



Minor Sports Associations

Frequently Asked Questions

for 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* [PIPA 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. Making a profit is not determinative. The question is whether an activity is of a “commercial nature” or has “commercial attributes” (see OIPC **Decision P2013-D-01**).

Section 56 of the Act provides some specific examples of commercial activities, including the selling, bartering or leasing of membership lists, or donor or other fund-raising lists. Selling tickets or registration for theatre programs have also been found to be commercial activities (see OIPC **Order P2014-03**).

Other activities that may be considered to be commercial are selling merchandise where personal information of an individual is collected (e.g. name, address, credit card number) and operating camps for a fee.

Activities that are not likely to be commercial include:

- Charging a membership fee
- Charging a registration fee to join a team
- Fundraising activities where personal information is collected (e.g. raffle ticket purchases and posting names of winners)



Office of the Information and
Privacy Commissioner of Alberta



- 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.)
- Collecting, using and disclosing employee or volunteer information for managing the employment or volunteer relationship (see OIPC **Order P2014-05**)

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.

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 childrens 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 **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.

It is important to note that although an association might have to deal with a health-related matter involving a child, including an emergency, an AHC number is not needed in order for someone to obtain health services. The number is for the purpose of billing under the Alberta Health Care Insurance Plan (see OIPC **Order P2012-03**).

Contact:

Office of the Information and
Privacy Commissioner of Alberta
Phone: (780) 422-6860
Toll-free: (888) 878-4044
Email: generalinfo@oipc.ab.ca

www.oipc.ab.ca

This document is an administrative tool intended to assist organizations in understanding the *Personal Information Protection Act* (PIPA). This document is not intended as, nor is it a substitute for, legal advice. For the exact wording and interpretation of PIPA, please read the Act and its regulation in their entirety. This document is not binding on the Office of the Information and Privacy Commissioner of Alberta.