

## PRIVACY (PIPA) POLICIES AND PROCEDURES

**Date created:** October 6, 2015

**Review date:** July 8, 2021

**Date approved:** September 26, 2021

### 1.0 Definitions

The following terms have these meanings in this Policy:

- a) **BCAS** is BC Artistic Swimming, doing business as BCAS, the governing body for artistic swimming in BC
- b) **CAS** is Canada Artistic Swimming, doing business as CAS, the governing body for artistic swimming in Canada
- c) **Club** means an organized group of registered persons associated for competitive or recreational artistic swimming
- d) **Executive Director** means the BCAS Executive Director
- e) **Including** means including but not limited to
- f) **Member** means any club registered with BCAS and CAS
- g) **Privacy Officer** means one or more individuals designated to be responsible for ensuring that the organization complies with PIPA and the CAS Privacy Policy.
- h) **Provincial or Territorial Section** means a provincial or territorial organization that is responsible for the management of artistic swimming within its provincial or territorial boundaries, such as BCAS
- i) **Registrant** means any individual that has fulfilled the requirements of registration as required by BCAS and CAS and has paid any associated registration fees to BCAS and CAS.
- j) **Activity** means all BCAS business and activities over which BCAS has jurisdiction
- k) **BCAS Participants** means all persons engaged in any paid or volunteer capacity with BCAS, or otherwise under the jurisdiction of BCAS

### 2.0 Background

The British Columbia Artistic Swimming Association oversees development of the sport, competitions, and performance athlete development. It is also responsible for the development of artistic swimming coaches and officials in the province. BC Artistic Swimming is a member of Canada Artistic Swimming.

On January 1, 2004, the BC Personal Information Protection Act (PIPA) came into effect. This is the provincial legislation that parallels the federal *Freedom of Information and Protection of Privacy Act* (FIPPA) and applies to most private and no-profit organizations in BC, including BC Artistic Swimming and its member clubs.

“The *Personal Information Protection Act* (“PIPA”) regulates the information and privacy practices of corporations, not-for-profits, charities, trade unions, credit unions, and other private sector organizations that collect, use, or disclose personal information”.

PIPA describes how most private sector organizations (including non-profits) must handle the *personal information* of its employees and the public (including members) and creates common sense rules about

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collecting, using and disclosing that *personal information*. PIPA intends to balance the following two principles:

- a) An individual's right to protect their *personal information*, and
- b) An organization's need to collect, use or disclose *personal information* for reasonable purposes (*section 2 of PIPA*).

PIPA also gives individuals the right to access the *personal information* an organization has about them and ask for their *personal information* to be corrected if they think it is incorrect or incomplete. *Personal information* means information that can identify an individual. PIPA allows *personal information* to be collected, used or disclosed for reasonable purposes (*section 4(2)*). Under PIPA, reasonable means what a reasonable person would think is appropriate in the situation. What is reasonable will depend on factors such as the kind or amount of *personal information* that is collected, how the information is used and where or to whom the information is disclosed (*Order P05-01*).

BC Artistic Swimming collects a limited amount of personal information from members in order to carry out its responsibility as a provincial sport organization, and effectively service the membership. BC Artistic Swimming also respects the privacy and personal information of members and appoints both a Privacy Officer and a Privacy Committee (Committee of the Board) to ensure compliance with these policies.

### 3.0 Application

This policy applies to all BCAS Participants and any individual whose personal information is managed by BCAS. BCAS Participants include:

- a) All BCAS Members or Registrants
- b) BCAS directors, officers, committee members and volunteers
- c) BCAS employees and persons under contract with BCAS
- d) All athletes eligible for selection to, or forming part of, any team participating in competitions or events over which BCAS has jurisdiction
- e) All persons working with those provincial teams or athletes, including coaches, medical and paramedical personnel and other support persons

In addition to its obligation to BC legislation and PIPA, BC Artistic Swimming is further bound by the Canada Artistic Swimming Privacy Policy and its alignment with the *Canadian Standards Association (CSA) Model Code for the Protection of Personal Information* and the *Personal Information Protection and Electronic Documents Act*.

