

This Explanatory Note provides a practical “How to” guide for BC Summer Swimming Association (“BCSSA”) representatives responsible for the collection of completed BCSSA Athlete Registration Forms and the handling of the information therein. Individuals among this group include Regional Registrars, Club Registrars, Club Presidents, Head Coaches, members of the BCSSA Board of Directors, and BCSSA staff (hereafter referred to as “BCSSA Representatives”). These forms contain personal information about individual registrants of BCSSA Member Clubs (“Club Registrants”). As a result, the collection and handling of these forms and the information contained therein by BCSSA Representatives must be done in accordance with the BC Personal Information Protection Act (PIPA). BCSSA has developed its own Privacy Policy to ensure it meets its legal obligations under PIPA.

This Explanatory Note was developed at the direction of the BCSSA Board of Directors to provide guidance to BCSSA Representatives as to the processes and procedures that must be followed to ensure the commitments made in BCSSA’s Privacy Policy are met. All BCSSA Representatives who collect, compile, process, store or otherwise deal with personal information must be familiar with this Explanatory Note and follow the procedures outlined herein.

This Explanatory Note is organized in three parts. Part 1 provides background information on PIPA and a general description of the legal requirements it places on BCSSA and its Member Clubs. Part 2 describes how BCSSA and its Member Clubs comply with these requirements and, more specifically, the roles and responsibilities of certain individuals in fulfilling these requirements. Part 3 contains several case studies to illustrate the proper procedures to follow in situations involving the handling of personal information.



PART 1 - Background Information on PIPA

What is PIPA?

The BC *Personal Information Protection Act* (PIPA) came into effect on January 1, 2004. PIPA applies to all organizations in BC not subject to the federal privacy act or a public sector privacy act. The definition of "organization" includes not-for-profit organizations. Therefore, PIPA applies to the BCSSA and its Member Clubs.

Who is responsible for ensuring that personal information is protected?

The privacy laws indicate that organizations that collect personal information from individuals are responsible for the use and protection of that information. While BCSSA representatives collect the information for their respective Member Clubs, the information is ultimately forwarded to BCSSA and as such BCSSA becomes responsible for that personal information once it is in its possession. BCSSA must ensure that it has developed and implemented the appropriate practices and procedures governing the security of personal information in its possession. It must also ensure that a Privacy Officer has been appointed in accordance with the BCSSA Privacy Policy.

What are the Responsibilities of the Privacy Officer?

The Privacy Officer is responsible for encouraging compliance with PIPA, responding to requests for access to personal information, creating policies and procedures, staff training, and addressing complaints. The current Privacy Officer for BCSSA is Deanna Bogart.

What is "personal information"?

The definition of personal information is broad. For BCSSA purposes, the most relevant forms of personal information are: age, date of birth, gender, home address, home phone number, email address, ID numbers (including birth certificate number, Care Card number, social insurance number), and health information (including conditions, medications and blood type).

What personal information is covered by PIPA?

PIPA applies to personal information that is collected, used or disclosed in the course of any activity. This includes information collected by an organization about its members for the general purposes of providing services to its members.

What is not "personal information"?

Information that is publicly available is not considered to be personal information. Non-personal information includes a person's name, business title, business address, business email address and business phone number (commonly referred to as "business card information").

PART 2 – BCSSA's Privacy Policy

Why does BCSSA collect personal information from Club Registrants?

The personal information obtained through the completed BCSSA Athlete Registration Forms is collected for the purposes of allowing BCSSA and its Member Clubs to verify identity, register Club Registrants, distribute BCSSA information, and provide administrative and competitive functions.

How is personal information collected by BCSSA?

Personal information is collected annually through registrants' completion and submission of BCSSA Athlete Registration Forms. If you are a BCSSA Representative responsible for collecting these forms, you are assisting BCSSA and its Member Clubs to collect personal information. The BCSSA Athlete Registration Form has been developed to ensure that the requirements of PIPA are met. More specifically, it limits the amount and type of information collected to what is necessary for BCSSA and its Member Clubs to fulfil the purposes listed above.

