



ATHLETIC CENTRE FOR TRAINING THROUGH SPORTS INC.

PRIVACY POLICY

Dated: Feb 2004

ATHLETIC CENTRE FOR TRAINING THROUGH SPORTS INC. **PRIVACY POLICY**

ATHLETIC CENTRE FOR TRAINING THROUGH SPORTS INC. and **PRETTY RIVER INVESTMENTS INC.** (collectively referred to as “ACTS”) recognizes that an individual’s right to privacy is an essential issue. We understand the importance in maintaining anonymity and protecting personal information in our care and control. Our relationships with those that use our services and facilities is founded on trust and we are committed to maintain this trust.

For these reasons, our privacy policy (the “Privacy Policy”) provides all the safeguards as standardized in the *Personal Information Protection and Electronic Documents Act, 2001, c. 5* (the “*PIPEDA*”). It confirms our dedication to protecting privacy and maintaining the trust that individuals have placed in ACTS. This Privacy Policy is our guarantee that we will maintain the confidentiality and privacy of the personal information entrusted to us.

A. AN OVERVIEW

1. WHAT THIS POLICY COVERS

This Privacy Policy applies to personal information about identifiable ACTS members and attendees that is collected, used or disclosed by ACTS.

This Privacy Policy will not apply to the collection, use or disclosure of the following information:

- a) personal information that is aggregated in such a manner that it cannot be connected to a person; therefore any personal information that has been anonymized will not fall under the protection of the *PIPEDA*;
- b) personal information consisting of the name, address and telephone number of a subscriber that appears in a telephone directory that is available to the public, where the subscriber can refuse to have the personal information appear in the directory;
- c) the name, title, business address, e-mail address or telephone number of an employee of ACTS; or
- d) information that is publicly available and is specified by regulation pursuant to the *PIPEDA*.

2. PERSONAL INFORMATION COLLECTED BY ACTS

Personal information that may be collected, used or disclosed by ACTS includes but is not limited to the following:

Name	Employment Information
Age	Address
Date of Birth	Payment and Banking Information
Gender	User Names, passwords and PIN numbers
Driver's License Numbers	Credit Card Information
Special Needs	

3. GUIDELINES FOR INTERNET/ WEBSITE USERS

ACTS does not collect identifying information about visitors to our website. We may collect non-identifying information about our visitors in order to create summary statistics and to determine the level of interest in information available on our site. This information would include such items as the date and time our site was accessed and the web browser used. ACTS collects information about user's site usage through the use of cookies and through our server log files, including IP Addresses. Our website does not link IP Addresses to any personally identifiable information. In some cases, users' non-personal information may be automatically collected through the standard operation of ACTS' internet servers or through the use of "cookies". A cookie is a small piece of data that is sent to user's Internet browser from a web served and stored on user's computer's hard drive. A cookie cannot read data from a computer hard disk or read cookie files created by other websites. Cookies will not damage a computer system. ACTS uses cookies to identify which areas of ACTS' website users have visited or customized; so the next time user's visit those pages they may be readily accessible. User's can choose whether to accept cookies by changing the setting of their Internet browser.

In addition, ACTS may permit third parties to offer users subscriptions and / or registration-based services through our website. In such situations, ACTS cannot be responsible for the actions or policies of such third parties. It is advised that users should check the applicable privacy policy of each third party when providing any personal information or even when simply visiting a website of a third party. Please note that ACTS cannot control or prevent the use of cookies or any information obtained through such cookies by third parties. If users do not want information collected through the use of cookies, users should take the appropriate steps to change the setting of their Internet browser.

Please be advised that information voluntarily disclosed online in discussion areas or other public areas of our website can be collected, used and disclosed by third parties. Any submissions made to discussion areas or other public areas on our website are done at the user's risk and on the understanding that such information may be accessible to third parties. ACTS will not be liable or held responsible for any damages that may result from such user activity.

4. HOW PERSONAL INFORMATION IS MAINTAINED

ACTS does not sell, barter, trade or give away personal information to third parties. For example, we do not provide our member lists to other organizations regardless of how similar their services may be to ours. By coming to ACTS, members and attendees have confirmed their commitment to our services. If members and attendees wish to obtain services from other organizations, then this is a personal decision to be made by them. We will not intervene in members and attendees decision by providing their personal information to such organizations.

ACTS stores and maintains personal information in conformity with the requirements of the *PIPEDA*.

B. DEFINITIONS

To assist in understanding this Privacy Policy, ACTS has set out some basic definitions to use when reading and interpreting the principles below:

Attendee: an individual who is not a member, but uses services or facilities offered by ACTS.

