

SECTION X – PRIVACY POLICY

Article 1 General

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 Rhythmic Gymnastics Alberta (RGA) to collect, use or disclose personal information. In accordance with Alberta Law, the Personal Information Protection Act does not apply to RGA provincial operations.

...the Act applies on a limited basis to certain non-profit organizations. This is the case for organizations established under the Societies Act, the Agricultural Societies Act, or organizations registered under Part 9 of the Companies Act. For these organizations, the Act only applies to personal information that is collected, used or disclosed as part of a commercial activity.

1.1 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) Organization – Includes an association, a partnership, a person, an unincorporated association, a trust, a not for profit organization, a trade union and a corporation.
- d) Personal Information – any information about an identifiable individual.
- e) Personal Health Information – any health information about an identifiable individual.
- f) Representatives – Directors, officers, employees, committees, members, volunteers, coaches, officials, contractors and other decision-makers with RGA.

1.2 Application – This Policy applies to directors, officers, employees, committee members, officials, volunteers, coaches, contractors, and other decision-makers with RGA in connection with personal information that is collected, used or disclosed in connection with any commercial activity.

1.3 Statutory Obligations – RGA is governed by the Personal Information Protection and Electronic documents Act in matters involving the collection, use and disclosure of personal information during commercial activities.

1.4 Additional Obligations – In addition to fulfilling all requirements of the Act, RGA and its Representatives will also fulfill the additional requirements of this Policy. Representatives of RGA 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;
- d) Derive personal benefit from personal information that they have acquired during the course of fulfilling their official duties with RGA; 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.

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

Article 2 Accountability

- 2.1 Privacy Officer – RGA will designate an individual to oversee the implementation and monitoring of this Privacy 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 RGA’s policies and practices; and
 - d) Develop information to explain RGA’s policies and procedures to members and the public.
- 2.3 Staff Training – The Privacy Officer will ensure all staff implements proper procedures to protect personal information.
- 2.4 Identity – The identity of the Privacy Officer and his/her contact information will be made known via RGA’s web site and will be publicly accessible.
- 2.5 Inquiries – The Privacy Officer will be responsible to respond to all requests and inquiries in regard to personal information.
- 2.6 Principles – RGA will implement policies and practices to secure all personal information during collection, use and disclosure.
- 2.7 Disclosure to Third parties – A contract will be executed with a third party having access to personal information held by RGA limiting collection, use and disclosure.
- 2.8 Information – Information will be made available to the public via RGA’s web site explaining privacy policies and procedures.
- 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 – RGA will only collect information reasonably necessary for the identified purposes set out in Article 3.2 and 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.
- 3.2 Purpose – Personal information may be collected from prospective members, members, athletes, participants, coaches, referees, managers, fans, supporters and volunteers (“Individuals”) and used by RGA Representatives for purposes that include, but are not limited to, the following:
- a) Name, address, postal code, phone number, cell phone number, first language, fax number and e-mail address for the purpose of providing insurance coverage, managing insurance claims and receiving information from RGA and their sponsors including newsletters, e-mail bulletins, donation requests, invoices, notification of future programs, activities, and merchandise sales.
 - b) Name, address and Social Insurance Number for the distribution of honorariums and payroll.

- c) Employee information including name, address, postal code, phone number, e-mail address, Social Insurance Number and banking information for the purpose of processing payroll, source deductions, insurance and health plan.
- d) Credit card numbers or chequing information for the purpose of processing merchandise orders, registration, travel administration, purchasing equipment and tournament fees.
- e) Criminal records check, resume and personal reference for the purpose of implementing RGA's screening program.
- f) Personal health information including provincial health card numbers, allergies, emergency contact and past medical history for the safety of the athlete and for use in the case of medical emergency.
- g) Coach information including names, address, telephone number, e-mail, school year of coaching, experience, qualifications, resume, employment record, NCCP number, reference letters and performance results for media relations, coaching selection, determining level of certification, database entry at the Coaching Association of Canada and sending course results.
- h) Athlete information including height, weight, uniform size, birth date, citizenship, shoe size, feedback from coaches and trainers, performance results for the purpose of athlete registration forms, outfitting uniforms, media relations, monitoring eligibility 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 disabilities, if applicable, for Canadian Centre for Ethics in Sport inquiries for the purposes of drug testing.
- j) Video footage and photographs at competitions for the purpose of technical monitoring, coach/club review, officials training, educational purposes, sport promotion, media publications and posting on RGA's and/or Gymnastics Canada Gymnastique's (GCG) website, displays or posters. In some cases, videos from an event will be available for purchase.
- k) Body weight, mass and body fat index to monitor physical response to training and to maintain an appropriate weight for competition.
- l) Club contact personal information such as club name, web address, contact name, phone number and e-mail address for the purpose of relaying and collecting information. Further, this information is used to direct the public to such club and provide easy access for club-to-club communication.
- m) Name and contact information for the purpose of communication within and between committees, volunteers, Board members, etc.
- n) Marketing information including attitudinal and demographic data on individual members to determine membership demographic structure, and program wants and needs.
- o) Passport numbers and Aeroplan/frequent flyer number for travel purposes.
- p) Record of Disciplinary Sanctions.

3.3 Purposes not Identified – RGA 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 – RGA will obtain consent from individuals at the time of collection prior to the use or disclosure of this information. If RGA does not have direct contact with a person, the Provincial Members and Territories will obtain consent on behalf of RGA for the purposes identified in Article 3.2.
- 4.2 Declaration – RGA will obtain a declaration from each club or member declaring that consent has been obtained on behalf of RGA for the specified purposes listed in Article 3.2.
- 4.3 Lawful Means – Consent will not be obtained by deception.

