

## **Frequently Asked Questions: Minor Sports Associations**

The Office of the Information and Privacy Commissioner (“OIPC”) often receives calls from minor sports associations asking whether and how Alberta’s *Personal Information Protection Act* (“PIPA” or “the Act”) applies to them and their activities. Below are responses to some of the most frequently asked questions.

### **Does PIPA apply to minor sports associations?**

All Alberta organizations are subject to PIPA. However, the Act applies only on a limited basis to certain non-profit organizations. For the purposes of the Act, a non-profit organization is an organization incorporated under the *Societies Act* or the *Agricultural Societies Act*, or that is registered under Part 9 of the *Companies Act* [section 56]. Most minor sports associations will be “non-profit organizations” and as such the Act will only apply to personal information that is collected, used or disclosed by the association as part of a commercial activity.

Organizations that operate on a non-profit basis but do not meet the definition under section 56 of the Act, are fully subject to PIPA. Where this is the case, the Act applies to all personal information held by these organizations, including information about the association’s volunteers and employees.

### **What is a commercial activity?**

It may not always be obvious whether an activity is commercial. When this is the case, associations will need to consider and weigh a number of factors in making a determination.

Section 56 of the Act provides some specific examples of commercial activities, including the selling, bartering or leasing of memberships lists, donor or other fund-raising lists. Another activity that may be considered to be commercial is selling merchandise, where personal information of an individual is collected (e.g. name, address, credit card number).

Activities that are not likely to be commercial include:

- Charging membership or registration fees
- Fundraising activities where personal information is collected (ticket purchases, posting names of winners)
- Maintaining distribution lists and rosters (e.g. players, parents, volunteers, coaches, executive, referees, linesmen)
- Advertising activities in the association’s newsletter, or on its website
- Paying for costs of background checks required for volunteers such as coaches and executive members (e.g. criminal reference checks, drivers’ abstracts, etc.)

Associations should be aware that the examples listed above, while generally identified as commercial or non-commercial in nature, may be found to be otherwise depending on the circumstances. For more information on determining if an activity is commercial, see Information Sheet 1: Non-Profit Organizations, produced by Alberta

Government Services, Access and Privacy Branch.<sup>1</sup> This information sheet identifies some of the factors a minor sports association may want to consider in determining whether an activity is commercial in nature.

**Can a minor sports association include personal information of its members (such as names, home addresses, and team photographs) in its newsletter or on its website?**

If the minor sports association is a non-profit organization under the Act, it will first have to determine whether the personal information was collected in connection with a commercial activity. If not, the Act will not apply and the association may include the information in its newsletter or on its website according to its own policies. As a best practice, the association may want to notify individuals that their information will be used this way, and respect anyone's preference to not be included.

For an association that does not qualify as a "non-profit" under the Act, the association must obtain consent before collecting, using and disclosing any personal information in a newsletter or on a website.

**Do parents need to obtain consent to video tape or photograph their children at games?**

A parent that wishes to photograph or video tape their child participating in a sports event is neither an organization under the Act nor an individual acting in a commercial capacity. As PIPA does not apply to personal information that is collected, used or disclosed by an individual for personal or domestic purposes, consent is not required.

**Are parents required to provide copies of their children's Alberta Health Care (AHC) number at registration?**

As stated above, if the association requesting the information is a non-profit organization as defined in PIPA, the Act will only apply to personal information collected, used or disclosed in connection with a commercial activity. If the association is not collecting the AHC number as part of a commercial activity, the Act will not apply.

If the association is not a non-profit organization under the Act, PIPA will apply to the collection of AHC numbers. The association must have a reasonable purpose for collecting this personal information, and notify the individual of that purpose. Consent will be required and providing the number must be voluntary.

The association cannot, however, require parents to provide their children's personal health number. The Alberta *Health Information Act* (HIA) and regulation name the entities that may require an individual to provide a personal health number. Minor sports associations are not included in this list. A parent may therefore refuse to provide their children's AHC number.

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<sup>1</sup> Available online at <http://www.psp.gov.ab.ca/index.cfm?page=resources/NonProfit.html>