Collection: obtaining personal information from any source, including third parties, by any means.

Consent: the granting of voluntary permission regarding the collection, use and disclosure of personal information for defined purposes. Consent can be either express or implied.

Disclosure: to make known personal information to a third party.

Personal Information: information about an identifiable individual, but does not include the name, title, or business address or telephone number of an employee of ACTS.

Use: the treatment, handling and management of personal information by and within ACTS.

C. APPLICATION OF THE CODE

There are ten principles that form the basis of this Privacy Policy. These principles are interrelated and ACTS shall adhere to them as a whole. As permitted by the *PIPEDA* and its regulations, the commentary in ACTS' Privacy Policy may be tailored to reflect personal information issues specific to ACTS.

ACTS applies the ten principles of the Code as follows:

1. ACCOUNTABILITY

ACTS is responsible for the personal information collected and maintained by it and which is under its control. In order to fulfill this responsibility, ACTS has designated its PROJECT MANAGER as Chief Privacy Compliance Officer accountable for ACTS' compliance with the Privacy Policy.

- 1.1 ACTS has established a Privacy Office headed by the Chief Privacy Compliance Officer that has the responsibility for ensuring compliance with the provisions of ACTS' Privacy Policy. The Privacy Office has been established to ensure that members and attendees have a designated avenue to direct their privacy-related inquiries. The Privacy Office shall designate one or more Privacy Officers to be accountable for day-to-day compliance with ACTS' Privacy Policy. The Privacy Office may delegate such authority to other persons within ACTS to act on behalf of the designated Privacy Officers or take responsibility for the collection and processing of personal information.
- 1.2 ACTS has taken the following measures to ensure compliance with this Privacy Policy:
- a) developed procedures to protect personal information;
 - b) developed procedures to receive and respond to complaints and inquiries;
 - c) trained our staff about our policies and practices respecting personal information; and
 - d) developed and distributed information to our staff and the general public explaining our policies and procedures respecting personal information.
- 1.3 To ensure that all personal information that is transferred by ACTS to third parties on the consent of the member or attendee is protected, ACTS enters into legal agreements with all third parties who use personal information collected by us. These legal agreements seek to ensure that these third parties employ comparable levels of control over this personal information.
- 1.4 ACTS shall make known, upon request, the name of the person or persons designated by the Privacy Office with the responsibility of ensuring ACTS' day-to-day compliance with its Privacy Policy.

2. IDENTIFYING PURPOSES FOR WHICH PERSONAL INFORMATION IS BEING COLLECTED

ACTS is committed to openness regarding its collection of personal information. ACTS shall identify the purposes for which personal information is collected at or before the time the information is collected.

- 2.1 ACTS **only** collects personal information for the following limited purposes:
- i) **To establish and maintain records in order to provide services to:**
 - a) **Members and prospective members of ACTS;**
 - b) **Attendees at ACTS youth camps;**
 - c) **Attendees at ACTS adult camps;**
 - d) **Attendees at ACTS facilities;**
 - e) **Attendees at ACTS specialized fitness programs;**
 - f) **Attendees at ACTS childcare facilities;**

- ii) To establish and maintain our mailing lists; and**
- iii) To enter and fulfill transactions.**

- 2.2 ACTS shall specify either orally, electronically or in writing the identified purposes to the members or attendees, at or before the time personal information is collected. Upon request, persons collecting personal information shall explain these identified purposes or refer the individuals to the Privacy Officers who shall explain the purposes.
- 2.3 ACTS shall not use or disclose for any new purposes, personal information that has been collected from members or attendees without first identifying and documenting the new purposes and obtaining the prior consent of the members or attendees unless required to by law.
- 2.4 Furthermore, if any member or attendee wishes to be advised of the personal information we have related to them, they can contact us at the address set out in Section D below.

3. CONSENT

ACTS is committed to ensuring that members and attendees are aware of how their personal information is used. ACTS is dedicated to obtaining the consent of members and attendees who provide us with their personal information. To this end, all our employees, personnel or agents are instructed to provide information about how we use personal information to all interested individuals who inquire, as well as obtain the consent of those who provide their personal information.

