

KELOWNA ROWING CLUB Privacy Policy

ARTICLE 1: GENERAL

1. Definitions – The following terms have these meanings in this Policy:

- a. Acts – BC Personal Information Protection Act (PIPA) and the federal Personal Information Protection and Electronic Document Act (PIPEDA).
- b. employee personal information – personal information about an individual that is collected, used or disclosed solely for the purposes reasonably required to establish, manage or terminate an employment relationship between the organization and that individual, but does not include personal information that is not about an individual's employment.
- 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 – information about an identifiable individual. This includes identifying information that relates to personal characteristics (e.g. phone number, home address, age, gender, income, ethnic background, family status), their health, and their performance. It does not include business contact information.
- e. PIPA – BC's Personal Information Protection Act
- f. Representatives - prospective members and all categories of membership defined in the Rowing BC Bylaws, as well as all individuals employed by, or engaged in activities with, Rowing BC, and Member Organizations, including, but not limited to, athletes, coaches, coordinators, officials, volunteers, managers, administrators, committee members, and directors and officers.

2. 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 Representatives with respect to their personal information and the need of KELOWNA ROWING CLUB to collect, use or disclose personal information.

3. Application – This Policy applies to all Representatives in connection with personal information that is collected, used, or disclosed by KELOWNA ROWING CLUB.

4. Primacy – To the extent that provisions in this Policy are inconsistent with PIPA, PIPA's requirements and provisions shall govern.

5. Additional Obligations – In addition to fulfilling all requirements of the Acts, KELOWNA ROWING CLUB will also fulfill the additional requirements of this Policy. KELOWNA ROWING CLUB and KELOWNA ROWING CLUB Representatives will not:

- a. disclose personal information to a third party during any business, transaction, or other interest 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 organization to disclose personal information;
- c. in the performance of their duties with KELOWNA ROWING CLUB, disclose personal information to family members, friends or colleagues outside of KELOWNA ROWING CLUB, or to organizations in which their family members, friends or colleagues outside of KELOWNA ROWING CLUB have an interest;
- d. derive personal benefit from personal information that they have acquired during the course of fulfilling their duties with KELOWNA ROWING CLUB; or
- 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.

6. Ruling on Policy – Except as provided in the Acts, the Board of Directors of KELOWNA ROWING CLUB will have the authority to interpret any provision of this Policy that is contradictory, ambiguous, or unclear.

ARTICLE 2: ACCOUNTABILITY

1. Privacy Officer – The Privacy Officer is responsible for the implementation of this Policy and monitoring information collection and data security, and ensuring that all staff receive 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:

KELOWNA ROWING CLUB
BOB CARMICHAEL
info@kelownarowing.com

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. 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 KELOWNA ROWING CLUB's Privacy Policy and practices.
3. Public Notification – KELOWNA ROWING CLUB will make available to the public:
 - a. the contact information for the Privacy Officer;
 - b. the position name or title of any Representatives to whom the Privacy Officer has delegated any of their duties; and
 - c. the contact information for any Representatives identified in (b) above.

ARTICLE 3: IDENTIFYING PURPOSES

1. Purpose – Personal information may be collected from Representatives and prospective Representatives and will only be used for purposes that include, but are not limited to, the following.

Communications

- a. Sending communications in the form of e-news or a newsletter with content related to KELOWNA ROWING CLUB programs, events, fundraising, activities, discipline, appeals, and other pertinent information.
- b. Publishing articles, media relations and postings on KELOWNA ROWING CLUB's website, displays or posters.
- c. Award nominations, biographies, and media relations.
- d. Communication within and between Representatives.
- e. Discipline results and long term suspension list.
- f. Checking residency status.

Registration, Database Entry and Monitoring

- g. Program, event and activity registration.
- h. Database entry at the Coaching Association of Canada and to determine level of coaching certification, coaching qualifications, and coach selection.
- i. Database entry to determine level of officiating certification and qualifications.
- j. Determination of eligibility, age group and appropriate level of play/competition.
- k. Performance monitoring and athlete selection.
- l. Technical monitoring, officials training, educational purposes, sport promotion, and media publications.

