



## NORTHERN ONTARIO HOCKEY ASSOCIATION

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### NOHA Privacy Policy

#### Terminology Overview

##### Understanding Privacy Jargon/Definitions

**CSA Model Code:** The Canadian Standards Association Model Code for the Protection of Personal Information was developed for use as a voluntary code by businesses and organizations. It contains 10 principles to be respected and forms the backbone of PIPEDA and other privacy legislation. The 10 principles are accountability; identifying purpose; consent; limiting collection; limiting use, disclosure, and retention; accuracy; safeguards; openness; individual access; and challenging compliance. See Section VI for an expanded description of each principle.

**Commercial Activity:** As defined in PIPEDA (federal legislation) commercial activity is: “any particular transaction, act or conduct or any regular course of conduct that is of commercial character, including the selling, bartering or leasing of donor, membership or other fundraising lists.” There is not a precise list of exactly what transactions would fall under the definition of commercial activity. You can expect the federal privacy commissioner and the courts to further develop the list of activities covered by the legislation.

**Consent:** Permission to collect, use and share personal information for a stated purpose. (See also definitions of implied and express consent.)

**Express Consent:** Permission that is explicitly sought and applied to the collection, use or disclosure of information, particularly for sensitive information (i.e. health information) or when there has been a significant change from the original purpose for which information was collected. For example, where an organization has a long-standing practice of not sharing its mailing list(s) and has taken the decision to change the practice, seeking express consent is advisable. (See also: opt-in.)

**Grandfathering:** The term refers to the treatment of data already in an organization’s possession prior to legislation. Data already in an organization’s possession when legislation comes into effect will be subject to the same rules as data you begin to collect following legislation. The data, therefore, is not being grandfathered. In some instances, however, it may be reasonable to continue using the information for the original purpose for which it was collected with an opt-out option.

**Implied Consent:** Consent that can be inferred either through an ongoing relationship or through reasonable expectation. For example, consent could be implied for continuing to



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send a regular mail donor direct mail solicitations or for using the return address on a donation cheque to send a donor a receipt for income tax purposes.

**Opt-in:** The use of express consent to collect, use or disclose personal information.

**Opt-out:** The practice of giving individuals the opportunity to be removed from selected or all contacts with your organization.

**Personal Information:** Information that can be used to identify, distinguish or contact a specific individual. Specifically, “personal information” means information about an identifiable individual, but does not include the name, title or business address or telephone number of an employee of an organization. This information would include opinions and beliefs, in addition to financial information, birthdates and other identifying data. Business contact information (title/position, company name, address, etc.) and certain publicly available information is excluded from the definition and therefore from the legislation.

**Personal Information Protection and Electronic Documents Act or “PIPEDA”:** Is the federal legislation introduced in phases starting January 1, 2001, which sets out ground rules for how organizations (including charities) may collect, use or disclose personal information in the course of commercial activities. As of January 1, 2004, where provinces have not yet enacted substantially similar legislation, PIPEDA will apply to the collection, use and disclosure of personal information within a province for commercial purposes.

**Public Domain:** Pertains to information that is accessible to the general public, such as telephone directories, and as such is excluded from the federal legislation if used for the purposes for which it was collected. There is still some confusion about what other information might be considered public domain and therefore excluded, including the wide range of government data available on the Internet (land registry listings, etc.). See Appendix E for the regulations specifying publicly available information.

**Purpose Statement:** The stated purpose for which personal information is being collected, used or disclosed. These may appear on a variety of materials including donor reply coupons, raffle tickets, websites, registration forms, etc.

**Substantially Similar:** A test that “will interpret substantially similar to mean equal or superior to the PIPED Act in the degree and quality of privacy protection provided. The federal law is the threshold or floor. A provincial privacy law must be at least as good, or it is not substantially similar.”