

Section 8 Policy Concerning the Protection of Personal Information

8.1 COMMITMENT TO PROTECTING PERSONAL INFORMATION

8.1 Canadian Colleges Athletic Association is committed to protecting the privacy of the student-athletes and others who participate in its events and use its services. This policy is based on the standards required by the Personal Information Protection and Electronic Documents Act and the Canadian Colleges Athletic Association's interpretation of these responsibilities.

8.2 DEFINITIONS

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, contractors and other decision makes within Canadian Colleges Athletic Association.

8.3 APPLICATION

8.3.1 This Policy applies to directors, officers, employees, committee members, volunteers, coaches, contractors, and other decision-makers within Canadian Colleges Athletic Association in connection with personal information that is collected, used or disclosed in connection with any commercial activity.

8.3.2 Statutory Obligations – Canadian Colleges Athletic Association is governed by the *Personal Information Protection and Electronic Documents Act* in matters involving the collection, use and disclosure of personal information.

8.3.3 Additional Obligations – In addition to fulfilling all requirements of the *Act*, Canadian Colleges Athletic Association and its Representatives will also fulfill the additional requirements of this Policy. Representatives of Canadian Colleges Athletic Association 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 Canadian Colleges Athletic Association; 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.

8.3.4 Ruling on Policy – Except as provided in the *Act*, the Board of Directors of Canadian Colleges Athletic Association will have the authority to interpret any provision of this Policy that is contradictory, ambiguous, or unclear.

8.4 PERSONAL INFORMATION

8.4.1 For the purposes of this Policy, personal information is any information that can be used to distinguish, identify or contact a specific individual including personal characteristics, their health or their activities and views. Personal information does not include the name, position or business address or telephone number of a business contact of the organization. This Policy does not cover aggregated data from which the identity of an individual cannot be determined. CCAA retains the right to use aggregated data in any way that it determines appropriate.

8.5 ACCOUNTABILITY

8.5.1 Privacy Officer – Canadian Colleges Athletic Association has designated the Executive Director of Canadian Colleges Athletic Association as the Privacy Officer of the organization. The Privacy Officer will oversee the implementation and monitoring of this Privacy Policy and the security of personal information.

The Privacy Officer may be contacted at: 2 Belmont Street,
Cornwall, Ontario
K6H 4Z1
Tel:613-937-1508

8.5.2 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 Canadian Colleges Athletic Association's policies and practices; and
- d) Develop information to explain Canadian Colleges Athletic Association's policies and procedures to members and the public.

8.5.3 Staff Training - The Privacy Officer will ensure all staff implement proper procedures to protect personal information.

8.5.4 Identity - The identity of the Privacy Officer and his/her contact information will be made known via the Canadian Colleges Athletic Association's web site and will be publicly accessible.

8.5.5 Inquiries – The Privacy Officer will be responsible to respond to all requests and inquiries in regards to personal information.

8.5.6 Principles – Canadian Colleges Athletic Association will implement policies and practices to secure all personal information during collection, use and disclosure.

8.5.7 Disclosure to Third Parties - A contract made with a third party having access to personal information held by Canadian Colleges Athletic Association will include a clause that ensures the third party does not breach the Canadian Colleges Athletic Association's privacy policies.

8.5.8 Information- Information will be made available to the public via the Canadian Colleges Athletic Association's web site explaining privacy policies and procedures.

8.5.9 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.

8.6 COLLECTING AND USING PERSONAL INFORMATION

8.6.1 Canadian Colleges Athletic Association receives personal information from Canadian Colleges Athletic Association members who collect that information from individuals who wish to participate in sporting events, programs, and other events organized or sponsored by Canadian Colleges Athletic Association. Consent is obtained from individuals prior to the Canadian Colleges Athletic Association receiving this personal information.

