



## CANADA BASKETBALL PRIVACY POLICY

### Preamble

1. Privacy of personal information is governed by the *Personal Information Protection and Electronic Documents Act* ("PIPEDA"). This Policy describes the way that Canada Basketball collects, uses, safeguards, discloses and disposes of personal information, and states Canada Basketball's commitment to collecting, using and disclosing personal information responsibly. This Policy is based on the standards required by PIPEDA and Canada Basketball's interpretation of these responsibilities.

### Definitions

2. 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) *"IP Address"* – A numerical label that is assigned to electronic devices participating in a computer network that uses internet protocol for communication between devices
  - d) *"Personal Information"* – any information about an identifiable individual including information that relates to their personal characteristics including, but not limited to, gender, age, income, home address or phone number, ethnic background, family status, health history and health conditions, NCCP number, education, resumes, fitness results, credit card or chequing information, date of birth, athlete history, birth certificate, performance results, certifications, awards, height, weight, uniform size, shoe size, feedback from coaches and trainers, video footage, photographs, banking information, social insurance number, criminal records check, reference checks, beneficiaries, passport numbers, frequent flyer numbers, and discipline results. Personal information, however, does not include business information (e.g. an individual's business address and telephone), which is not protected by PIPEDA, or other information that is posted publicly or that an Participant has voluntarily disclosed publicly.
  - e) *"Participants"* – All categories of individual membership defined in the Canada Basketball Bylaws, as well as to all Participants engaged in activities with Canada Basketball, including, but not limited to, prospective participants, National Participants, athletes, coaches, officials, volunteers, directors, officers, team managers, team captains, medical and paramedical personnel, administrators and employees (including contract personnel).

### Scope and Application

3. The purpose of this policy is to govern the collection, use and disclosure of personal information in the course of commercial activities in a manner that recognizes the right to privacy of individuals

with respect to their personal information and the need of Canada Basketball to collect, use or disclose personal information.

4. This Policy applies to all Participants in connection with personal information that is collected, used or disclosed during any Commercial Activity related to Canada Basketball.

#### **Statutory Obligations**

5. Canada Basketball is governed by the *Personal Information Protection and Electronic Documents Act (PIPEDA)* in matters involving the collection, use and disclosure of personal information during a Commercial Activity.

#### **Additional Obligations**

6. In addition to fulfilling all requirements of the *Act*, Canada Basketball will also fulfill the additional requirements of this Policy. Canada Basketball 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 organization 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, friends or colleagues have an interest.
  - d) Derive personal benefit from personal information that they have acquired during the course of fulfilling their duties with Canada Basketball.
  - 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.

#### **Ruling on Policy**

7. Except as provided in the *Act*, the Board of Directors of Canada Basketball will have the authority to interpret any provision of this Policy that is contradictory, ambiguous, or unclear.

#### **Accountability**

8. 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 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:

Director, Finance  
Canada Basketball  
1 Westside Drive, Suite 11  
Etobicoke, ON  
M9C 1B3  
T 416-614-8037  
F 416-614-9570  
Email: [info@basketball.ca](mailto:info@basketball.ca)

9. 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.
- e) Train and communicate to staff information about Canada Basketball’s privacy policies and practices.

**Identifying Purposes**

10. Purpose – Personal information may be collected from Participants and disclosed for purposes that include, but are not limited to, the following:

*Communications*

- a) Receiving communications from Canada Basketball in regards to E-news, newsletters, programs, competitions, training, discipline, appeals, events, activities and other pertinent information.
- b) Published articles, media relations and postings on the Canada Basketball website, displays or posters. In some cases, videos from an event will be available for purchase.
- c) Award nominations, biographies, published articles and media relations.
- d) Communication within and between committees, volunteers and board members.
- e) Discipline results and long-term suspension list.
- f) Communications with applicable municipalities who wish to check residency status of individuals.

*Registration, Database Entry and Monitoring*

- g) Registration and communication of programs, events and activities.
- h) Database entry at 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) Player Registration, outfitting uniforms, and various components of athlete and team selection.
- l) Technical monitoring, officials training, educational purposes, sport promotion, 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 Canada Basketball 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) Managing insurance claims and insurance investigations.
- t) Video recording and photography for personal use, and not commercial gain, by spectators, parents and friends.

- u) Video recording and photography for promotional use, marketing and advertising by Canada Basketball.
- v) Payroll, honorariums, organization insurance and health plans.

11. Purposes Not Identified – Canada Basketball will seek consent from individuals when personal information is used for commercial purpose not identified herein. This consent will be documented as to when and how it was received.

### **Consent**

12. Consent – Canada Basketball will obtain consent by lawful means from individuals at the time of collection and prior to the use or disclosure of this information. Canada Basketball may collect personal information without consent where reasonable to do so and where permitted by law.

13. Implied Consent – By providing personal information to Canada Basketball, individuals are consenting to the use of the information for the purposes identified in this policy.

14. Requirement – Canada Basketball will not, as a condition of a product or service, require an individual to consent to the collection, use or disclosure of personal information beyond that required to fulfill the specified purpose of registration or the product or service.

