



## **Squash Canada PRIVACY POLICY**

***Amended by the Board of Directors, November 13, 2018***

***\*\* For not-for-profit organizations in Ontario, the privacy of personal information is governed by the Personal Information Protection and Electronic Documents Act (PIPEDA). This Policy is based on the standards required by PIPEDA as interpreted by Squash Canada \*\****

### **Definitions**

1. The following terms have these meanings in this Policy:
  - a) ***“Commercial Activity”*** – any particular transaction, act or conduct that is of a commercial character.
  - b) ***“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
  - c) ***“Squash Canada”*** – Squash Canada as well as all persons employed by, or engaged in activities on behalf of, Squash Canada including: coaches, staff members, contract personnel, volunteers, managers, administrators, committee members, and directors and officers of Squash Canada.
  - d) ***“Individuals”*** - All persons included in the definition of Squash Canada, all categories of membership defined in Squash Canada’s *or provincial/territorial squash association Bylaws*, as well as athletes, coaches, mission staff, chefs de mission, conveners, officials, volunteers, managers, administrators, committee members, and tournament organizers.

### **Purpose**

2. Squash Canada recognizes Individuals’ right to privacy with respect to their Personal Information. This Policy describes the way that Squash Canada collects, uses, safeguards, discloses, and disposes of Personal Information.

### **Application of this Policy**

3. This Policy applies to Squash Canada and Individuals in connection with Personal Information that is collected, used or disclosed during Squash Canada activity.
4. Except as provided in PIPEDA, Squash Canada’s Board of Directors will have the authority to interpret any provision of this Policy that is contradictory, ambiguous, or unclear.

### **Obligations**

5. In addition to fulfilling the legal obligations required by PIPEDA, Squash Canada and its employees and representatives 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) 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 has been acquired in accordance with this Policy; and,
- e) accept any gift or favour that could be construed as being given in anticipation of, or in recognition for, the disclosure of Personal Information.

### **Accountability**

6. Squash Canada shall appoint a Privacy Officer who shall be responsible for 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. The Privacy Officer also handles personal information access requests and complaints. The Privacy Officer may be contacted at the following address:

Squash Canada  
 20 Jamie Avenue, 2<sup>nd</sup> Floor  
 Ottawa, Ontario K2E 6T6  
 Telephone: (613) 228-7724  
 Fax: (613) 228-7232

7. Duties: The Privacy Officer will:

- a) implement procedures to protect personal information;
- b) establish procedures to receive and respond to complaints and inquiries;
- c) record all persons having access to personal information;
- d) ensure any third-party providers abide by this policy; and,
- e) train and communicate to staff information about Squash Canada's privacy policies and practices.

### **Identifying Purposes**

8. Squash Canada may collect Personal Information from Individuals and prospective Individuals for purposes that include, but are not limited to:

#### *Communications:*

- a) sending communications in the form of e-news or a newsletter with content related to Squash Canada in regards to programs, events, fundraising, activities, discipline, appeals, and other pertinent information;
- b) publishing articles, media relations and postings on the Squash Canada website, displays or posters;
- c) award nominations, biographies, and media relations;
- d) communication within and between Squash Canada and Individuals;
- e) discipline results and long-term suspension list; or,
- f) checking residency status.

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

- a) registration of programs, events and activities;
- b) database entry at the Coaching Association of Canada and to determine level of coaching certification coaching qualifications and coach selection;
- c) database entry, including but not limited to at <https://www.squashcanadaofficial.com/> to determine level of officiating certification and qualifications;
- d) database entry at Club Locker whose privacy policy is located at <http://docs.clublocker.com/privacy/> to maintain Squash Canada's membership records, publish and record match results, operate sanctioned tournaments and leagues, determine rankings and other customer relations management functions;
- e) database entry to receive code of conduct reports, complaints and administer discipline in relation to Individuals;
- f) determination of eligibility, age group and appropriate level of play/competition;

- g) player Registration, outfitting uniforms, and various components of athlete and team selection; or,
- h) technical monitoring, officials training, educational purposes, sport promotion, and media publications

*Sales, Promotions and Merchandising:*

- i) purchasing equipment, coaching manuals, resources and other products; or,
- j) promotion and sale of merchandise.

*General:*

- k) travel arrangement and administration;
- l) implementation of the Squash Canada screening program;
- m) medical emergency, emergency contacts or reports relating to medical or emergency issues;
- n) determination of membership demographics and program wants and needs;
- o) managing insurance claims and insurance investigations;
- p) video recording and photography for personal use, and not commercial gain, by spectators, parents and friends;
- q) video recording and photography for promotional use, marketing and advertising by Squash Canada; or,
- r) payroll, honorariums, company insurance and health plans.

9. Squash Canada 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.

**Consent**

10. By providing Personal Information to Squash Canada, Individuals are implying their consent to the use of that Personal Information for the purposes identified in Section 9 above.

11. At the time of the collection of Personal Information and prior to the use or disclosure of the Personal Information, Squash Canada will obtain consent from Individuals by lawful means. Squash Canada may collect Personal Information without consent when it is reasonable to do so and permitted by law.

12. In determining whether to obtain written or implied consent, Squash Canada will take into account the sensitivity of the Personal Information, as well the Individuals' 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; or,
- e) consenting orally over the phone.

13. Squash Canada 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.

14. An Individual may withdraw consent in writing, at any time, subject to legal or contractual restrictions. Squash Canada will inform the Individual of the implications of withdrawing consent.

