

Their Opportunity Privacy Policy

General

1. **Background** – Privacy of personal information is governed by the federal *Personal Information Protection and Electronics Documents Act* ("PIPEDA"). This policy describes the way that Their Opportunity collects, uses, safeguards, discloses and disposes of personal information, and states Their Opportunity's commitment to collecting, using and disclosing personal information responsibly. This policy is based on the standards required by PIPEDA and Their Opportunity's interpretation of these responsibilities.
2. **Definitions** – 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) "*IP Address*" – A numerical label that is assigned to electronic devices participating in a computer network that uses internet protocol for communication between devices.
 - c) "*Personal Information*" – any information about an individual that relates to the person's personal characteristics including, but not limited to: gender, age, income, home address or phone number, ethnic background, family status, health history, and health conditions
 - d) "*Representatives*" – Members, directors, officers, committee members, employees, athletes, coaches, officials, sport assistants, managers, trainers, volunteers, administrators, contractors and participants within Their Opportunity
3. **Purpose** – 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 Their Opportunity to collect, use or disclose personal information.

Application of this Policy

4. **Application** – This Policy applies to Representatives in connection with personal information that is collected, used or disclosed during any commercial activity related to Their Opportunity.
5. **Ruling on Policy** – Except as provided in the *Act*, the Board of Directors of Their Opportunity will have the authority to interpret any provision of this Policy that is contradictory, ambiguous, or unclear.

Obligations

6. **Statutory Obligations** – Their Opportunity is governed by the *Personal Information Protection, Electronic Documents Act* in matters involving the collection, use and disclosure of personal information.
7. **Additional Obligations** – In addition to fulfilling all requirements of the *Act*, Their Opportunity and its Representatives will also fulfill the additional requirements of this Policy. Representatives of Their Opportunity 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 Their Opportunity; or

- 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

- 8. Privacy Officer – The Privacy Officer is responsible for the implementation of this policy and monitoring information collection and data security and for 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 as follows:

Their Opportunity
50 Simcoe Street North
Oshawa, Ontario, Canada
L1G 4S1

Tel: 905 444 9992

Email: Randy@theiropportunity.com

- 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 such as Salesforce & secure Google Drive abide by this Policy; and
 - e) Train and communicate to staff information about Their Opportunity’s privacy policies and practices.
- 10. Employees – Their Opportunity shall be responsible to ensure that the employees, contractors, agents, or otherwise of Their Opportunity are compliant with the Act and this Policy.

Identifying Purposes

- 11. Purpose – Personal information may be collected from Representatives and prospective Representatives 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 Their Opportunity programs, events, fundraising, activities, discipline, appeals, and other pertinent information
- b) Publishing articles, media relations and postings on Their Opportunity 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
- g) Posting images, likeness or other identifiable attributes to promote Their Opportunity

Registration, Database Entry and Monitoring:

- h) Registration of programs, events and activities
- i) Database entry at the Coaching Association of Canada and to determine level of coaching certification coaching qualifications and coach selection.
- j) Database entry to determine level of officiating certification and qualifications
- k) Determination of eligibility, age group and appropriate level of play/competition
- l) Athlete Registration, outfitting uniforms, and various components of athlete and team selection
- m) Technical monitoring, officials training, educational purposes, sport promotion, and media publications

- n) Selection
- o) Technical monitoring, coach/club review, officials training, educational purposes, media publications, and sport promotion

Sales, Promotions and Merchandising:

- p) Purchasing equipment, coaching manuals, resources and other products
- q) Promotion and sale of merchandise

General:

- r) Travel arrangement and administration
- s) Implementation of Their Opportunity's screening program
- t) Medical emergency, emergency contacts or reports relating to medical or emergency issues
- u) Determination of membership demographics and program wants and needs
- v) Video recording and photography for personal use, and not commercial gain, by spectators, parents and friends
- w) Video recording and photography for promotional use, marketing and advertising by Their Opportunity
- x) Payroll, honorariums, company insurance and health plans

12. Purposes not Identified – Their Opportunity shall seek consent from individuals when personal information is used for Commercial Activity not previously identified. This consent will be documented as to when and how it was received.

Consent

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

14. Implied Consent – By providing personal information to Their Opportunity, individuals are consenting to the use of the information for the purposes identified in this policy.

15. Withdrawal – An individual may declare to the Privacy Officer in writing to withdraw consent to the collection, use or disclosure of personal information at any time, subject to legal or contractual restrictions. Their Opportunity will inform the individual of the implications of such withdrawal.