In such instances as this policy is in conflict with the *CAS Privacy Policy*, BC Artistic Swimming will defer to the national policy and procedures provided they align with BC's provincial legislation.

In such instances as the *CAS Privacy Policy* or this policy is in conflict with PIPA, BC Artistic Swimming will defer to BC's *Personal Information Protection Act*.

### 4.0 Accountability

BC Artistic Swimming is responsible for all personal information under its control, as well as the policies and procedures used to handle the information, and to ensure compliance with the provincial privacy legislation in force. For more information on the policies and procedures, contact the Privacy Officer.

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## 5.0 Purpose for Collection of Information

BC Artistic Swimming is committed to keeping personal information confidential and secure and has developed this Privacy Policy as part of this commitment. This policy sets out what type of information is collected, how this information is used, and with whom the information is shared. BCAS is committed to conducting a regular review of this policy and to update it as appropriate from time to time.

In accordance with the CAS Privacy Policy, this policy aligns with the ten privacy principles set out in the *Canadian Standards Association (CSA) Model Code for the Protection of Personal Information*.

## 6.0 Personal Information

Personal information will only be collected by CAS and BCAS to achieve the highest standard of organizing and programming the sport of artistic swimming.

- a) Primary information collection will take place at the time of registration and may include the collection of personal information from and about registrants such as:
  - b) Membership category
  - c) CAS Number
  - d) Demographic and contact information such as:
    - e) Name
    - f) Address – residence or alternate address
    - g) Phone number(s) – mobile, home, business
    - h) Email address
    - i) Club affiliation
    - j) Certification
    - k) Emergency contact information
  - l) Athlete information and history, including date of birth, gender, citizenship, competitor levels, physical evaluation, feedback from coaches, and scores and competition results.
  - m) Athlete medical information including medical, psychological and nutritional evaluations, past medical history and personal health number.
  - n) Citizenship or Landed Immigrant status (date or current application progress) or passport number.
  - o) Credit card number or other banking information.
  - p) Photographs, video footage and recorded comments.
  - q) Employee, coach, official, board member, and volunteer information including:
    - *Name and Contact information*
    - *Social Insurance Number*
    - *Banking information*
    - *Coach eligibility information such as National Coaching Certification Program number and level*
    - *Officials' eligibility information such as judge or referee level*
    - *Resume information including experience and qualifications*
    - *Policy Record Check, vulnerable sector screening and personal reference information, as required.*

Additional information collected from some members is based on the type of program, activity, or volunteer position in which they are involved. Additional information may include:

- a) Role (e.g. Coach, Athlete, Club Executive, Volunteer, Official, Parent/Guardian etc.)
- b) Certification or Level
- c) BC Artistic Swimming Committee or Board of Directors positions

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- d) Emergency or Medical information
  - e) Results from events in which a member has taken part
  - f) Criminal Records Check reports
  - g) BC Driver's License, Care Card and/or Social Insurance number
  - h) Apparel size
  - i) Information arising out of a disciplinary hearing held as a result of the contravention of the BC Artistic Swimming Codes of Conduct or any of the BC Artistic Swimming policies.

Limited personal information may also be collected from out of province or international event registrants to enable classification for age groups, levels of competition and / or categorization for results.

Members will be notified if their personal information is to be used for purposes other than those listed below. In the normal course of business, the information may be viewed by staff, provincial team or event volunteers.