8.6.2 Personal information will only be collected by the Canadian Colleges Athletic Association to meet and maintain the highest standard of organizing and programming. The Canadian Colleges Athletic Association collects personal information from prospective members, members, student-athletes, coaches, referees, participants, managers, fans and volunteers for purposes that include, but are not limited to, the following:

- a) Name, address, phone number, cell phone number, first language, fax number and e-mail address for the purpose of receiving information from the Canadian Colleges Athletic

- Association, processing registration with the Canadian Colleges Athletic Association, organization and administering Canadian Colleges Athletic Association events, processing donations and issuing tax receipts.
- b) Banking information, social insurance number, criminal records check, resume, and beneficiaries for the Canadian Colleges Athletic Association's payroll, company insurance and health plan.
 - c) Personal health information including provincial health card numbers, allergies, emergency contact and past medical history for use in the case of medical emergency.
 - d) Coach information including name, telephone number, e-mail, school, year of coaching, experience, qualifications and performance results for media relations and publishing sports information to fans and other coaches.
 - e) Student-athlete information including name, height, birth date, hometown, school, year of program, year of eligibility/coaching, uniform number, feedback from coaches and trainers, performance results, academic transcripts and biography information for monitoring eligibility of student-athletes, selection of athletic and academic excellence awards, media relations, publishing sports information to fans and coaches and ensure compliance with Canadian Colleges Athletic Association regulations, including Canadian Colleges Athletic Association Eligibility and Drug Education - Testing program.
 - f) Student-athlete whereabouts information including sport/discipline, training times and venues, training camp dates and locations, travel plans, competition schedule, and disability, if applicable, for Canadian Centre for Ethics in Sport inquiries for the purpose of out-of-competition doping testing.
 - g) Marketing information including attitudinal and demographic data on individual members to determine membership demographic structure, and program wants and needs.
 - h) Passport numbers and Aeroplan/frequent flyer number for travel purposes.
 - i) Individuals providing their addresses or e-mail addresses to the Canadian Colleges Athletic Association will receive advertising from Canadian Colleges Athletic Association sponsors, the Canadian Colleges Athletic Association flyer, a newsletter, an e-mail bulletin and donation request for the purpose of fundraising.

8.6.3 If a purpose has not been identified herein, the Canadian Colleges Athletic Association will seek consent from individuals when personal information is used for a purpose not already consented to. This consent will be documented as to when and how it was received.

8.7 DISCLOSURE OF PERSONAL INFORMATION

8.7.1 The Canadian Colleges Athletic Association only discloses personal information upon obtaining consent from the individual for the following circumstances:

- a) Administration and registration of student-athletes and coaches wishing to participate in Canadian Colleges Athletic Association sanctioned events organized by athletic personnel associated with the Canadian Colleges Athletic Association.
- b) Administering its Drug Education and Testing Program, the Canadian Colleges Athletic Association discloses personal information of student-athletes to the Canadian Centre for Ethics in Sport.

- c) Via Canadian Colleges Athletic Association' website and other Canadian Colleges Athletic Association publications for the purpose of honouring student-athletes for athletic and academic excellence through awards and other honours.
- d) Publishing of sporting event programs.

8.7.2 Student-athletes wishing to participate in Canadian Colleges Athletic Association sporting events or competitions cannot withdraw their consent to disclose information to Canadian Centre for Ethics in Sport. If a student-athlete withdraws his or her consent to such a disclosure, the Canadian Colleges Athletic Association cannot determine the student-athlete's eligibility and therefore the student-athlete cannot participate in the sporting event or competition.

8.8 CONSENT

8.8.1 Consent – The Canadian Colleges Athletic Association will obtain consent from individuals at the time of collection prior to the use or disclosure of this information.

8.8.2 Lawful Means – Consent will not be obtained by deception.

8.8.3 Requirement – The Canadian Colleges Athletic Association will not, as a condition of a product or service, require an individual to consent to the collection, use or disclosure of information beyond that required to fulfill the specified purpose.

8.8.4 Form – Consent may be written, oral or implied. In determining the form of consent to use, the Canadian Colleges Athletic Association 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.

