



PRIVACY POLICY	Approval / Revision Date:	July 1, 2023
	Approved by Board of Directors	
Privacy		
	Replacing Previous Version:	

Background

1. Different privacy legislation applies to the public sector and to the private sector. Not-for-profit sport organizations in Canada are considered to be part of the private sector. The *Personal Information Protection and Electronic Documents Act* (PIPEDA) is the federal privacy legislation that applies to all not-for-profit sport organizations in Canada.
2. PIPEDA applies to Gymnastics Ontario's use of Personal Information for Commercial Activity.
3. This Privacy Policy is based on the standards required by PIPEDA as interpreted by Gymnastics Ontario.

Definitions

4. 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 image, gender, age, income, home address, home phone number, ethnic background, family status, health history, and health conditions.
 - c) *"Stakeholder"* – Individuals employed by, or engaged in activities on behalf of, Gymnastics Ontario including coaches, staff members, contract personnel, volunteers, managers, administrators, committee members, and Directors and Officers of Gymnastics Ontario
 - d) *"Individual"* - All categories of membership defined in Gymnastics Ontario's Bylaws as well as all individuals employed by, or engaged in activities with, Gymnastics Ontario including, but not limited to, Registered Individuals, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, and Directors and Officers of Gymnastics Ontario

Purpose

5. Gymnastics Ontario recognizes Individuals' right to privacy with respect to their Personal Information. This Policy describes the way that Gymnastics Ontario collects, uses, safeguards, discloses, and disposes of Personal Information.

Application of this Policy

6. This Policy applies to all Stakeholders and Individuals in connection with personal information that is collected, used, or disclosed during Gymnastics Ontario's Commercial Activity and Non-Commercial activity.
7. Except as provided in PIPEDA, Gymnastics Ontario's Board will have the authority to interpret any provision of this Policy that is contradictory, ambiguous, or unclear.

Obligations

8. Gymnastics Ontario is obligated to:
 - a) Follow and abide by PIPEDA in all matters involving the collection, use, and disclosure of Personal Information during Gymnastics Ontario's Commercial Activity; and
 - b) Always disclose what Personal Information is being collected from Individuals and for what purpose the Personal Information is being collected. Gymnastics Ontario will not require the collection of any Personal Information if the purpose for its collection is not identified.
9. In addition to fulfilling the legal obligations required by PIPEDA, Gymnastics Ontario, its members, suppliers and vendors 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) In the performance of their official duties, 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 they have acquired during the course of fulfilling their duties with Gymnastics Ontario
 - 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

10. Gymnastics Ontario's 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. Gymnastics Ontario's Privacy Officer also handles personal information access requests and complaints. Gymnastics Ontario's Privacy Officer may be contacted at the following address:

Gymnastics Ontario
C/O Cindy Clapp – Privacy Officer
2950 Keele Street, Suite #202
Toronto, Ontario
M3M 2H2
Email: operations@gymnasticsontario.ca
Tel: 647-598-1989

11. 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 Gymnastics Ontario's privacy policies and practices.

Information Collection Purposes

12. Gymnastics Ontario may collect Personal Information from Individuals and prospective Individuals for purposes that may include any of the following:

Non-Commercial Activity

Communications

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

Identification

- a) Informing governing bodies (e.g., Provincial Sport Organizations (PSOs), National Sport Organizations (NSOs)) of Individuals' registration and/or participation with Gymnastics Ontario

- b) Informing government funders, the number and demographic profile of registered Individuals

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 to determine level of officiating certification and qualifications.
- d) Determination of eligibility, age group and appropriate level of play/competition
- e) Athlete registration, outfitting uniforms, and various components of athlete and team selection.
- f) Technical monitoring, officials training, educational purposes, sport promotion, and media publications

General

- a) Travel arrangement and administration
- b) Implementation of Gymnastics Ontario's screening program
- c) Medical emergency, emergency contacts or reports relating to medical or emergency issues.
- d) Determination of membership demographics and program wants and needs.
- e) Managing insurance claims and insurance investigations
- f) Video recording and photography for personal use, and not commercial gain, by spectators, parents, and friends
- g) Payroll, honorariums, company insurance and health plans
- h) Any and all complaints and inquiries

Commercial Activity

Sales, Promotions and Merchandising

- a) Purchasing equipment, coaching manuals, resources, and other products
- b) Promotion and sale of merchandise
- c) Video recording and photography for promotional use, marketing and advertising at Gymnastics Ontario sanctioned events.