15. Squash Canada 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.

16. Squash Canada 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 a Individual's life, health, or security; or,
  - d) the information is publicly available as specified in PIPEDA.
17. Squash Canada is also not required to obtain consent for the collection of Personal Information if the information is for journalistic, artistic, or literary purposes.
18. Squash Canada may disclose Personal Information without the Individual's knowledge or consent only:
  - a) to a lawyer representing Squash Canada;
  - b) to collect a debt that the Individual owes to Squash Canada;
  - 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 Squash Canada believes the Personal Information concerns a breach of an agreement, contravenes a federal, provincial, or foreign law, or if Squash Canada 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 (Squash Canada 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,
  - k) if otherwise required by law (it being specifically recognized that information registered on the Club Locker system may be subject to United States law).

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

19. In order to minimize the possibility that inappropriate Personal Information may be used to make a decision about an Individual, the Personal Information, to the extent reasonably possible, will be maintained as accurate, complete, and as up-to-date as is necessary for the purposes for which it will be used.
20. Personal Information will be retained as long as reasonably necessary to enable participation in Squash Canada programs, events, and activities, and in order to maintain historical records as may be required by law or by governing organizations.
21. Squash Canada's representatives will be made aware of the importance of maintaining the confidentiality of Personal Information.
22. 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.

23. Personal Information that has been used to make a decision 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.

24. Squash Canada will make the following information available to Individuals:

- a) this *Privacy Policy*;
- b) any additional documentation that further explains the Squash Canada's *Privacy Policy*;
- c) the name or title, and the address, of the person who is accountable for the Squash Canada's *Privacy Policy*;
- d) the means of gaining access to Personal Information held by Squash Canada;
- e) a description of the type of Personal Information held by Squash Canada, including a general account of its use; and,
- f) identification of any third parties to which Personal Information is made available

#### **Access**

25. Upon written request, and with assistance from Squash Canada 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, and provided with an account of third parties to which the Personal Information has been disclosed.

26. 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.

27. 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; or,
- d) is subject to solicitor-client privilege or litigation privilege

28. If Squash Canada refuses a request for Personal Information, it shall inform the Individual the reasons for the refusal and identify the associated provisions of PIPEDA that support the refusal.

29. Sufficient information shall be required to confirm an Individual's identity prior to providing that Individual an account of the existence, use, and disclosure of Personal Information.

#### **Compliance Challenges**

30. Individuals are able to challenge Squash Canada for its compliance with this Policy.

31. Upon receipt of a complaint, Squash Canada 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;
- a) appoint an investigator using the Squash Canada'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;
- d) upon completion of the investigation and within thirty (30) days of receipt of the complaint, the investigator will submit a written report to Squash Canada; and,
- e) notify the complainant the outcome of the investigation and any relevant steps taken to rectify the complaint, including any amendments to policies and procedures.

32. Squash Canada will not dismiss, suspend, demote, discipline, harass, or otherwise disadvantage any Squash Canada Individual who:

- challenges Squash Canada for its compliance with this Policy;
- refuses to contravene this Policy or PIPEDA; or,
- takes precautions not to contravene this Policy or PIPEDA; even though said precautions may be in opposition to the regular duties performed by the Individual

#### **Website Copyright and Legal Disclaimer**

33. The Squash Canada website is created and controlled by Squash Canada in the province of Ontario and as such, the laws of the province of Ontario will govern these disclaimers, terms, and conditions.

34. The Squash Canada website is a product of Squash Canada. The information on this website is provided as a resource to those interested in Squash Canada. Squash Canada disclaims any representation or warranty, express, or implied, concerning the accuracy, completeness, or fitness for a particular purpose of the information. Persons accessing this information assume full responsibility for the use of the information and understand and agree that Squash Canada is not responsible or liable for any claim, loss, or damage arising from the use of this information. Reference to specific products, processes, or services does not constitute or imply recommendation or endorsement by Squash Canada. Squash Canada reserves the right to make changes to this website at any time without notice.

35. Links made available through this website may allow you to leave Squash Canada website. Please be aware that the internet sites available through these links are not under the control of Squash Canada. Therefore, Squash Canada does not make any representation to you about these sites or the materials available there. Squash Canada is providing these links only as a convenience to you, and in no way guarantees these links and the material available there. Squash Canada is not responsible for privacy practices employed by other companies or websites.

#### **Appendix A**

#### **Consent Form – Use of Personal Information**

Squash Canada will include the following paragraph (or a variation) whenever Personal Information is being collected from Individuals:

- I authorize Squash Canada to collect and use personal information about me for the purposes described in Squash Canada's Privacy Policy.*
- In addition to the purposes described in Squash Canada's Privacy Policy, I authorize Squash Canada to:*
  - Distribute my information to the \_\_\_\_\_ (Squash Canada to insert the names of any other organizations);*
  - Photograph and/or record my image and/or voice on still or motion picture film and/or audio tape, and to use this material to promote the sport through the media of newsletters, websites, television, film, radio, print and/or display form. I understand that I waive any claim to remuneration for use of audio/visual materials used for these purposes (the Organization may add other specific purposes);*
  - (Squash Canada may add other specific purposes)*
- I understand that I may withdraw such consent at any time by contacting Squash Canada's Privacy Officer. The Privacy Officer will advise the implications of such withdrawal.*