Ontario Amateur Softball Association

PRIVACY POLICY

Article 1 General

1.1 Purpose – The purpose of this policy is to govern the collection, use and disclosure of personal information and in a manner that recognizes the right of privacy of individuals with respect to their personal information and the need of the Ontario Amateur Softball Association (OASA) to collect, use or disclose personal information.

1.2 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, but does not include an employee's name, title, business address or telephone number.
e) Representatives- Directors, officers, committees, members, volunteers, coaches, and other decision makers within the Ontario Amateur Softball Association.

1.3 Application – This Policy applies to all representatives of the OASA .

1.4 Statutory Obligations – The Ontario Amateur Softball Association is governed by the Personal Information Protection and Electronic Documents Act in matters involving the collection, use and disclosure of personal information.

1.5 Additional Obligations – In addition to fulfilling all requirements of the Act, the OASA and its Representatives will also fulfill the additional requirements of this Policy.
Representatives of the OASA 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 the OASA; 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.

1.6 Ruling on Policy – Except as provided in the Act, the Executive of the OASA will have the authority to interpret any provision of this Policy that is contradictory, ambiguous, or unclear.

Article 2 Accountability

2.1 Privacy Officer – The OASA will designate an individual to oversee the implementation and monitoring of this Privacy Policy and the security of personal information. The President of the OASA is the Privacy Officer for the OASA. Contact information for the President is available on the OASA website OASA.ca.

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.

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

2.4 Principles – The OASA will implement policies and practices to secure all personal information during collection, use and disclosure.

2.5 Disclosure to Third Parties - A contract made with a third party having access to personal information held by the OASA will include a clause that ensures the third party does not breach the OASA privacy policies.

2.6 Information- Information will be made available to the public via the OASA web site explaining privacy policies and procedures.

2.7 Annual Review – This Policy will be reviewed periodically 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 – The Ontario Amateur Softball Association will only collect information reasonably necessary for the identified purposes set out in Article 3.2.

3.2 Purpose – Personal information may be collected from prospective members, members, athletes, participants, coaches, umpires, managers, and Individuals and used by the Ontario Amateur Softball Association Representatives for purposes that include, but are not limited to, the following:
a) Name, address, gender, phone number, cell phone number, first language, fax number and e-mail address for the purpose of receiving information from the Ontario Amateur Softball Association.
b) Nationality for statistics as required by Sport Canada.
c) NCCP number, education, resumes and experience for database entry at the Coaching Association of Canada to determine level of certification and coaching qualifications.
d) Credit card information for registration at clinics, tournaments, purchasing equipment, coaching manuals and other resources.
e) Date of birth to determine age group division for players.
f) Personal health information for individuals with a disability in order to determine eligibility to compete and classification,
g) Athlete information including height, dietary supplements taken, uniform size, shoe size, feedback from coaches and trainers, performance results, biography information and the OASA

registration number for talent identification, award selection, required registration forms, outfitting uniforms, media relations, publishing results and components of selection.
h) 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.
k) Individual measurements for adjusting equipment.
l) Body weight, mass and body fat index to monitor physical response to training and to maintain an appropriate weight for competition.
m) Marketing information including attitudinal and demographic data on individual members to determine membership demographic structure, and program wants and needs.
n) Passport numbers for travel purposes.
o) Individuals providing their addresses or e-mail addresses to the OASA may receive advertisements from OASA sponsors, an OASA flyer, and donation request for the purpose of fundraising.
p) Concussion related information to facilitate meeting athlete safety and Rowan's Law requirements

3.3 Purposes not identified – The OASA 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 – The OASA will obtain consent from individuals at the time of collection prior to the use or disclosure of this information.

4.2 Requirement – The OASA 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.

4.3 Form – Consent may be written, oral or implied. In determining the form of consent to use, the OASA 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 used 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.

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

4.4 Exceptions for Collection – The Ontario Amateur Softball 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.

4.5 Exceptions for Use the Ontario Amateur Softball Association may use personal information without the individual's knowledge or consent only:
a) If the Ontario Amateur Softball 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 Ontario Amateur Softball 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.

4.6 Exceptions for Disclosure – The Ontario Amateur Softball Association may disclose personal information without the individual's knowledge or consent only:
a) To a lawyer representing the Ontario Amateur Softball Association;
b) To collect a debt the individual owes to the Ontario Amateur Softball 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 Acts or government institution on the initiative of the Ontario Amateur Softball Association when the Ontario Amateur Softball 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 Ontario Amateur Softball Association must inform the individual of the disclosure);
h) For statistical, scholarly study or research (the Ontario Amateur Softball 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.

Article 5 Limiting Collection

5.1 Limiting Collection – The Ontario Amateur Softball Association will not collect personal information indiscriminately. Information collected will be for the purposes specified in Article 3.2.

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) Registration data and athlete information will be retained for a period of three years after an individual has left the program in the event that the individual chooses to return to the program;
b) Parental/family information will be retained for a period of five (5) years after an individual has left the program in the event that the individual chooses to return to the program;
c) Credit Card information will be destroyed immediately upon completion of a financial transaction.
d) Personal Information collected about coaches will be retained for a period of five (5) years after an individual has left the Ontario Amateur Softball Association:
e) Qualifications and certifications of coaches will be retained for a period of five (5) years after a coach has left the Ontario Amateur Softball Association
g) Personal health information will be immediately destroyed in the event that the individual chooses to leave the program;
h) Marketing information will be immediately destroyed upon compilation and analysis of collected information.
i) 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.

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 – Personal information disclosed to a third party will be accurate and up-to-date.

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 measures including the use of passwords, encryption, and firewalls.

8.4 Coaches Information – Personal information of coaches will be secured in a locked filing cabinet or in a password protected database accessed only by the Executive of the Ontario Amateur Softball Association

8.5 Membership Information- Membership information will be secured in a locked filing cabinet, or in a password protected database, or on a password protected computer accessed only by the Executive of the Ontario Amateur Softball Association

8.6 Athlete Information – Athlete information will be secured in a locked filing cabinet, or in a password protected database, or on a password protected computer of which will only be accessed by Ontario Amateur Softball Association staff

8.7 Personal Health Information – Personal health information will be secured in a locked filing cabinet, or in a password protected database, or on a password protected computer, both of which will only be accessed by Ontario Amateur Softball Association Staff.

8.8 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 Ontario Amateur Softball Association Staff.

Article 9 Openness

9.1 Openness – The Ontario Amateur Softball 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.

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 such as Softball Canada, and Coaches Association of Canada in which personal information is made available.

Article 10 Individual Access

10.1 Individual Access – Upon written request, and assistance from the OASA, 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, and
d) The information is subject to solicitor-client or litigation privilege.

10.4 Contents of Refusal - If the Ontario Amateur Softball Association determines that the disclosure of personal information should be refused, the Ontario Amateur Softball Association 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 may 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 in due course.

10.10 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.

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 the Ontario Amateur Softball 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 Ontario Amateur Softball 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 files 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 Ontario Amateur Softball Association.
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 Appeal – An individual may appeal a decision of the Ontario Amateur Softball Association in accordance with its appeal policy.

11.4 Assistance – The Ontario Amateur Softball Association will assist an individual in preparing a request for information.