13. Gymnastics Ontario's Stakeholders 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

14. By providing Personal Information to Gymnastics Ontario, Individuals are implying their consent to the use of that Personal Information for the purposes identified in the **Information Collection Purposes** section of this Policy.
15. At the time of the collection of Personal Information and prior to the use or disclosure of the Personal Information, Gymnastics Ontario Member Clubs will obtain consent from Individuals

by lawful means, in a manner similar to the **Consent Form** (attached). Gymnastics Ontario may collect Personal Information without consent when it is reasonable to do so and permitted by law.

16. In determining whether to obtain written or implied consent, Gymnastics Ontario 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 or registration form (see **Consent 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
 - e) Consenting orally over the phone
17. Gymnastics Ontario 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.
18. An Individual may withdraw consent orally or in writing, at any time, subject to legal or contractual restrictions. Gymnastics Ontario and/or the Member Club will inform the Individual of the implications of withdrawing consent.
19. Gymnastics Ontario 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.
20. Gymnastics Ontario 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 an Individual's life, health, or security.
 - d) The information is publicly available as specified in PIPEDA.
21. Gymnastics Ontario is also not required to obtain consent for the collection of Personal Information if the information is for journalistic, artistic, or literary purposes.
22. Gymnastics Ontario may disclose Personal Information without the Individual's knowledge or consent only:
 - a) To a lawyer representing Gymnastics Ontario
 - b) To collect a debt that the Individual owes to Gymnastics Ontario

- c) To comply legal proceedings of any sort
- d) To comply with government regulations
- e) 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
- f) In an emergency threatening an Individual's life, health, or security (Gymnastics Ontario will inform the Individual of the disclosure)
- g) To an archival institution
- h) 20 years after the individual's death or 100 years after the record was created.
- i) If it is publicly available as specified in PIPEDA

Accuracy, Retention, and Openness

- 23. To minimize the possibility that inappropriate Personal Information may be used to make a decision about an Individual, Personal Information will be accurate, complete, and as up to date as is necessary for the purposes for which it will be used.
- 24. Personal Information will be retained as long as reasonably necessary to enable participation in Gymnastics Ontario programs, events, and activities, and in order to maintain historical records as may be required by law or by governing organizations.
- 25. 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.
- 26. Gymnastics Ontario will make the following information available to Individuals:
 - a) This *Privacy Policy*
 - b) Any additional documentation that further explains Gymnastics Ontario's *Privacy Policy*
 - c) The name or title, and the address, of the person who is accountable for Gymnastics Ontario's *Privacy Policy*
 - d) The means of gaining access to Personal Information held by Gymnastics Ontario
 - e) A description of the type of Personal Information held by Gymnastics Ontario, including a general account of its use.
 - f) Identification of any third parties to which Personal Information is made available.

Access

- 27. Upon written request, and with assistance from Gymnastics Ontario 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.
- 28. 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.

29. 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.
 - d) Is subject to solicitor-client privilege or litigation privilege.
30. If Gymnastics Ontario refuses a request for Personal Information, it shall inform the Individual the reasons for the refusal.

Compliance Challenges

31. Individuals are able to challenge Gymnastics Ontario for its compliance with this Policy.
32. Upon receipt of a complaint, Gymnastics Ontario 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.
 - d) Appoint an investigator using Gymnastics Ontario'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.
 - e) Upon completion of the investigation and within thirty (30) days of receipt of the complaint, the investigator will submit a written report to Gymnastics Ontario
 - 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.
33. Gymnastics Ontario will not dismiss, suspend, demote, discipline, harass, or otherwise disadvantage any Gymnastics Ontario Individual or Stakeholder who:
- a) Challenges Gymnastics Ontario for its compliance with this Policy
 - b) Refuses to contravene this Policy or PIPEDA

Privacy Policy - Consent Form (Sample Template)

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

1. I authorize Gymnastics Ontario to collect and use personal information about me for the purposes described in Gymnastics Ontario's *Privacy Policy*.
2. In addition to the purposes described in Gymnastics Ontario's *Privacy Policy*, I authorize Gymnastics Ontario to:
 - a) Distribute my information to Gymnastics Canada and our insurance company,
 - b) 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 at Gymnastics Ontario sanctioned events. I understand that I waive any claim to remuneration for use of audio/visual materials used for these purposes.
 - c) **Gymnastics Ontario may add other specific purposes.**
3. I understand that I may withdraw such consent at any time by contacting Gymnastics Ontario's Privacy Officer. The Privacy Officer will advise the implications of such withdrawal.