In addition to the BCSSA Athlete Registration Form, some Member Clubs have in the past required Club Registrants to complete other club forms which solicit the same and in some cases additional personal information. The collection of additional personal information should be discouraged unless it is reasonably necessary for the purposes for which BCSSA collects personal information. Where the collection of additional personal information is necessary, the same procedures and policies outlined in this Explanatory Note apply to those additional forms.

As a BCSSA Representative responsible for handling completed BCSSA Athlete Registration Forms, your role in the initial collection of the information is to ensure that:

- completed forms contain only the personal information that is necessary to complete the form;
- proof of age through the verification of a Care Card or Birth Certificate is done visually and not through photocopies, scanning or the recording of numbers from these cards; and
- upon request, any Club Registrant is advised of the purposes (as listed above) to which BCSSA and its Member Clubs put the personal information.

Does BCSSA require consent to collect this personal information?

BCSSA may only collect, use or disclose personal information if the person has given consent (either written or implied). In the case of the BCSSA Athlete Registration Form, consent can be implied because the purposes to which the personal information sought is being put are obvious to a reasonable person and the information is being provided voluntarily. While consent can be implied, the BCSSA Athlete Registration Form goes further and actually seeks express consent from Club Registrants. The Form contains the following paragraph as to that consent:

"The [enter name of Member Club] collects, uses and discloses your personal information for the purposes of verifying identity, registering swimmers, distributing BCSSA information, and fulfilling administrative and competitive functions of the aquatic programs within the BCSSA and its Member Clubs. It is a requirement of registration that the information be provided and, that it will only be used for the purposes indicated or purposes reasonably related. By your signature of this form you signify your consent to the collection, use and disclosure of your personal information to BCSSA and its Member Clubs in accordance with BCSSA's Privacy Policy."

As a BCSSA Representative whose responsibilities include handling completed BCSSA Athlete Registration Forms, your role in the consent process is to ensure that:

- the completed forms are only collected directly from the Club Registrant (or his or her Parent/Guardian);
- the Club Registrant (or his or her Parent/Guardian) has reviewed and completed the form; and
- the Club Registrant (or his or her Parent/Guardian) has signed and dated the form.

To what uses can BCSSA put the personal information it collects?

BCSSA and its Member Clubs can only use or disclose personal information for the purposes identified above or for a purpose reasonably related to those purposes. Reasonably related purposes may include correspondence on matters relating to fundraising, conducting surveys in order to enhance the provision of services, or providing notification about products or services related to swimming, water polo, synchronized swimming, or diving that may be of interest to Club Registrants. BCSSA and its Member Clubs cannot disclose or use personal information for an unrelated purpose unless consent to do so is obtained.

As a BCSSA Representative, your role in ensuring that personal information is used appropriately is to:

- ensure you correctly understand the purposes for which BCSSA collects personal information;

- only use personal information for those purposes;
- if uncertain of whether a use is reasonably related, contact the BCSSA Privacy Officer for assistance, and
- never provide a Club Registrant's personal information to anyone outside the BCSSA organization.

With whom can BCSSA share personal information?

BCSSA and its Member Clubs may disclose personal information to its agents or affiliated organizations in order to provide the services that BCSSA and its Member Clubs provide to Club Registrants. If either BCSSA or its Member Clubs provides personal information to its agents or affiliated organizations, then it must ensure that the agent or affiliated organization abides by the BCSSA Privacy Policy. The decision as to whether or not information should be shared with non-BCSSA Representatives, including agents and affiliated organizations, rests with the BCSSA Privacy Officer.

As a BCSSA Representative, your role in ensuring that personal information is not improperly disclosed to a third party is:

- to only share personal information with other BCSSA Representatives; and
- to contact the BCSSA Privacy Officer immediately if you are asked by someone who is not a BCSSA Representative to provide a Club Registrant's personal information.