- 3.1 In obtaining consent, ACTS shall use reasonable efforts to ensure that a member or attendee is advised of the identified purposes for which personal information collected will be used or disclosed. ACTS shall state the identified purposes in a manner that can be reasonably understood by the members and attendees.
- 3.2 ACTS shall seek consent to use and disclose personal information at the same time it collects the information. However, if ACTS decides to use personal information of a member or attendee for a new purpose, ACTS shall obtain consent from the member or attendee before the personal information is used or disclosed for a new purpose.
- 3.3 ACTS will only require members and attendees to consent to the collection, use or disclosure of personal information as a condition to ACTS providing products or services to the member or attendee, if such collection, use or disclosure is required in order to fulfill the identified purposes.
- 3.4 As well, we may periodically request written confirmation from members and attendees to ensure that the personal information collected and maintained by us is up-to-date and accurate. We also may ensure that we have continuing consent to the use and retention of personal information.

- 3.5 In determining the appropriate form of consent, ACTS shall take into account the sensitivity of the personal information and the reasonable expectations of the member or attendee. For sensitive information, ACTS will obtain express written consent at or before the time of collection.
- 3.6 ACTS may collect personal information without the knowledge and consent of the individual under the following circumstances:
- a) where such collection is clearly in the interests of the individuals, and consent cannot be obtained in a timely manner;
 - b) where it is reasonable to expect that collection of the personal information with the knowledge or consent of the individual would compromise the availability or the accuracy of the information, and the collection is reasonable for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province;
 - c) where such collection is solely for journalistic, artistic or literary purposes; or
 - d) such personal information being collected is publicly available and is specified by the regulations.
- 3.7 ACTS may use personal information without the knowledge and consent of the individual under the following circumstances:
- a) where in the course of its activities, ACTS becomes aware of information that it has reasonable grounds to believe could be useful in the investigation of a contravention of the laws of Canada, a province or a foreign jurisdiction that has been, is being or is about to be committed, and the information is used for the purpose of investigating that contravention;
 - b) where the personal information is used for the purpose of acting in respect of an emergency that threatens the life, health or security of an individual;
 - c) where the personal information is used for statistical or scholarly study or research – purposes that cannot be achieved without using the information; the information is used in a manner that will ensure its confidentiality; it is impracticable to obtain consent; and the organization informs the Privacy Commissioner of the use before the information is used;
 - d) where the personal information being collected is publicly available and is specified by the regulations; or
 - e) where the personal information was collected under a) or b) of the paragraph relating to collection without consent.
- 3.8 ACTS may disclose personal information without the knowledge and consent of the individuals under the following circumstances:

- a) where the disclosure is being made to, in the Province of Quebec, an advocate or notary or, in any other province, a barrister or solicitor who is representing ACTS;
- b) for the purpose of collecting a debt owed by the individual to ACTS;
- c) where the disclosure is required to comply with a subpoena or warrant issued or an order made by a court, person or body with jurisdiction to compel production of information, or where the disclosure is required to comply with rules of court relating to the production of records;
- d) where the disclosure is being made to a government institution or part of a government institution that has made a request for the information, identified its lawful authority to obtain the information and indicated that:
 - i) it suspects that the information relates to national security, the defence of Canada or the conduct of international affairs,
 - ii) the disclosure is requested for the purpose of enforcing any law of Canada, a province or a foreign jurisdiction, carrying out an investigation relating to the enforcement of any such law or gathering intelligence for the purpose of enforcing any such law, or
 - iii) the disclosure is requested for the purpose of administering any law of Canada or a province;
- e) where the disclosure is being made on the initiative of the organization to an investigative body, a government institution or part of a government institution and the organization
 - i) has reasonable grounds to believe that the information relates to a breach of an agreement or a contravention of the laws of Canada, a province or a foreign jurisdiction that has been, is being or is about to be committed, or
 - ii) suspects that the information relates to national security, the defence of Canada or the conduct of international affairs;
- f) where the disclosure is being made to a person who needs the information because of an emergency that threatens the life, health or security of an individual and, if the individual whom the information is about is alive, the organization informs that individual of the disclosure in writing and without delay;
- g) for statistical or scholarly study or research purposes that cannot be achieved without disclosing the information, if it is impracticable to obtain consent and the organization informs the Commissioner of the disclosure before the information is disclosed;

- h) where the disclosure is being made to an institution whose functions include the conservation of records of historic or archival importance, and the disclosure is made for the purpose of such conservation;
- i) where the disclosure is being made after the earlier of
 - i) one hundred years after the record containing the information was created, and
 - ii) twenty years after the death of the individual whom the information is about;
- j) where the disclosure is of information that is publicly available and is specified by the regulations;
- k) where the disclosure is being made by an investigative body and the disclosure is reasonable for the purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province; or
- l) where the disclosure is required by law.

