



DOCUMENT TITLE: OSIC CONFIDENTIALITY POLICY

ISSUANCE DATE: JUNE 2022

COMES INTO EFFECT ON: JUNE 20, 2022

DOCUMENT DISTRIBUTION: OSIC WEBSITE

1. PURPOSE

This Policy establishes confidentiality terms regarding the administration of Complaints by the Office of the Sport Integrity Commissioner (“OSIC”). This Policy supplements the Protection of Privacy Policy of the Sport Dispute Resolution Centre of Canada (“SDRCC”), which establishes how the SDRCC (which includes the OSIC) collects, uses, and discloses Personal Information during the course of its activities.

2. APPLICATION

For purposes of this Policy:

- **Complaint** means a duly completed and submitted complaint intake form, the receipt by the OSIC of information expressly deemed by the OSIC to constitute a complaint, or a complaint initiated by the OSIC in accordance with Policies & Procedures, in each case regarding an alleged violation of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (“UCCMS”).
- **Policies & Procedures** means the UCCMS, this Policy, applicable policies and procedures of the OSIC, Section 8 of the Canadian Sport Dispute Resolution Code and applicable laws.

This Policy applies to any person or organization associated with any Complaint and/or subject to the Policies & Procedures, including without limitation, any complainant, respondent, witness, sport organization, independent investigator, consultant and/or other persons administering Policies & Procedures of the OSIC, and/or other third party involved in any Complaint.

3. ROLES & RESPONSIBILITIES

The OSIC, including in particular the Sport Integrity Commissioner and the Director of Investigations (and/or their respective delegates), oversee the implementation of and compliance with this Policy.

4. CONFIDENTIALITY PROVISIONS

- i. The OSIC complaint management and resolution process is confidential (subject to the exceptions noted below) and involves only those individuals whose involvement is required as part of the process, in accordance with applicable Policies & Procedures.
- ii. The identity of the parties (if known) and/or information about the Complaint may be disclosed by OSIC to individuals who are appropriately involved in the process (which may include OSIC personnel, agents and delegates, SDRCC personnel and agents, the Director of Sanctions and Outcomes (DSO), the relevant sport organization, the primary parties and their representatives, investigator, mediator, and witnesses), on an 'as needed' basis.

For instance, for procedural fairness, the respondent may be allowed, when considered appropriate by the OSIC, to know who is complaining (if not anonymous) and the details of the allegations made against the respondent pursuant to the Complaint. The relevant sport organization may also need to know the impacted person's identity for provisional measures to keep them and others safe and to cooperate with any preliminary assessment, investigation, or other procedure regarding the Complaint, as outlined in the relevant Policies & Procedures.

- iii. Once a Complaint is initiated, all parties, and any other Participants (as defined in the UCCMS) apprised of the Complaint must keep confidential all information received from another party, sport organization, witness or the OSIC (including its personnel, agents and delegates), except as outlined in the exceptions below.
- iv. Other witnesses are also expected to keep confidential all information received during the Complaint management process, including any investigation process related to such Complaint. Further, no person may use the information obtained from another party, witness or OSIC (including its personnel, agents and delegates), during the Complaint management process for any purpose other than that of the specific proceeding in which the information was obtained.
- v. If you are a party to the Complaint, or a witness relevant to the Complaint, your name and the information you provide may be produced in an OSIC preliminary assessment report and/or investigation report, in an independent investigator's file and notes, or in a DSO or SDRCC decision (in accordance with respective policies & procedures of the DSO and the SDRCC), and that information may or may not remain confidential, particularly if one of the parties commences legal proceedings.
- vi. Exceptions to these OSIC confidentiality requirements include that:
 - a. the OSIC and DSO, subject to applicable DSO policies and procedures:
 - i. will report information obtained in a Complaint if there is a legal obligation to do so under legislation regarding Duty to Report¹;

¹ For more information and resources regarding Duty to Report: <https://www.cybertip.ca/en/child-sexual-abuse/duty-to-report/#>

- ii. may disclose information as required by law or an order of the courts;
 - iii. may discuss the investigation and disclose the incident or Complaint-related information as necessary to administer a Complaint and/or conduct an assessment or investigation regarding the Complaint;
 - iv. may disclose and/or publish summary findings and information on sanctions and outcomes in accordance with the Policies & Procedures and applicable policies & procedures of the DSO; and
 - v. may use information for statistical or educational purposes on an anonymous basis.
- b. participants in the OSIC process may disclose information on an 'as needed' and confidential basis:
- i. as directed by OSIC personnel, agents and/or delegates;
 - ii. as required by law or an order of the courts;
 - iii. to a legal professional for the purpose of obtaining legal advice;
 - iv. to a qualified counsellor for the purpose of obtaining counselling service; and/or
 - v. to trusted persons in private conversations for the purpose of seeking emotional support. The trusted person is expected to keep confidential all information shared with them as indicated at section 4.iv. above.
- vii. Breach of the confidentiality obligations outlined above may lead to disciplinary consequences, in accordance with the relevant Policies & Procedures.
- viii. As a general practice, persons involved in a Complaint as parties, sport organizations, or potential witnesses should not discuss or disclose the Complaint, allegations, investigation or details thereof with anyone (including on social media or publicly), except as directed by OSIC and/or DSO (in accordance with its applicable policies & procedures), as otherwise required by law, or as noted in the exceptions above. Disclosing any such information to, or discussing it with, parties or potential witnesses may interfere significantly with the Complaint management process, including with any investigation or assessment related thereto.

5. DOCUMENT REVIEW & UPDATE

This Policy may be amended and updated from time to time, as communicated by the OSIC.

6. DISCLAIMER

This Policy shall be applied and interpreted by the OSIC in its reasonable discretion.