How does BCSSA ensure that personal information is kept safe?

BCSSA and its Member Clubs are required to ensure the security of personal information in order to protect it from unauthorized access, collection, use, disclosure, copying, modification, disposal or similar risks. A key component of this security is ensuring, where and when possible, that the information is kept in a single, secured location. To accomplish this, the compilation, handling and storing of completed BCSSA Athlete Registration Forms will be done as follows:

- From the commencement of the registration season, Member Clubs (through their respective BCSSA Representatives) will collect and temporarily store completed forms in a secure location;
- on the second Thursday in July (being the final day for registration in Regional and Provincial meets), all Member Clubs will forward all completed forms to their Regional Registrar;
- the Regional Registrars will then forward all completed forms by registered mail to BCSSA's Office Manager in Vancouver;

- BCSSA will keep a log to ensure that each Member Club through their Regional Registrar has sent its completed forms by the required date; and
- once received, BCSSA's Office Manager will keep all completed forms in a locked filing cabinet.

As a BCSSA Representative, your role in safeguarding completed forms is to ensure that:

- all completed forms in Member Club's possession are kept in a single location;
- the location in question is secure in that it is not readily accessible by the public;
- access to the completed forms is limited to BCSSA Representatives;
- no photocopies or scans of the forms are made while in your possession;
- on the second Thursday in July (being the final day for registration in Regional and Provincial meets), all Member Clubs forward all completed forms to their Regional Registrar; and
- the Regional Registrars then forward all completed forms by registered mail to BCSSA's Office Manager in Vancouver.

In addition to the completed forms, BCSSA Representatives are also responsible for inputting personal information into HY-TEK software. The BCSSA Privacy Policy continues to apply to the personal information when in electronic form. As a result, BCSSA Representatives must take steps to safeguard the electronic information.

As a BCSSA Representative, your role in safeguarding the security of the personal information entered into HY-TEK software is to ensure that:

- where possible, computer safeguards such as a separate computer profile or a password are used;
- access to HY-TEK files is limited to BCSSA Representatives;
- where possible, a secured internet connection is used when sending HY-TEK files to other BCSSA Representatives;
- a copy of all HY-TEK files is sent to Regional Registrar, who will then forward to BCSSA's Office Manager in Vancouver on the second Thursday of July; and
- HY-TEK files (and any emails whereby a HY-TEK file was attached) are deleted from your computer once you are no longer a BCSSA Representative.

How long does BCSSA keep a Club Registrant's personal information?

Generally, BCSSA will keep completed BCSSA Athlete Registration Forms (and other Member Club forms) for up to 24 months. BCSSA may keep completed forms longer if necessary to satisfy the purposes for which the information was collected. At the end of this period, BCSSA's Office Manager will ensure that all completed forms are destroyed.

Any additional "club forms", which are not submitted to BCSSA shall be retained by the Club Registrar for a period of up to one year or for as long as necessary to fulfill the purposes for which the information was collected. BCSSA recommends that "club forms" be destroyed at the conclusion of the swim season.

As to electronic versions of personal information (such as information entered into HY-TEK files), generally, Member Clubs may keep limited personal information in the HY-TEK files indefinitely, however only the following information can be stored in HY-TEK: name, gender, birth date, postal code, email address & BCSSA number. No other information shall be retained after the individual ceases to be a Club Registrant. Member Clubs may keep electronic versions of personal information longer if necessary to satisfy the purposes for which the information was collected.

As part of the society's records, BCSSA's Office Manager will retain an electronic record of information relating to all Club Registrants for a given year, but the information therein will be limited to name and limited contact information.

As a BCSSA Representative, you do not need to worry about the destruction of the forms once they have been delivered to BCSSA's Office Manager. You do have a responsibility to ensure that an individual's personal information is limited in the HY-TEK files and only the information mentioned above is retained.

