



## CORK PRIVACY POLICY

**PURPOSE:** This policy describes the way in which CORK collects, uses, retains, safeguards, discloses, and disposes of the personal information of prospective members, members, and others including athletes, coaches, officials, volunteers, donors and sponsors in connection with any commercial activity. This policy describes the way in which CORK will, subject to applicable legal requirements, adhere to the relevant federal and provincial (Ontario) legislative privacy requirements.

The Policy follows the 10 Canadian Standards Association (CSA) principles identified in the federal Personal Information Protection and Electronic Documents Act (PIPEDA). The policy describes each principle and procedure. CORK will strive to meet all legislative requirements and will ensure to the best of its ability that it remains current with changing technologies and laws. Any and all changes will be posted to the CORK website.

Nothing in the CORK Privacy policy shall be construed so as to prevent CORK from collecting and maintaining information for the purpose of maintaining the historical records of the organization. Such information shall include, but not be limited to, names and achievements of competitors, names and positions held by volunteers, Board Members, and Executive Members, etc. In addition to historically significant information, nothing in this privacy policy shall be construed so as to prevent CORK from collecting and maintaining personal information for the purpose of fundraising initiatives or collecting and maintaining statistical data in order to satisfy government requests for sport participation information connected with decisions related to government funding levels. This last clarification acknowledges the need of CORK to collect and maintain certain formation in order to maintain and increase its government funding and hold fundraising campaigns. A copy of CORK's Privacy Policy is provided to any member on request to CORK.

### DEFINITIONS:

- 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 business telephone number. Personal information includes information that relates to their personal characteristics (e.g. health, history, health conditions, home address, phone number or email address)
- e) *Personal Health Information* – Any health information about an identifiable individual.

- f) *Representatives* – Directors, officers, employees, committees, members, volunteers, coaches, contractors, and other decision-makers associated with CORK.

## **STATUTORY OBLIGATIONS:**

CORK is governed by the PIPEDA in matters involving the collection, use and disclosure of personal information, although not all personal information collected by CORK is governed by the Act, as sometimes this information is not part of any commercial activity as defined in the Act.

## **ADDITIONAL OBLIGATIONS:**

In addition to fulfilling all requirements of the Act, CORK and its representatives will also fulfill the additional requirements of this Policy. Representatives of CORK will not:

- a) Disclose personal information to a third party during any business or commercial transaction unless it 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, that would be improper to disclose;
- c) Disclose personal information to anyone without a valid reason or proper authorization obtained from the individual whose personal information is proposed to be disclosed.
- d) Derive personal benefit from personal information that they have acquired from CORK; and
- 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.
- f) Upon written request from any individual, CORK will remove that person's name and personal contact details from its personal database.

## **RULING ON POLICY**

Except as provided in the Act, the Board of Directors of CORK shall have the authority to interpret any provision of this Policy that is contradictory, ambiguous, or unclear.

### **1. ACCOUNTABILITY**

- 1.1 CORK will appoint a Board Member (the "Privacy Officer") whose responsibilities will include those of the implementation and monitoring of CORK's Privacy Policy. This person will also be responsible for ensuring that all staff receive appropriate training on privacy issues and responding to access requests in accordance with this Policy. The Privacy Officer will report to the Board Chair and the ultimate responsibility for Privacy issues will rest with CORK's Board of Directors. The Privacy Officer may enlist assistance from others within the organization. This will not mitigate their responsibility for Privacy issues.
- 1.2 CORK's Privacy Officer will be appointed by the Board of Directors. In the event that there is no Privacy Officer, the Executive Director shall serve to resolve any privacy issues.

### **2. IDENTIFYING THE PURPOSE FOR THE COLLECTION OF PERSONAL INFORMATION**

- 2.1 CORK shall only collect the information reasonably necessary to conduct its operations.
- 2.2 CORK collects personal information from prospective members, members, coaches, sailors, officials, judges, athletes, managers, and volunteers for the purposes of conducting programming. This may include, but not be limited to, name, address, cell phone number, email address, personal health information (including allergies, emergency contact and past medical history, shirt size, credit card information and date of birth.
- 2.3 CORK will specify the purposes for collecting data at or before the time of collection to the individual. The purposes may be given orally or in writing.
- 2.4 CORK will endeavour to ensure that all collectors of personal information are familiar with the potential use of the personal data. All data collected shall be maintained in its office, or under control of its representatives or agents.
- 2.5 CORK will request individual permission for the use of any personal data collected which is extraneous to the purposes that have been identified unless authorized by law.
- 2.6 Information collected during the use of CORK's website may include information listed in 2.2. All information will be treated within the same parameters as other information collected by CORK. It is always optional to provide information in certain fields, although that may inhibit full access to the website. Our website also collects non-identifiable information about users such as IP address, the sections of the website visited, and information downloaded. CORK may use this non-identifiable information and disclose it to service providers, for system administration purposes and to improve the website.
- 2.7 If a purpose has not been identified herein, CORK will seek consent from individuals when personal information is used for a purpose not already consented to. This consent will be documented as to when and how it was received.

### **3. CONSENT**

- 3.1 Consent is required to be obtained by lawful means from individuals at the time of collection, prior to the use or disclosure of the personal information. If the consent to the collection, use or disclosure was not obtained upon receipt of the information, consent will be obtained prior to the use or disclosure of that information. CORK may collect personal information without consent where reasonable to do so and, where permitted by law.
- 3.2 CORK will use the personal information for the uses as specified above in Section 2. By consenting to provide your information to CORK, you are deemed to consent to our use of the information.
- 3.3 If at any time you wish to withdraw your consent to the use of your information, you may do so by contacting the CORK office. We will do our best to accommodate your request and we will explain to you the impact of your withdrawal on any services we provide to you.
- 3.4 CORK 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.
- 3.5 Consent shall not be obtained from individuals who are minors or mentally incapacitated and therefore will be obtained from a parent, legal guardian, or persons having power of attorney.