## 7.0 Use of Personal Information

BCAS may use your personal information for purposes including:

- a) To communicate BCAS programs, events, and activities
- b) To communicate news, event information and opportunities from BCAS or CAS
- c) To register Members and Registrants and to collect any fees associated with registration
- d) To communicate within and between BCAS Participants
- e) For record-keeping including posting results
- f) To determine eligibility and qualifications of coaches
- g) To determine eligibility and qualifications of officials
- h) To determine athlete eligibility, age category and appropriate level of competition
- i) For use in the case of medical emergencies
- j) For the safety of athletes and to identify adverse trends or specific issues that require remedial action
- k) To ensure insurance compliance
- l) To process registration fees and for other payment-related purposes such as registration at workshops, travel administration and to purchase equipment or uniforms
- m) To process sponsorships and to engage in sponsor recognition activities
- n) To report to sponsors, partners, funders, and donors
- o) For training, educational, and promotional purposes
- p) To process payroll, source deductions, insurance and other benefits for employees, athletes, coaches, officials, and other BCAS Participants
- q) For internal purposes, including administration and to comply with legal and regulatory requirements

## 8.0 Consent

Member consent to collect, use or disclose personal information will be obtained except where, as noted below, BC Artistic Swimming is authorized to do so without consent.

Consent can be provided in writing, orally, or electronically, through an authorized representative or it can be implied where the purpose for collecting, using, or disclosing the personal information would be considered obvious and the member voluntarily provides personal information for that purpose. As such, consent can be implied through action or inaction. For example:

- By completing and signing a registration form or other BCAS materials
- Orally, when personal information is provided in person or over the telephone

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- Electronically, when personal information is provided over email or through social media sites such as Facebook, Twitter, or Instagram
  - By voluntarily disclosing personal information to a BCAS Participants
  - By giving notice and a reasonable opportunity to opt-out of their personal information being used for electronic distribution of information, mail, the marketing of new services or products, fundraising and the member does not opt-out.

Subject to certain exceptions (e.g., the personal information is necessary to provide the service or product, or the withdrawal of consent would frustrate the performance of a legal obligation) members can withhold or withdraw their consent for BC Artistic Swimming to use their personal information in certain ways. If a member's decision to withhold or withdraw consent to certain uses of personal information may restrict BC Artistic Swimming's ability to provide a particular service or product, the situation will be explained and the member may choose to miss their opportunity to receive that service, product or program.

Before deciding what form of consent is appropriate, BCAS will consider the type of personal information it needs, the reason for its use, as well as the individual's reasonable expectations. BCAS will generally seek express consent when the information is likely to be considered sensitive.

Consent may also be given through an authorized representative, such as a parent or legal guardian. This is necessary, for example, in the case of athletes who are minors. For athletes aged 13, 14, and 15, consent will typically be obtained from the teenager, however a parent or legal guardian will also be asked to provide consent prior to the use or disclosure of any sensitive personal information.

BC Artistic Swimming may collect, use, or disclose personal information without the member's knowledge or consent in the following limited circumstances:

When the collection, use or disclosure of personal information is permitted or required by law;

- a) In an emergency that threatens an individual's life, health, or personal security
- b) When the personal information is available from a public source
- c) When we require legal advice from a lawyer
- d) For the purposes of collecting a debt
- e) To protect ourselves from fraud
- f) To investigate an anticipated breach of an agreement or a contravention of law

A full listing of such circumstances can be found in sections 12, 15, and 18 of PIPA.

## **9.0 Limiting Collection**

Personal information collected on members is limited to the purposes as identified. Additional information or disclosure would require notification to the member(s).

## **10.0 Limiting Use, Disclosure and Retention**

BCAS may disclose personal information, to the extent necessary to BCAS Participants including Canada Artistic Swimming, officials, referees, meet managers, and scorers, the Coaching Association of Canada, viaSport, the BC government, and other organizations, volunteers and programmers who require it to allow administration and continued safe participation within the sport. BCAS may also disclose personal information to these organizations and individuals to allow communication with and between athletes, coaches, officials, board members, and other BCAS Participants, and for the promotion of the sport more generally.

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BCAS may use third party service providers to process or handle personal information on its behalf and to assist with various services such as event photography, printing, marketing, and technology support. BCAS does not use, sell, rent, trade, or otherwise disclose any personal information to any third parties, except as described in this Privacy Policy or as permitted or required by law.