How can a Club Registrant change or verify the personal information in BCSSA's possession?

Club Registrants may change or request a correction of their personal information in BCSSA or a Member Club's possession. Simple changes of address, telephone number and email can be done through the Member Club. The Member Club should first make the necessary change in its records and second, communicate the change to BCSSA's Provincial Office.

More fulsome requests to change personal information should be made in writing and should provide sufficient detail to identify the personal information and correction or change being sought. Where the change in question involves more than a simple change in contact information, requests should be dealt with by the BCSSA Privacy Officer.

As a BCSSA Representative, your role in ensuring the accuracy of personal information is:

- to ensure that a Club Registrant (or their Parent/Guardian) has signed the BCSSA Athlete Registration Form certifying that the personal information provided is correct to the best of the person's knowledge;
- where a request is made to make a simple change to a person's contact information, to make the necessary change at the Member Club level, and communicate the change to BCSSA's Provincial Office;
- where a request is made to make a fulsome change to a person's contact information, advise the Club Registrant that the request must be made in writing and forwarded to the BCSSA Privacy Officer;
- to provide individuals the name and contact information for the BCSSA Privacy Officer; and
- to forward any written requests to change or correct personal information to the Privacy Officer.

Can Club Registrants access their personal information?

This section deals with situations where a Club Registrant wants to see all of the personal information that BCSSA and its Member Clubs have on him or her and/or wants to know with whom it has been shared. Generally, Club Registrants have a right to access their personal information. All requests for access must be made by the individual in question (or their Parent or Guardian), and submitted in writing to the BCSSA Privacy Officer. BCSSA and its Member Clubs will make the requested information available within 30 business days, or provide written notice of an extension where additional time is required to respond to the request. A fee may be charged for providing the access. Where a request is refused, the BCSSA Privacy Officer will provide reasons.

As a BCSSA Representative, your role is:

- to advise Club Registrants that requests to access their personal information must be done in writing and submitted to the BCSSA Privacy Officer;
- to provide individuals the name and contact information for the BCSSA Privacy Officer; and
- to forward any written requests received directly to the BCSSA Privacy Officer.

How does BCSSA deal with questions and complaints about the handling of personal information?

The BCSSA Privacy Officer is responsible for encouraging compliance with the Privacy Policy and PIPA. All complaints, concerns or questions regarding the BCSSA Privacy Policy should be directed in writing to the BCSSA Privacy Officer.

As a BCSSA Representative, your role is:

- to advise individuals that any concerns, questions or complaints involving the BCSSA Privacy Policy must be done in writing and submitted to the BCSSA Privacy Officer;
- to provide individuals the name and contact information for the BCSSA Privacy Officer; and
- to forward any written requests received directly to the BCSSA Privacy Officer.

PART 3 – Case Studies

As a BCSSA Representative, you play an important role in ensuring that BCSSA and its Member Clubs meet the commitments set out in the BCSSA Privacy Policy and consequently, comply with PIPA. Depending on your actual role as a BCSSA Representative, you may be responsible for satisfying the obligations of a Member Club or of the Regional Registrar. As such, and in summary, you may be responsible for:

- understanding the purposes for which BCSSA collects personal information, and only put that information to those uses or uses reasonably related (both Member Clubs and Regional Registrars);
- ensuring personal information is not provided to anyone outside the BCSSA organization (both Member Clubs and Regional Registrars);
- forwarding all requests for personal information from outside the BCSSA organization to the BCSSA Privacy Officer (both Member Clubs and Regional Registrars);
- ensuring that all completed BCSSA Athlete Registration Forms contain only the information requested and that no copies of Care Cards, Birth Certificates or other documentation are taken or retained (Member Clubs);
- ensuring that all completed BCSSA Athlete Registration Forms are completed, and signed by Club Registrants (or Parents or Guardians) and collected directly from them (Member Clubs);
- ensuring that if your Member Club is using additional forms to collect personal information, the information collected therein is limited to what is necessary to fulfill the purposes for which BCSSA and its Member Clubs collect the information (Member Clubs);
- safeguarding completed BCSSA Athlete Registration Forms (and other Member Club forms) by keeping them in a single, secure location whereby access is limited to BCSSA Representatives and ensuring that no photocopies or scans of the forms are made while in your possession (both Member Clubs and Regional Registrars);
- sending all BCSSA Athlete Registration Forms (and any other Member Club forms) on the second Thursday in July to your Regional Registrar, who will forward them by registered mail to BCSSA's Office Manager (Member Clubs);
- safeguarding personal information entered into HY-TEK software by using limiting access to the HY-TEK file to BCSSA Representatives, and where possible, using appropriate computer safeguards such as separate computer profiles, passwords and secured internet connections (both Member Clubs and Regional Registrars);
- sending a copy of the HY-TEK file to BCSSA Provincial Office on the second Thursday in July (Regional Registrars);
- after an individual ceases to be a Club Registrant, limiting his or her personal information to name, gender, birthday, postal code, email and BCSSA number in HY-TEK files on your computer unless it is necessary to keep that information longer in order to fulfill the purposes for which it was collected (Member Clubs);

- deleting all HY-TEK files on your computer when you are no longer a BCSSA Representative (both Member Clubs and Regional Registrars);
- dealing with simple requests for changes to personal information (i.e. change in contact information) and communicating those to BCSSA's Provincial Office (Member Clubs);
- referring more fulsome requests to change, verify or access personal information to the BCSSA Privacy Officer (Member Clubs);
- referring any requests to access a Club Registrant's full file (i.e. all personal information on file and with whom it has been shared) to the BCSSA Privacy Officer (Member Clubs); and
- referring any complaints, concerns, or questions about the BCSSA Privacy Policy to the BCSSA Privacy Officer (Member Clubs).

The following case studies provide some practical examples of situations you may face as a BCSSA Representative and the proper course of action you should take when faced with them.

Case Study #1 – Request from a swimming merchandiser

You have been contacted by a sport merchandiser who is having a large warehouse sale and would like to offer your members 50% off swimming merchandise. The merchandiser requests copies of your Club Registrants' contact information (address and email) so it can send them a flyer for the warehouse sale.

Should you provide the requested information?

No, you have a responsibility to ensure that Club Registrants' personal information in your possession is not provided to persons who are not BCSSA Representatives.

What can you do instead?

Appropriate ways of handling this situation would include having the merchandiser provide you with some copies of the flyer to hand out at the next swim meet, or having the merchandiser send you the information so that you can then forward it on to Club Registrants.

Case Study #2 – Complaint from a Parent

You have received a complaint from a parent that her young child received a telephone call at home from a swimming merchandiser. The parent would like to know how the swimming merchandiser got her telephone number.

What should you do?

Do not speculate about how the merchandiser may have got the child's personal information. Do refer the parent to BCSSA's commitment not to provide personal information to third parties as per the BCSSA Privacy Policy. Do advise the parent that she can raise any concerns she has with the BCSSA Privacy Officer. Do provide her the contact information for the BCSSA Privacy Officer. If appropriate, advise/alert the Privacy Officer as to the circumstances relating to the inquiry and the possibility that the Privacy Officer may be contact by the parent.

Case Study #3 – Clarification of Primary Guardian after a Divorce

You have been approached by a parent of a child who is a member of your club. The parent has advised you that he or she has recently been divorced from the child's other parent, and has requested that he or she be listed as the guardian for purposes of communication with BCSSA and/or the Member Club.

What should you do?

Ask the parent to confirm this request in writing to the Club Registrar. Once the written request is received, update your HY-TEK database (including any email or mailing lists) to list only the guardian.

If you feel there is an issue regarding this request, contact the Privacy Officer for assistance.

Original Document Date: March 8th, 2013

Reference: January 2013 Board Minutes