3.9 A member or attendee may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. Members and attendees may contact ACTS at the address set out in Section D below for more information.

3.10 Please be advised that at no time do members or attendees relationship with ACTS require that they provide us with personal information if they do not wish to do so.

Note: In certain circumstances personal information can be collected, used or disclosed without the knowledge and consent of the individuals. For example, legal, medical or security reasons may make it impossible or impractical to seek consent. When information is being collected for the detection and prevention of fraud or for law enforcement, seeking the consent of the individual might defeat the purpose of collecting the information. Seeking consent may be impossible or inappropriate when the individual is a minor, seriously ill, or mentally incapacitated. In addition, organizations that do not have a direct relationship with the individual may not always be able to seek consent. For example, seeking consent may be impractical for a charity or a direct marketing firm that wishes to acquire a mailing list from another organization. In such cases, the organization providing the list would be expected to obtain consent before disclosing personal information. (Clause 4.3 of Schedule 1 of the Act)

4. LIMITING COLLECTION

ACTS limits the collection of personal information only to that information that is necessary for the limited purposes noted above. In addition, ACTS is committed to collecting personal information in a fair, open and lawful manner. For this reason, ACTS does not indiscriminately collect personal information. We collect personal information to fulfill the above-noted purposes only, and for no other purposes.

5. LIMITING USE, DISCLOSURE AND RETENTION

ACTS does not use personal information for purposes other than those for which it was originally collected, unless it has first obtained the consent of the person from whom such information was received or if required to do so by law. We retain personal information only for as long as it is needed and only for the fulfillment of the purposes for which it was originally collected or as required by law.

- 5.1 Only those ACTS staff and employees whose duties reasonably so require, are granted access to personal information about members and attendees.
- 5.2 ACTS will only keep personal information only as long as it remains necessary or relevant for the identified purposes or as required by law. Depending on the circumstances where personal information has been used to make a decision about a member or attendee, ACTS shall retain, for a period of time that is reasonably sufficient to allow for access by the member or attendee, either the actual information or the rationale for making the decision.
- 5.3 ACTS will destroy, erase or make anonymous any personal information that is no longer necessary or relevant for the identified purposes or required to be retained by law. Nevertheless, ACTS shall maintain reasonable and systematic controls, schedules and practices for the retention and destruction of personal information.

6. ACCURACY

ACTS is committed to maintaining accurate, complete and up-to-date personal information. If members or attendees are aware of changes to their personal information given to us, simply inform us of the changes and we will update our records accordingly.

The personal information that is collected by ACTS is processed and maintained in Orangeville, Ontario. Members and attendees may check and correct their personal information by contacting the Privacy Office assigned to oversee the day-to-day care and control of personal information by writing or emailing their request to the address set out in Section D below.

- 6.1 Personal information used by ACTS shall be as accurate, complete and up-to-date as is necessary for the purposes for which it is to be used and to minimize the possibility that inappropriate or incorrect information may be used to make a decision about a member or attendee.
- 6.2 ACTS shall not routinely update personal information. ACTS shall update personal information about members and attendees as and when necessary to fulfill the identified purposes or upon receiving notification by the individual.

7. SAFEGUARDS

ACTS has developed and implemented security safeguards commensurate to the level of sensitivity of the information.

- 7.1 ACTS shall implement security safeguards to protect personal information against such risks as theft or loss, unauthorized access, copying, use, modification or destruction.

- 7.2 ACTS shall protect personal information with physical security measures, such as locked cabinet storage and restricted access to areas where personal information is stored.
- 7.3 ACTS shall protect personal information with internal employee security measures, including restricted computer access, employee confidentiality agreements, and limited access to where personal information is stored. ACTS will also ensure that any of our employees who deal with personal information are properly trained and are aware of the necessary and appropriate measures required to protect personal information.
- 7.4 ACTS will use security safeguards, including password and encryption security measures, to prevent unauthorized access to personal information stored on computer systems.
- 7.5 ACTS shall protect personal information when disclosing it to third parties by stipulating the confidentiality of the information and the purposes for which it is to be used in contractual agreements. In entering into these legal agreements, we do not transfer any interest in this personal information to third parties. Rather, the purpose of these legal agreements is to ensure that the personal information delivered to third parties is maintained at a level of security equal to that provided by ACTS under this Privacy Policy.
- 7.6 Any personal information kept by ACTS is disposed of or destroyed once it is no longer needed to meet the purposes for which it was collected. ACTS will ensure appropriate measures regarding the destruction or disposal of personal information so as to prevent unauthorized parties from gaining access to the personal information.