8.8.5 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. The Canadian Colleges Athletic Association will inform the individual of the implications of such withdrawal.

8.8.6 Legal Guardians – Consent will not be obtained from individuals who are minors, seriously ill, or mentally incapacitated and therefore consent will be obtained from a parent, legal guardian or person having power of attorney.

8.8.7 Exceptions for Collection – The Canadian Colleges Athletic Association 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) the information is for journalistic, artistic or literary purposes;
- d) the information is publicly available as specified in the *Act*.

8.8.8 Exceptions for Use - The Canadian Colleges Athletic Association may use personal information without the individual's knowledge or consent only:

- a) if the Canadian Colleges Athletic Association 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 an individual's life, health or security;
- c) for statistical or scholarly study or research (the Canadian Colleges Athletic Association 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.

8.8.9 Exceptions for Disclosure – The Canadian Colleges Athletic Association may disclose personal information without the individual's knowledge or consent only:

- a) to a lawyer representing the Canadian Colleges Athletic Association;
- b) to collect a debt the individual owes to the Canadian Colleges Athletic Association;
- 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 the Canadian Colleges Athletic Association's initiative when the Canadian Colleges Athletic Association 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 (the Canadian Colleges Athletic Association must inform the individual of the disclosure);
- h) for statistical, scholarly study or research (the Canadian Colleges Athletic Association 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.

- 8.9.1 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.
- 8.9.2 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. Advising the Canadian Colleges Athletic Association's Privacy Officer of any inaccuracies you notice will aid in keeping personal information current.
- 8.9.3 Third Parties – Personal information disclosed to a third party will be accurate and up-to-date.

8.10 LIMITING RETENTION OF PERSONAL INFORMATION

8.10.1 Canadian Colleges Athletic Association retains personal information 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 three years after an individual has left the Canadian Colleges Athletic Association in the event that individual chooses to return to the Canadian Colleges Athletic Association;
- b) Personal health information will be immediately destroyed in the event that the individual chooses to leave the Canadian Colleges Athletic Association;
- c) Coaching information will be retained for a period of three years after an individual has left the Canadian Colleges Athletic Association in the event that individual chooses to return to the Canadian Colleges Athletic Association, and in order to communicate programs and conference dates;
- d) Student-athlete information including name, hometown, school, height, , 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 the Canadian Colleges Athletic Association in the event that the individual requires confirmation of qualification and certifications.
- f) Employee 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 20 years in order to communicate with fans, student-athletes and members.
- i) Credit Card information will be destroyed immediately upon completion of a financial transaction.
- j) As otherwise may be stipulated in federal or provincial legislation.

8.10.2 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.

8.11 SAFEGUARDING PERSONAL INFORMATION

- 8.11.1 Safeguards – The Canadian Colleges Athletic Association is responsible for all personal information under its custody and control, including personal information sent to third parties. The Canadian Colleges Athletic Association will protect personal information by implementing security safeguards appropriate to the sensitivity of the information against loss or theft, unauthorized access, disclosure, copying, use or modification.
- 8.11.2 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.
- 8.11.3 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 measures including the use of passwords, encryption, and firewalls.
- 8.11.4 Employees – Employees will be made aware of the importance of maintaining personal information confidentiality and may be required to sign confidentiality agreements.
- 8.11.5 Storage – The Canadian Colleges Athletic Association stores and processes personal information in Cornwall, Ontario, Canada.

8.12 OPENNESS

- 8.12.1 Openness – Canadian Colleges Athletic Association 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.
- 8.12.2 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.

8.13 ACCESS TO PERSONAL INFORMATION

8.13.1 Individual Access – Upon written request, and with assistance from the Canadian Colleges Athletic Association, 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.

8.13.2 Amendment – An individual will be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

8.13.3 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, and
- d) the information is subject to solicitor-client or litigation privilege.

8.13.4 Contents of Refusal - If the Canadian Colleges Athletic Association determines that the disclosure of personal information should be refused, the Canadian Colleges Athletic Association must inform an individual 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.