### **4. LIMITING COLLECTION**

- 4.1 All information shall be collected fairly and lawfully within the criteria as set forth in CORK's Privacy Policy.
- 4.2 CORK shall not indiscriminately collect information. The amount and type of information collected shall be limited to that which is reasonably required to fulfill our identified purposes.
- 4.3 CORK will not use any form of deception in gaining personal information from its members.

## **5. LIMITING USE, DISCLOSURE AND RETENTION**

- 5.1 Subject to applicable legislation, CORK shall limit use of personal information it collects to purposes that we have disclosed on collection and more generally, for the purposes set out in the *Purpose* section above.
- 5.2 Information disclosed to a third party with consent from the individual shall be protected by a third party agreement to limit use and disclosure. With the permission of a user, information submitted may be used for marketing and promotional purposes and may be shared with pre-screened affiliates, companies or new corporate partners. If a guest wishes to withdraw such use, they may withdraw that use by email request.
- 5.3 CORK shall maintain documents and information for certain periods of time dependent upon necessity. Certain documents may be subject to legislated retention periods either federally or provincially and these will be respected by CORK.
- 5.4 CORK may disclose personal information to a government authority that has asserted its lawful authority to obtain the information or where CORK has reasonable grounds to believe the information could be useful in the investigation of an unlawful activity, or to comply with a subpoena or warrant or an order made by the court or otherwise as permitted by applicable law.

## **6. ACCURACY**

- 6.1 CORK shall strive to ensure that information entrusted to us is maintained in an accurate manner. CORK shall endeavour to ensure that decisions are not made for or about an individual based on inaccurate information.
- 6.2 CORK shall update information in the event of a renewal or registration and/or an update request.
- 6.3 CORK shall strive to ensure that personal information that is used on an ongoing basis is accurate and up-to-date, unless limits to the requirement for accuracy are clearly stated.

## **7. SAFEGUARDS**

- 7.1 Security safeguards shall be implemented to ensure to the best of CORK's abilities that personal information is protected from theft as well as unauthorized access, disclosure, copying, use, or modification thereof.
- 7.2 The level of safeguards shall be directly related to the level of sensitivity of the information collected. The more sensitive the information, the higher the level of security.
- 7.3 Methods of protection and safeguards shall include but not limited to locked files, offices, and storage areas, need-to-know access, as well as technological measures such as passwords and encryption.

## **8. OPENNESS**

- 8.1 CORK publicly discloses the methods by which we handle personal information through CORK's Privacy Policy, on CORK's website, or upon request by contacting CORK.

## **9. INDIVIDUAL ACCESS**

- 9.1 Subject to legislation, upon written request by the individual, CORK shall disclose whether or not it holds personal information on an individual. CORK shall disclose the source of this information when requested and provide an account of third parties to whom the information may have been disclosed.
- 9.2 CORK may request information to confirm an individual's identity before releasing their personal information.
- 9.3 An individual may be denied access to their personal information and upon refusal; CORK will inform the individual the reasons and the associated provisions of PIPEDA.

## **10. CHALLENGING COMPLIANCE**

- 10.1 An individual may challenge CORK's compliance with this policy and with PIPEDA by submitting a challenge in writing.
- 10.2 CORK has in place procedures for the resolution of grievances in the administration of its Privacy Policy (please reference CORK's Complaints Policy for a comprehensive description of this process).
- 10.3 Upon receipt of a complaint CORK shall acknowledge receipt of the complaint and make available the complaint procedures, which will be simple and easy to access.
- 10.4 CORK shall investigate all complaints. If the complaint is deemed justified, CORK shall take the appropriate steps to ensure that compliance is achieved and will make changes to its policies to allow for compliance in the future.

## **11. COOKIES**

- 11.1 Cookies are small text files that a web browser transfers to and from a hard drive for record keeping purposes. Cookies make life easier by saving passwords, purchases and preferences while at a site. The use of cookies is an industry standard and many major browsers are initially set up to accept them. A browser can be set up to either refuse or accept all cookies and to be notified when a cookie has been received. However, refusal to accept cookies, may mean that some features are not available on CORK's website.

## **12. APPROVAL AND REVIEW**

- 12.1 This Policy was approved by the CORK Board of Directors 2021-03-01 and will be reviewed every three years or as needed.

## **LINKS TO OTHER SITES**

Users should be aware that when you are on CORK's website, you could be directed to other sites. These include links from advertisers, sponsors, and partners. Their policies may not be the same as ours. While CORK strives to protect our users' personal information and privacy, we cannot guarantee the security of any information you disclose online on other sites and you do so at your own risk.

## **SECURITY VIOLATIONS**

Any employee who willingly violates our privacy policy is subject to disciplinary action, including possible termination or civil and/or criminal prosecution.

## **APPLICABLE LAW**

This policy is created by CORK in the province of Ontario, Canada. As such, the law of the province of Ontario will govern these disclaimers, terms, and conditions, without giving effect to any principles of conflicts of laws. We reserve the right to make changes to our policy and to these disclaimers, terms, and conditions at any time.

Approved 2021-02-08