8. OPENNESS

ACTS makes information about its policies and practices respecting the collection and maintenance of personal information available to all interested parties.

We are pleased to answer any questions that an individual may have regarding the collection and maintenance of personal information. Please forward any questions in writing or email to the address set out in Section D below.

- 8.1 ACTS, through its Privacy Policy, has made information about its policies and practices easy to understand by including:
 - a) the title and address of the person or persons accountable for ACTS' compliance with the Privacy Policy and to whom inquiries or complaints can be forwarded;
 - b) the means of gaining access to personal information held by ACTS; and
 - c) a description of the type of personal information held by ACTS including a general account of its use.

9. INDIVIDUAL ACCESS

Upon request, ACTS shall inform a member or attendee of the existence, use and disclosure of his or her personal information and shall give the individual access to that information. A member or attendee shall be able to challenge the accuracy and completeness of their personal information and have it amended as appropriate.

- 9.1 When an individual has inquired as to whether personal information concerning him or her has been collected, used or disclosed, ACTS may require that the individual provide sufficient information to allow ACTS to provide an account of the existence, use and disclosure of personal information. However, the information provided in response to ACTS' request shall only be used for the purpose of providing the account. Please forward a request in writing or e-mail to the address set out in Section D below.
- 9.2 Upon written request, we will inform the individual if we have any of their personal information in our care and control, as well as providing them with the details of such personal information. In responding to requests, ACTS may charge a nominal fee. If we are unable to provide an individual with access to all of the personal information, then the reasons for the denial of access will be provided.
- 9.3 Upon request, ACTS shall provide an account of the use and disclosure of personal information and, where reasonably possible, shall state the source of the information. In providing an account of disclosure, ACTS shall provide a list of organizations to which it may have disclosed personal information.
- 9.4 We are also committed to ensuring that the personal information that is collected and maintained by us is correct, accurate and complete.
- 9.5 In certain situations, ACTS may not be able to provide access to all of the personal information that it holds of a member or attendee. Exceptions include but are not limited to personal information that is prohibitively costly to provide, information that contains references or identifies the personal information of other individuals, information that cannot be disclosed for legal, security or commercial proprietary reasons or information that is subject to solicitor-client or litigation privilege. ACTS shall provide the reasons for denying access upon request.
- 9.6 As well, members and attendees can challenge the completeness of their personal information under our care and control. Where a member or attendee can successfully demonstrate that an error in the accuracy or completeness of their personal information exists, we will amend their personal information appropriately. Any unresolved differences to accuracy or completeness shall be noted in their file. Where appropriate, ACTS shall transmit to third parties having access to the personal information in question any amended information or the existence of any unresolved differences.

10. CHALLENGING COMPLIANCE

As noted above, ACTS has designated a Privacy Officer who is responsible for the day-to-day care and control of personal information. This Privacy Officer will receive and respond to all information requests regarding our privacy policies or about members' and attendees' personal information under our care and control. Equally, if a member or attendee wishes to be added or removed from any of the lists that ACTS maintains, please write or email a request to the Privacy Office.

- 10.1 A member or attendee shall be able to address a challenge concerning compliance with the above principles to the Privacy Officer accountable for ACTS' compliance with this Privacy Policy.
- 10.2 ACTS shall put procedures in place to receive and respond to complaints or inquiries about its policies and practices relating to the handling of personal information.
- 10.3 ACTS shall inform members and attendees about the existence of these procedures as well as the existence of relevant complaint procedures.
- 10.4 The Privacy Officer accountable for compliance with ACTS' Privacy Policy reserves the right to seek legal advice where appropriate before providing a final response to individual complaints.
- 10.5 ACTS shall investigate all complaints received and will respond in writing in a timely manner. If a complaint is found to be justified, then we will take appropriate measures to resolve the matter including, if necessary, amending our policies and proceedings.

D. HOW TO ADD, REMOVE OR AMEND PERSONAL INFORMATION

If, at any time, members or attendees wish to amend their personal information with ACTS, simply inform us in writing at:

Athletic Centre for Training Through Sports Inc.
Attention: Privacy Office
R. R. #5
Orangeville ON L9W 2Z2

or by e-mail to: swe@actsathletics.com

Please note that further information can be obtained as well as a copy of the *PIPEDA* through the Privacy Commissioner of Canada's web site at www.privcom.gc.ca

E. CHANGES TO PRIVACY POLICY

ACTS reserves the right to modify or remove this Privacy Policy at our discretion and without notice.