Sales, Promotions and Merchandising

- m. Purchasing equipment, coaching manuals, resources and other products.
- n. Promotion and sale of merchandise.

General

- o. Travel arrangement and administration.
- p. Implementation of screening program.
- q. Medical emergency, emergency contacts or reports relating to medical or emergency issues.
- r. Determination of membership demographics and program wants and needs.
- s. Video recording and photography for personal use, and not commercial gain, by spectators, parents and friends.
- t. Video recording and photography at regattas or similar events that are open to the public for promotional use, marketing and advertising by Rowing BC.
- u. Payroll, honorariums, company insurance and health plans.

2. Purposes not identified – KELOWNA ROWING CLUB will seek and document consent from Representatives when personal information is used for a commercial purpose not previously identified.

ARTICLE 4: CONSENT

1. Consent - By providing personal information to KELOWNA ROWING CLUB, Representatives and prospective Representatives are implying their consent to the use of that personal information for the purposes identified in Article 3 of this Policy.

2. Consent for disclosure (subject to sections 4.7, 4.8 & 4.9) - At the time of the collection of personal information and prior to the use or disclosure of the personal information, KELOWNA ROWING CLUB will obtain consent from Representatives by lawful means. KELOWNA ROWING CLUB may collect personal information without consent when it is reasonable to do so and permitted by law.

3. Consent - In determining whether to obtain written or implied consent, KELOWNA ROWING CLUB will take into account the sensitivity of the personal information, as well the Representatives' reasonable expectations. Representatives may consent to the collection and specified use of personal information by:
 - a. completing and/or signing an application form;
 - b. checking a checkbox, 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 or by a live communication medium.

4. Requirement – KELOWNA ROWING CLUB will not, as a condition of a product or service, require Representatives to consent to the collection, use or disclosure of personal information beyond that required to fulfill the specified purpose.

5. Withdrawal – A Representative may withdraw consent in writing, at any time, subject to legal or contractual restrictions. KELOWNA ROWING CLUB will inform the Representative of the implications of withdrawing consent.

6. Legal Guardians – Consent cannot be obtained from Representatives who are minors, seriously ill, or mentally incapacitated, in which cases consent shall be obtained from a parent, legal guardian or person having full power of attorney.

7. Deemed Consent – A Representative is deemed to consent to the collection, use, disclosure of personal information for the purpose of his or her enrollment and coverage under an insurance, pension, benefit or similar plan if he or she is a beneficiary or has an interest as an insured under the plan.

8. Exception for Collection, Use or Disclosure – KELOWNA ROWING CLUB may collect, use, or disclose personal information, without consent, if:

- a. For specified purposes:
 - i. KELOWNA ROWING CLUB provides the Representative with notice that it intends to collect, use or disclose the Representative's personal information;
 - ii. KELOWNA ROWING CLUB gives the Representative a reasonable opportunity to decline the collection, use or disclosure of their personal information and the Representative does not decline; and
 - iii. The collection, use or disclosure is reasonable having regard to the sensitivity of the personal information in the circumstances.
- b. the personal information is collected by observation at a regatta or similar event at which the Representative voluntarily appears and that is open to the public;
- c. the collection is necessary to determine the Representative's suitability to receive an honour or award,
- d. the collection is necessary to determine the Representative's suitability to be selected for an athletic purpose;
- e. the information is collected from or on behalf of another organization without consent of the Representative to whom the information relates if:
 - . the Representative consented to the use of the personal information by the other organization, and
- i. the personal information is used by KELOWNA ROWING CLUB solely for the purposes for which the information was previously collected and assists KELOWNA ROWING CLUB to carry out work on behalf of the other organization; or
- f. if otherwise required by law.

9. Employee Information Exception – KELOWNA ROWING CLUB may use, collect or disclose employee personal information without consent if it is reasonable for the purposes of establishing, managing or terminating an employment relationship between KELOWNA ROWING CLUB and the employee.

10. Employee Notification – KELOWNA ROWING CLUB must notify an employee if their employee personal information is being collected, used or disclosed, and the purposes for same, before it can collect, use or disclose employee personal information without the consent of the employee.