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

17. Exceptions for Collection – Their Opportunity 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 media or journalistic purposes; or
- d) The information is publicly available as specified in the Act.

18. Exceptions for Use – Their Opportunity may use personal information without the individual's knowledge or consent only:

- a) If Their Opportunity 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) Aggregate information 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 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.

19. Exceptions for Disclosure – Their Opportunity may disclose personal information without the individual's knowledge or consent only:

- a) To a lawyer representing Their Opportunity;
- b) To collect a debt the individual owes to Their Opportunity;
- 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 Their Opportunity's initiative when Their Opportunity 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 (Their Opportunity must inform the individual of the disclosure);
- h) Aggregate information 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

20. Limiting Collection, Use and Disclosure – Their Opportunity shall not collect, use or disclose personal information indiscriminately. Information collected will be for the purposes specified in this Policy, except with the consent of the individual or as required by law.

21. Retention Periods – Personal information shall be retained as long as reasonably necessary to enable participation in Their Opportunity, to maintain accurate historical records and or as may be required by law.

22. Destruction of Information – Documents shall be destroyed by way of shredding and electronic files will be deleted in their entirety.

Safeguards

23. Safeguards – Personal information shall be protected by security safeguards appropriate to the sensitivity of the information against loss or theft, unauthorized access, disclosure, copying, use or modification.

Breaches

24. Breaches – Their Opportunity is required to report breaches of its security safeguards and any unauthorized disclosure of, or access to, personal information to the Office of the Privacy Commissioner if the breach, disclosure, or access may pose a “real risk of significant harm” to an individual. A “real risk of significant harm” is defined as: *“Bodily harm, humiliation, damage to reputation or relationships, loss of employment, business or professional opportunities, financial loss, identity theft, negative effects on the credit record and damage to or loss of property”*.
25. Reporting – Their Opportunity will report the breach or unauthorized access or disclosure to the Office of the Privacy Commissioner in the form and format specified by the Office of the Privacy Commissioner or will be subject to financial penalties.
26. Records and Notification – In addition to reporting the breach or unauthorized access or disclosure, Their Opportunity will keep records of the breach and inform affected individuals.

Individual Access

27. Access – Upon written request, and with assistance from Their Opportunity, an individual may be informed of the existence, use and disclosure of his or her personal information and shall be given access to that information. Further, 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.
28. Response – Requested information shall be disclosed to the individual within 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.
29. Denial – An individual may be denied access to his or her personal information if the information:
- Cannot be disclosed for legal, security, or commercial proprietary purposes; or
 - Is subject to solicitor-client privilege or litigation privilege.
30. Reasons – Upon refusal, Their Opportunity shall inform the individual the reasons for the refusal and the associated provisions of the *Act*.
31. 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

32. Challenges – An individual shall be able to challenge compliance with this Policy and the *Act* to the designated individual accountable for compliance.
33. Procedures – Upon receipt of a complaint Their Opportunity shall:
- Record the date the complaint is received;
 - Notify the Privacy Officer who will serve in a neutral, unbiased capacity to resolve the complaint;
 - Acknowledge receipt of the complaint by way of written communication and clarify the nature of the complaint within three (3) days of receipt of the complaint;
 - Appoint an investigator using Organization personnel or an independent investigator, who shall have the skills necessary to conduct a fair and impartial investigation and shall have unfettered access to all relevant file and personnel, within ten (10) days of receipt of the complaint;
 - Upon completion of the investigation and within twenty-five (25) days of receipt of the complaint, the investigator will submit a written report to Their Opportunity; and

- f) Notify the complainant to 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.

34. Whistleblowing – Their Opportunity shall not dismiss, suspend, demote, discipline, harass or otherwise disadvantage any director, officer, employee, committee member volunteer, trainer, contractor, and other decision-maker within Their Opportunity or deny that person a benefit because the individual, acting in good faith and on the basis of reasonable belief:

- a) Disclosed to the commissioner that Their Opportunity 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*; or
- c) Has refused to do or stated an intention of refusing to do anything that is in contravention of the *Act*.

IP Address

35. IP Address – Their Opportunity does not collect, use or disclose personal information such as IP Addresses.

Applicable Law

36. Applicable Law – Their Opportunity website is created and controlled by Their Opportunity in the province of Ontario. As such, the laws of the province of Ontario shall govern these disclaimers, terms and conditions.