8.13.5 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.

8.13.6 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.

8.13.7 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.

8.13.8 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.

8.13.9 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.

8.13.10 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.

8.14 CHALLENGING COMPLIANCE

8.14.1 Challenges – An individual will be able to challenge compliance with this Policy and the *Act* to the designated individual accountable for compliance.

8.14.2 Procedures – Upon receipt of a complaint the Canadian Colleges Athletic Association 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 three (3) days of receipt of the complaint;
- d) Appoint an investigator using Canadian Colleges Athletic Association 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 the Canadian Colleges Athletic Association.
- f) Notify the complainant of the outcome of the investigation and of any relevant steps taken to rectify the complaint, including any amendments to policies and procedures within thirty (30) days of receipt of the complaint.

8.14.3 Appeal – An individual may appeal a decision of the Canadian Colleges Athletic Association in accordance with its appeal policy.

8.14.4 Assistance – The Canadian Colleges Athletic Association will assist an individual in preparing a request for information.

8.14.5 Whistle blowing – The Canadian Colleges Athletic Association must not dismiss, suspend, demote, discipline, harass or otherwise disadvantage an employee of the Canadian Colleges Athletic Association, or deny that employee a benefit because the employee, acting in good faith and on the basis of reasonable belief:

- a) has disclosed to the commissioner that the Canadian Colleges Athletic Association has contravened or is about to contravene the Acts;
- b) has done or stated an intention of doing anything that is required to be done in order to avoid having any person contravene these Acts;
- c) has refused to do or stated an intention of refusing to do anything that is in contravention of the Act.

8.15 WEBSITE

8.15.1 The Canadian Colleges Athletic Association provides information and some services via its website. By using the Site, users agree that information may be collected, used and disclosed in accordance with this Policy.

8.15.2 Our web server tracks general information about visitors such as their domain name, time of visit and which pages are being accessed. This information is used internally, only in aggregate form, to better serve visitors by helping us to:

- a) Manage our site;
- b) Diagnose any technical problems; and
- c) Improve the content of our website.

8.15.3 In browsing the web, you will encounter a technology known as “cookies”. “Cookies” are files or pieces of information that may be stored in a computer’s hard drive when an individual visits a website. Most Internet browsers are initially set to accept cookies. If you

do not wish to accept cookies, you can set yours to refuse cookies or to alert you when cookies are being sent. We do not share Personal Information obtained through cookies with any third parties.

- 8.15.4 We have no control over the content of third party websites that individuals may access through hyperlinks at our website. We encourage everyone to read the privacy policy of every website they visit.
- 8.15.5 Copyright - Legal Disclaimer - This web site is a product of the Canadian Colleges Athletic Association. The information on this Web site is provided as a resource to those interested in the Canadian Colleges Athletic Association. The Canadian Colleges Athletic Association 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 the Canadian Colleges Athletic Association 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 the Canadian Colleges Athletic Association. The Canadian Colleges Athletic Association also reserves the right to make changes at any time without notice.
- 8.15.6 Links made available through this website may allow you to leave the Canadian Colleges Athletic Association site. Please be aware that the internet sites available through these links are not under the control of the Canadian Colleges Athletic Association. Therefore, the Canadian Colleges Athletic Association does not make any representation to you about these sites or the materials available there. The Canadian Colleges Athletic Association is providing these links only as a convenience to you, and in no way guarantees these links and the material available there. The Canadian Colleges Athletic Association is not responsible for privacy practices employed by other companies or websites.
- 8.15.7 Applicable Law - This site is created and controlled by the Canadian Colleges Athletic Association in the province of Ontario. As such, the laws of the province of Ontario will govern these disclaimers, terms and conditions, without giving effect to any principles of conflict of laws.
- 8.16 For further information about this Policy or the practices of the CCAA related to personal information, or to make a complaint, please contact CCAA' s Privacy Officer at 1-613-937-1508. The CCAA will investigate all complaints and take appropriate action as a result of such investigation