



# IAAF Medical & Anti-Doping Department

Advisory Note – Use of Personal Information, 2013

INTERNATIONAL ASSOCIATION OF ATHLETICS FEDERATIONS

## **ADVISORY NOTE – USE OF PERSONAL INFORMATION**

### **Introduction**

1. The IAAF is responsible for ensuring that the Personal Information that it processes in connection with its anti-doping activities is protected in accordance with applicable data protection and privacy laws, principles and standards.
2. As an association under the laws of Monaco, the IAAF is subject to *la loi n° 1.165 relative à la protection des informations nominatives* (as amended by la loi n° 1.353 of 4 December 2008, in force from 1 April 2009).
3. The IAAF also complies with the provisions of the International Standard for the Protection of Privacy and Personal Information ("the International Standard"), as incorporated into the IAAF Anti-Doping Rules and Regulations ("the Anti-Doping Rules"), unless such compliance is in breach of applicable law.
4. This Information Notice explains in more detail how Personal Information for anti-doping purposes will be processed by the IAAF. Where applicable, the Information Notice uses the same defined terms as in the Anti-Doping Rules.
5. All athletes competing in International Competitions in Athletics will be asked to sign an Acknowledgement and Agreement Form by which they agree to be bound by and comply with the Anti-Doping Rules and by which they consent to the processing of their Personal Information for anti-doping purposes. The Acknowledgement and Agreement Form should be read in conjunction with this Information Notice.
6. The current version of the Information Notice shall at all times be available for downloading from the IAAF website ([www.iaaf.org](http://www.iaaf.org)).

### **Types of Personal Information for anti-doping purposes**

7. Your Personal Information for anti-doping purposes includes, but is not limited to, information relating to:
  - your identity (name, nationality, date of birth, gender, event, whether you compete at a national or international level, organisations to which you belong, the names and details of other persons, such as medical professionals, working with, treating or assisting you in the anti-doping context);
  - your Whereabouts Filings;
  - Therapeutic Use Exemptions (TUEs);
  - Doping Controls (including Test Distribution Planning, Sample collection and handling, anti-doping test results<sup>1</sup>, Laboratory analysis, results management, hearings, sanctions and appeals).
8. Your Personal Information could also include Sensitive Personal Information, in particular medical or biological information (including information derived from analysing your Samples or Specimens).

<sup>1</sup> Anti-Doping test results include: detection of a Prohibited Substance or a Prohibited Method described on the Prohibited List, evidence of the use of a Prohibited Substance or Prohibited Method described on the Prohibited List; evidence related to the commission of any other anti-doping rule violation under the Anti-Doping Rules; longitudinal profile information, including haematological and steroid profile data; and other data that may be used in the future to establish anti-doping rule violations.

## Collecting Entity

9. Your Personal Information will be collected by the IAAF and by any other organisation or body to which the IAAF has delegated Testing in accordance with the Anti-Doping Rules or which otherwise has competent authority to conduct Testing on you.

## Purposes for which your Personal Information may be processed

10. The IAAF and its third party agents shall only process your Personal Information where necessary and appropriate to conduct their anti-doping activities under the Anti-Doping Rules (and International Standards incorporated into the Anti-Doping Rules) or where otherwise required by applicable law, regulation or compulsory legal process and where such processing does not conflict with applicable privacy and data protection laws. This includes, but is not limited to, processing your Personal Information:
- to determine your eligibility for a TUE;
  - to conduct Testing, including Target Testing, and to record the results from such Testing;
  - to conduct investigations to determine breaches of the Anti-Doping Rules;
  - to carry out results management under the Anti-Doping Rules, including associated disciplinary hearings, appeals and adjudications, and to publish outcomes.

## Disclosures

11. Your Personal Information may be disclosed by the IAAF to third party agents, including authorised service providers, in connection with the fulfilment of their anti-doping activities under the Anti-Doping Rules.
12. Your Personal Information shall not be disclosed to other Anti-Doping Organisations except where such disclosures are necessary to allow the Anti-Doping Organisations receiving your Personal Information to conduct anti-doping activities under the Anti-Doping Rules and in accordance with applicable privacy and data protection laws.
13. Your Personal Information shall not be disclosed to third parties other than as set out above, except where such disclosures:
- are required by law;
  - take place with your informed, express and written consent; or
  - are necessary to assist law enforcement or governmental authorities in the detection, investigation or prosecution of a criminal offence or breach of the Anti-Doping Rules, provided that the Personal Information requested is directly relevant to the offence or breach in question and cannot otherwise be obtained by the authorities.

## International Transfers

14. Your Personal Information may be made available by the IAAF to third persons or parties, including authorised service providers, WADA and Anti-Doping Organisations, that are located outside of Monaco. For example, your Personal Information may be made available to the Anti-Doping Administration System (ADAMS) located in Canada<sup>2</sup> or transferred to authorised service

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<sup>2</sup> ADAMS is a web-based database management tool hosted in data centres located in Canada and maintained by WADA on behalf of Anti-Doping Organisations using ADAMS. Strong technological, organisational and other security measures have been applied to ADAMS to maintain the security of the data it contains. For more information on ADAMS and how it operates, you are advised to consult the WADA website at [www.wada-ama.org](http://www.wada-ama.org).

providers or Anti-Doping Organisations in countries where you train or participate in competitions.

