.2      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.
- 7.3      Employees – Employees will be made aware of the importance of maintaining personal information confidential and will be required to sign confidentiality agreements. Any employee working with the Sport Medicine Clinic will be aware and follow the PHIA requirements.

## **Article 8      Openness**

- 8.1      Openness – Sport Manitoba will make publicly available information about its policies and practices relating to the management of personal information. This information will be in a form that is generally understandable.
- 8.2      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.

## **Article 9      Individual Access**

- 9.1      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.
- 9.2      Amendment – An individual will be able to challenge the accuracy and completeness of the information and have it amended as appropriate.
- 9.3      Denial – An individual may be denied access to his or her personal information and provided a written explanation as to why 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 reasons, or
  - d) is subject to solicitor-client or litigation privilege.
- 9.4      Contents of Refusal - If Sport Manitoba determines that the disclosure of personal information should be refused, Sport Manitoba must inform an individual of the following:
- a) The reasons for the refusal and the provisions of the Act 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) That the individual may ask for a review within thirty (30) days of being notified of the refusal.

- 9.5 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.
- 9.6 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.
- 9.7 Response – Requested information will be disclosed within 30 days of receipt of the request at minimal expense for copying or no cost to the individual, unless there are reasonable grounds to extend the time limit. The requested information will be provided in a form that is generally understandable.
- 9.8 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.
- 9.9 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.
- 9.10 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 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 Sport Manitoba 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) Verbally acknowledge receipt of the complaint and clarify the nature of the complaint within seven (7) days of receipt of the complaint;
  - d) Appoint an investigator using Sport Manitoba 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 twenty-five (25) days of receipt of the complaint, the investigator will submit a written report to Sport Manitoba.
  - 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 thirty (30) days of receipt of the complaint.
- 10.3 Assistance – Sport Manitoba will assist an individual in preparing a request for information.

## **Responsibilities:**

The Privacy Officer will ensure all staff implement the proper procedures to protect personal information.

## **References:**

The Privacy Officer will review this Policy annually and necessary changes will be made to ensure the protection of personal information and compliance with the law.