15. Form – Consent may be written or implied. In determining the form of consent to use, Canada Basketball will take into account the sensitivity of the information, as well as the individual's reasonable expectations. Participants may consent to the collection and specified used of personal information in the following ways:

- a) Completing and/or signing a registration form or an application form.
- b) Checking a check off box.
- c) Providing written consent either physically or electronically.
- d) Consenting orally in person.
- e) Consenting orally over the phone.

16. Withdrawal – An Participant may withdraw consent in writing, to the collection, use or disclosure of personal information at any time, subject to legal or contractual restrictions provided the Participant gives one week's notice of such withdrawal to Canada Basketball. Canada Basketball will inform the Participant of the implications of such withdrawal.

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

18. Exceptions for Collection – Canada Basketball 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*.

19. Exceptions for Use – Canada Basketball may use personal information without the Participant's knowledge or consent only:

- a) If the organization 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 Participant's life, health or security.
- c) For statistical or scholarly study or research.
- d) If it is publicly available as specified in the *Act*.
- e) If the use is clearly in the Participant's interest and consent is not available in a timely way.
- 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.

20. Exceptions for Disclosure – Canada Basketball may disclose personal information without the Participant's knowledge or consent only:

- a) To a lawyer representing Canada Basketball.
- b) To collect a debt the Participant owes to Canada Basketball.
- 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 when Canada Basketball 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 (Canada Basketball will inform the individual of the disclosure).
- h) For statistical, scholarly study or research.
- 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.

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

21. Limiting Collection, Use and Disclosure – Canada Basketball will not collect, use or disclose personal information indiscriminately and it will be collected fairly, by lawful means. Information collected will be for the purposes specified in Article 3.1, except with the consent of the individual or as required by law.

22. Retention Periods – Personal information will be retained indefinitely unless requested otherwise by the individual.

23. 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.

### **Accuracy**

24. Accuracy – Personal information will be accurate, complete and as 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 Participant.

### **Safeguards**

25. 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.

26. Employees – Employees will be made aware of the importance of maintaining personal information confidential and will be required to sign confidentiality agreements.

27. Confidentiality – Every Participant at all levels, who has access to personal information collected by Canada Basketball, will comply with Canada Basketball's Confidentiality Policy.

### **Openness**

28. Information – Information made available to individuals will include:

- a) The name or title, and the address, of the person who is accountable for Canada Basketball's privacy policy and practices and to whom complaints or inquiries can be forwarded.
- b) The means of gaining access to personal information held by Canada Basketball. and
- c) A description of the type of personal information held by Canada Basketball.

### **Participant Access**

29. Access - Upon written request, and with assistance from Canada Basketball, an individual may be informed of the existence, use and disclosure of his or her personal information and will be given access to that information. As well, an individual 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.

30. Response - Requested information will be disclosed to the individual within thirty (30) days of receipt of the written request at no cost to the individual, or at nominal costs relating to photocopying expenses, unless there are reasonable grounds to extend the time limit.

31. Denial - An individual may be denied access to his or her personal information if:

- a) This 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 purposes.
- d) The information is subject to solicitor-client or litigation privilege.

32. Reasons - Upon refusal, Canada Basketball will inform the individual the reasons for the refusal and the associated provisions of *PIPEDA*.
33. Identity – 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.

### **Challenging Compliance**

34. Challenges – An individual will be able to challenge compliance with this Policy and the *Act* to the designated individual accountable for compliance.
35. Procedures – Upon receipt of a complaint Canada Basketball 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 e-mail or telephone conversation and if necessary, clarify the nature of the complaint.
  - d) Determine whether the complaint is frivolous or vexatious and within the jurisdiction of this Policy. If it is determined the complaint is frivolous or vexatious or outside the jurisdiction of this Policy, the complaint will be dismissed immediately. The Privacy Officer’s decision to the acceptance or dismissal of the complaint may not be appealed.
  - e) If it is determined that the complaint is not frivolous and vexatious and within the jurisdiction of this policy, the Privacy Officer will investigate the complaint and take corrective action to resolve the matter.
  - f) Notify the complainant the outcome of the investigation and any relevant steps taken to rectify the complaint.
36. Whistle-blowing – Canada Basketball will not dismiss, suspend, demote, discipline, harass or otherwise disadvantage any Participant within Canada Basketball or deny that person a benefit because the individual, acting in good faith and on the basis of reasonable belief:
- a) Disclosed to the Privacy Commissioner of Canada that Canada Basketball has contravened or is about to contravene the *Act*.
  - b) Has done or stated an intention of doing anything that is required to be done in order to avoid having any person contravene the *Act*.
  - c) Has refused to do or stated an intention of refusing to do anything that is in contravention of the *Act*.

### **IP Address**

37. IP Address – The Organization does not collect, use or disclose personal information such as an IP Address

### **Review and Approval**

38. This Policy was last reviewed and approved by the Board of the Directors on the 15<sup>th</sup> day of February 2021.