## Your rights with respect to your Personal Information

15. Right of access to your Personal Information: You have the right to seek information from the IAAF about your Personal Information (the categories of information, the purpose for which it is collected and the third parties or categories of third parties to which it is transferred), to obtain confirmation of whether or not your Personal Information is being processed and to receive a copy of the relevant Personal Information in a readily intelligible format within a reasonable timeframe (one month from the date of the request), unless to do so in a particular case plainly conflicts with the IAAF's ability to plan or conduct Testing under the Anti-Doping Rules (including Target Testing) or to investigate and establish anti-doping rule violations.
16. You should also be aware that the IAAF may not be required to respond to requests seeking access to your Personal Information if the requests are excessive in terms of their scope or frequency or if they impose a disproportionate burden on the IAAF in terms of cost or effort given the nature of the Personal Information in question. If the IAAF refuses to allow you access to your Personal Information, it shall inform you and explain in writing the grounds for refusing the request as soon as practicable.
17. Right to amend your Personal Information: Personal Information processed by the IAAF shall be accurate, complete and kept up to date<sup>3</sup>. Where the IAAF affirmatively knows that the Personal Information that it is processing is inaccurate or incomplete, the IAAF shall, as appropriate, rectify, amend, complete, update or delete the relevant Personal Information as soon as possible. Where appropriate, if the Personal Information in question has been disclosed to a third party that is known or believed to continue to process the Personal Information, the third party shall be informed of the change as soon as possible.
18. Right to object to the processing of your Personal Information: You have the right to object to the processing of your Personal Information, although, in such event, it may still be necessary for the IAAF and/or third parties to continue to process (including retain) certain of your Personal Information in order to fulfil obligations and responsibilities arising under the Anti-Doping Rules or applicable laws.
19. You understand that objecting to disclose your Personal Information or objecting to the processing of your Personal Information will be construed as a refusal to participate in the anti-doping procedures mandated by the Anti-Doping Rules. This could exclude you from further participation in Athletics, and may result in disciplinary or other sanctions being imposed upon you, such as ineligibility from competitions in which you are scheduled to participate or the invalidation of results arising from prior competitions.
20. Right to initiate a complaint: You understand that you shall be entitled to initiate a complaint where you have a reasonable good faith belief that the IAAF is not complying with the International Standard or with applicable law. The complaint shall be made respectively to the IAAF or to the applicable authority under Monegasque law (*autorité de contrôle des informations nominatives*).
21. The IAAF shall have a procedure in place for dealing in a fair and impartial manner with any complaints that it is not adhering to the International Standard. Complaints should be submitted to the IAAF Office in Monaco for the attention of Dr Gabriel Dollé, Director of the IAAF Medical & Anti-Doping Department:

- ✓ By courier : IAAF - Dr. Gabriel Dollé – Medical & Anti-Doping Department – 17 Rue Princesse Florestine BP 359 MC 98007 Monaco

<sup>3</sup> Note that, in some cases under the Anti-Doping Rules (see, for example, Rule 35.17 in relation to Whereabouts Filings), athletes are required to ensure that their Personal Information provided to the IAAF is accurate, complete and updated and nothing in this Information Notice purports to or does release them from such obligation.

- ✓ By fax : +377 93 50 83 95 or telephone: +377 93 10 88 10
- ✓ By email : [gabriel.dolle@iaaf.org](mailto:gabriel.dolle@iaaf.org)

22. In the event that a complaint is not satisfactorily resolved, you may notify WADA which will determine whether the IAAF is adhering to the International Standard. Where the decision is that the International Standard is not being adhered to, the IAAF will take the necessary steps to rectify the position.

## Security

23. The IAAF shall designate a person who is accountable for compliance with the International Standard and with Monegasque law.
24. The IAAF shall at all times protect your Personal Information by applying all necessary security safeguards, including physical, organisational, technical, environmental and other measures to prevent the loss, theft or unauthorised access, destruction, use, modification or disclosure (including disclosure made via electronic network) of the Personal Information.
25. The IAAF shall apply security measures that take into account the risks associated with the processing of Personal Information and the sensitivity of the Personal Information that is to be protected.
26. When the IAAF discloses your Personal Information to third party agents in connection with their anti-doping activities under the Anti-Doping Rules, the IAAF shall take all reasonable steps to ensure that such third parties use the Personal Information in accordance with the laws of the country in question or, if no law is in place, with the International Standard.

## Retention

27. The IAAF shall ensure that your Personal Information is only retained for as long as is necessary to fulfil its obligations under the Anti-Doping Rules or where otherwise required by applicable law, regulation or compulsory legal process. The IAAF will respect the retention times for different types of Personal Information as may be determined by WADA from time to time unless such retention times are in breach of applicable law.
28. Once your Personal Information no longer serves the above purposes, it will be deleted, destroyed or permanently anonymised.

## Release

29. By signing the Athlete Acknowledgement and Agreement Form, you will release the IAAF from all claims, liabilities, damages, costs and expenses that you may have in connection with the processing of your Personal Information including, but not limited to, the processing of your Personal Information through ADAMS and/or any other relevant administration/ management system.