ARTICLE 5: ACCURACY, RETENTION, AND OPENNESS

1. Accuracy - In order to minimize the possibility that inappropriate personal information may be used to make a decision about a Representative, personal information will be accurate, complete, and as up-to-date as is necessary for the purposes for which it will be used.

2. Retention - Personal information will be retained as long as reasonably necessary to enable participation in KELOWNA ROWING CLUB programs, events, and activities, and in order to maintain historical records as may be required by law or by governing organizations.

3. Theft - 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.

4. Decisions - Personal information that has been used to make a decision about a Representative will be maintained for a minimum of one year from the date that the decision is made.

ARTICLE 6: OPENNESS

1. Information – The following information will be made readily available to any Representative:

- a. the name or title and the address of KELOWNA ROWING CLUB’s Privacy Officer, to whom complaints or inquiries can be forwarded;
- b. the means of gaining access to that Representative’s personal information held by KELOWNA ROWING CLUB;
- c. a description of the type of personal information held by KELOWNA ROWING CLUB, including a general account of its use;
- d. a copy of any information that explains KELOWNA ROWING CLUB ‘s policies, standards, or codes; and
- e. the names of any third parties to whom personal information is made available.

ARTICLE 7: ACCESS

1. Access - Upon written request, and with assistance from KELOWNA ROWING CLUB, a Representative will be informed of the existence, use and disclosure of their personal information and will be given access to that information. As well, a Representative is entitled to be informed of the source of the personal information along with an account of third parties to whom the information has been disclosed.
2. Amendment – A Representative may challenge the accuracy and completeness of the personal information and have it amended as appropriate.
3. Response - Requested information will be disclosed to the Representative within 30 days of receipt of the written request at no cost to the Representative, or at the actual costs incurred by KELOWNA ROWING CLUB, unless there are reasonable grounds to extend the time limit.
4. Costs - Costs may only be levied if a Representative is informed in writing in advance of the approximate cost and has agreed to proceed with the request.

5. Denial - A Representative may be denied access to their personal information if:
 - a. This information is prohibitively costly to provide and the Representative has not agreed to pay the cost of providing that information;
 - b. The information contains references to other individuals or Representatives;
 - c. The information cannot be disclosed for legal, security or commercial proprietary purposes;
 - d. The information is subject to solicitor-client or litigation privilege.

This section does not apply to employee personal information.

6. Reasons - Upon refusal, KELOWNA ROWING CLUB will inform the Representative of the reasons for the refusal and the associated provisions of the Acts.

7. Identity – Sufficient information will be required to confirm an individual’s identity prior to providing that Representative an account of the existence, use, and disclosure of personal information.

ARTICLE 8: CHALLENGING COMPLIANCE

1. Challenges – A Representative will be able to challenge compliance with this Policy and the Acts to KELOWNA ROWING CLUB’s Privacy Officer by submitting a written complaint to the Privacy Officer. The complaint must:
 1. Identify the acts, omissions, or policies at issue;
 2. Include a description of the reason for the complaint with sufficient particularity that the Privacy Officer can address the complaint;
 3. Include the identity and contact information of all interested and affected parties known to the complainant; and
 4. If the complaint concerns a specific act or omission, it must be made within 30 days of that act or omission.
2. Procedures – Upon receipt of a complaint under s. 8.1, the Privacy Officer will:
 - a. record the date the complaint is received;
 - b. acknowledge receipt of the complaint by way of telephone conversation, or barring that, a written reply, and clarify the nature of the complaint within seven days of receipt of the complaint;
 - c. attempt to informally resolve the complaint in a neutral, unbiased manner;
 - d. if unresolved, appoint an investigator using KELOWNA ROWING CLUB’s personnel or an independent investigator, at the Privacy Officer’s sole discretion, who will:
 - have the skills necessary to conduct a fair and impartial investigation;
 - have unfettered access to all relevant files and personnel; and
 - submit a written report to KELOWNA ROWING CLUB upon completion of the investigation and within 60 days of receipt of the complaint.
 - e. notify the complainant the outcome of the investigation and any relevant steps taken to address the complaint, including any amendments to policies and procedures.