Personal information will not be used, disclosed or retained for purposes other than those identified above and will only be retained for as long as necessary to fulfill those purposes or as required by law. When it is no longer required, all personal information would be destroyed in a manner that recognizes the sensitivity of the information.

## **11.0 Accuracy**

Members are strongly encouraged to keep their records up to date to ensure accuracy of the information and advise BCAS immediately about any changes. A request to correct personal information must be made in writing and provide sufficient detail to identify the personal information and the correction being sought.

## **12.0 Safeguards**

BC Artistic Swimming takes reasonable steps appropriate to the sensitivity of the information to ensure that the personal information under its control will be protected from unauthorized use and disclosure. Suitable security measures will be taken when destroying member's personal information which may include shredding documents and /or permanently deleting electronically stored information.

As the primary owner and managers of the e-Registration System, Canada Artistic Swimming takes steps to ensure that coaches, volunteers, employees, board and committee members and other BCAS Participants are aware of the importance of maintaining the security and confidentiality of any personal information in their control. Reasonable physical and procedural safeguards designed to protect this information are in place.

These measures will be reviewed and updated regularly as technology changes to ensure ongoing personal information security.

## **13.0 Transparency**

The BC Artistic Swimming policies are available through the website or in print. Members are encouraged to direct any questions to the Privacy Officer (see 12).

## **14.0 Individual Access**

An individual can request to view their personal information held by BC Artistic Swimming by contacting the privacy officer in writing and providing sufficient detail to identify the personal information being sought. A member or staff can challenge the accuracy and completeness of the information and have it amended as soon as possible.

BCAS Participants may access and update their personal information at any time. BCAS Participants may tell BCAS at any time to stop using their information by contacting the Executive Director. BCAS will comply with the request as quickly as possible but there may be certain uses of personal information that BCAS may not be able to stop immediately.

## 15.0 Challenge Regarding Compliance

A member may submit a complaint regarding BC Artistic Swimming's compliance with PIPA through the Privacy Officer. All complaints will be investigated by the Privacy Officer. The Privacy Officer will also seek the council of the Privacy Committee to determine validity and make recommendations for correction. In the event the complainant remains dissatisfied, a formal complaint can be made to the Provincial Information and Privacy Commissioner.

## 16.0 Privacy Officer and Contact Information

The Executive Director is the BCAS Privacy Officer and is accountable for BCAS' compliance with this Privacy Policy:

Executive Director, BC Artistic Swimming  
PO Box 42526, Columbia Square PO  
New Westminster, BC V3M 6L7  
604-333-3640 / [ed@bcartisticswimming.ca](mailto:ed@bcartisticswimming.ca)

## 17.0 Complaint Procedure

PIPA requires that every organization dealing with personal information have a complaint handling process. The BC Artistic Swimming process is noted below:

- a) The individual responsible for receiving complaints is the BC Artistic Swimming Privacy Officer
- b) All complaints will be investigated by the Privacy Officer and the Privacy Committee
- c) Any complaint will be investigated within 30 days of its receipt or provide written notice of an extension where additional time is required to fulfill the request
- d) The validity of a complaint will be determined by the Privacy Officer, in consultation with the Privacy Committee
- e) Any recommendation for corrective action is determined by the Privacy Officer and the Privacy Committee
- f) The corrective action is implemented by the Privacy Officer and staff.
- g) The decision about the validity of the complaint, and, if valid, the corrective action taken is reported to the Complainant, the Board of Directors and BC Artistic Swimming staff and Contractors affected by the decision
- h) If a complaint is not upheld in full or in part nor any corrective action deemed necessary, the Privacy Officer will notify the member in writing, and provide the reasons for refusal and the recourse available to the member

## 18.0 Resources

- The Personal Information Protection Act <https://www.oipc.bc.ca/for-private-organizations.aspx>
- A Guide to B.C.'s Personal Information Protection Act for Businesses and Organizations, April 2012 <https://www.oipc.bc.ca/guidance-documents/1438>