- 4.4 Requirement – RGA 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 gymnastics.
- 4.5 Form – consent may be written, oral or implied. In determining the form of consent to use, RGA 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) By completing and 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 phone.
- 4.6 Withdrawal – An individual may withdraw consent to the collection, use or disclosure of personal information at any time, subject to legal or contractual restrictions. RGA will inform the individual of the implications of such withdrawal.
- 4.7 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.
- 4.8 Exceptions for Collection – RGA 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 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.
- 4.9 Exceptions for Use – RGA may use personal information without the individual’s knowledge or consent only:
- a) if RGA 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 and individual’s life, health or security;
 - c) for statistical or scholarly study or research (RGA must notify the Privacy Commissioner before using the information);
 - 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.
- 4.10 Exceptions for Disclosure – RGA may disclose personal information without the individual’s knowledge or consent only:
- a) to a lawyer representing RGA;
 - b) to collect a debt the individual owes to RGA;
 - 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 on RGA's initiative when RGA 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 (RGA must inform the individual of the disclosure);
- h) For statistical, scholarly study or research (RGA 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 – RGA will not collect personal information indiscriminately. Information collected will be for the purposes specified in Article 3.2, except with the consent of the individual or as required by law.
- 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) Personal information including address, phone number, cell phone number, first language and fax number will be retained for a period of seven years after an individual has left RGA in the event that individual chooses to return to RGA:
 - b) Personal health information will be immediately destroyed in the event that the individual chooses to leave RGA and after RGA sanctioned events;
 - c) Coaching and Judging contact information will be retained for a period of seven years after an individual has left RGA in the event that individual chooses to return to RGA, and in order to communicate programs and conference dates;
 - d) Athlete information including name, hometown, school, height, weight, date of birth, uniform number, statistics and performance results will be retained indefinitely for media relations, fan information and historical purposes.
 - e) Qualifications and certifications of coaches will be retained for a period of twenty years after a coach has left RGA in the event that the individual requires confirmation of qualification and certifications.

- f) Employee and financial information will be retained for a period of seven years in accordance with Canada Customs and Revenue Agency requirements;
- g) Marketing information will be immediately destroyed upon compilation and analysis of collected information;
- h) E-mail addresses will be retained for a period of 3 years in order to communicate with fans, athletes and members.
- i) Credit Card information will be destroyed immediately upon completion of a financial transaction.
- j) Personal health information of paralympic athletes or athletes with a intellectual disability will be retained for a period of seven years after an individual has left the program in the event that the individual chooses to return to the program;
- k) As otherwise may be stipulated in federal or provincial legislation.
- l) Disciplinary sanction information would be retained for a period of seven years after an individual has left RGA, in the event that the individual chooses to return to RGA.
- m) 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.

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.

6.5 Third Parties – 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. Third parties may include NCCP, National Championships, World Championships & Clubs for Competition and Gymnaestradas, as well as Compensation and Benefits carriers.

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 – Every effort will be made so that personal information disclosed to a Third Party will be as accurate as reasonably possible.

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 measure 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 Coaches Information – Personal information of coaches will be secured in a locked filing cabinet and a password protected computer accessed only by RGA staff.
- 8.6 Financial Information – Personal information of employees will be secured in a locked filing cabinet and on a password protected computer accessed only by the key staff, Treasurer and Accountant of RGA.
- 8.7 Membership Information – Membership information will be secured in a locked filing cabinet and on a password protected computer accessed only by RGA staff.
- 8.8 Athlete Information – Athlete information will be secured in a locked filing cabinet in the RGA’s office and on a password protected computer, both of which will only be accessed by RGA Staff.
- 8.9 Personal Health Information – Personal health information will be secured in a locked filing cabinet in RGA’s office and on a password protected computer, both of which will only be accessed by RGA Staff and by Event organizers when necessary. During the sanctioned events, personal health information will be on-site at the event in order to have access to information in the case of an emergency.
- 8.10 Marketing Information – Marketing information will be secured in a locked filing cabinet and on a password protected computer, both of which will only be accessed by RGA Staff.

Article 9 Openness

- 9.1 Openness – RGA 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.
- 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) organizations in which personal information is made available.

Article 10 Individual Access

- 10.1 Individual Access – Upon written request, and assistance from RGA, 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 will be able to 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, or
 - d) the information is subject to solicitor-client or litigation privilege.
- 10.4 Contents of Refusal – If RGA determines that the disclosure of personal information should be refused, RGA 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
- 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 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.
- 10.7 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.
- 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 as soon as possible.
- 10.10 Unresolved Complaints – an unresolved complaint from an individual in regard 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 will be able to challenge compliance with this Policy and the Act to the designated individual accountable for compliance.
- 11.2 Procedures – Upon receipt of a complaint RGA will:
- a) Record the date the complaint was 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 three (3) days of receipt of the complaint;
 - d) Appoint an investigator using RGA 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, within ten (10) days of receipt of the complaint.
 - 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 RGA.
 - 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 within thirty (30) days of receipt of the complaint.

- 11.3 Personal Information and Electronic Documents Act – If an individual is not satisfied with the outcome of the investigation and any relevant steps taken to rectify the complaint, the individual may file a complaint under the Personal Information Protection and Electronic Documents Act.
- 11.4 Assistance – RGA will assist an individual in preparing a request for information.
- 11.5 Whistle blowing – RGA must not dismiss, suspend, demote, discipline, harass or otherwise disadvantage all directors, officers, employees, committee members, volunteers, coaches, contractors, and other decision-makers within RGA 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 RGA 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; and
 - c) has refused to do or stated an intention of refusing to do anything that is in contravention of the Act.