

## **Q&A: International Standard for the Protection of Privacy and Personal Information**

### **What is the International Standard for the Protection of Privacy and Personal Information?**

- Upon request of its stakeholders, WADA developed an International Standard for the Protection of Privacy and Personal Information (ISPPPI).
- The purpose of this Standard is to ensure that all relevant parties involved in anti-doping in sport adhere to a set of minimum privacy protections when collecting and using athlete personal information, such as information relating to whereabouts, doping controls and therapeutic use exemptions. This is particularly important in those countries where there is no legislation in place (i.e. two thirds of the world).
- The ISPPPI is not related to the requirements set forth in the International Standard for Testing in terms of whereabouts requirements for the limited number of top elite athletes included by their International Sport Federation (IF) or National Anti-Doping Organization (NADO) in their respective registered testing pool. (For more information about whereabouts requirements, please consult the Q&A on the issue published on WADA's Web site on February 5, 2009.)

### **How was the International Standard for the Protection of Privacy and Personal Information developed and approved?**

- WADA led an extensive consultation process beginning in late 2007 involving key stakeholders, legal experts, international organizations, governments and privacy regulators from several countries, and circulated two draft versions of the Standard for comment.
- The ISPPPI was approved by WADA's Executive Committee on September 20, 2008. Its approval was confirmed by WADA's Executive Committee and Foundation Board (both composed in equal parts by representatives from the Sport Movement and governments of the world) at their November 2008 meetings and went into force on January 1, 2009.

### **How far does the International Standard for the Protection of Privacy and Personal Information go?**

- This Standard is generally described as a minimum Standard (but not a weak Standard, as it only applies in the absence of more stringent requirements from the national law of the particular country). In September and November 2008, European government representatives expressed concerns about this Standard and urged WADA to postpone implementation of this Standard. European governmental representatives were given full opportunity to explain their position and did so, but WADA's Executive Committee and Foundation Board voted against their position. After careful consideration and debate, other continents and the Sport Movement felt that this Standard was needed and was an improvement from no Standard at all, given that two thirds of the world's countries have no laws protecting privacy and personal information.

- The majority of WADA's Executive Committee and Foundation Board felt that this Standard represented a great progress for many athletes and countries outside Europe, and that it meant a lot to the athletes from the rest of the world who are now getting the minimum protection represented by the Standard despite the absence of any legislation within their countries.
- WADA is a world body and its decisions are made by representatives of the five continents of the world.
- WADA has never asked any European country to lower their level of protection to the minimum of that Standard. To the contrary it was always stated that the organizations based in Europe ought to keep following their national laws (provided that national laws are as rigorous as the Standard) and there was no attempt to change that through the Standard. In fact the Standard expressly states that national law prevails over the Standard if the national laws are as rigorous as the Standard (see Articles 4.2 and 5.1 of the Standard).
- The idea therefore was to be realistic and to start with a Standard that would provide athletes with appropriate and effective basic privacy protection all around the world. As all WADA rules, this Standard is a living document that can be changed by WADA's Executive Committee in the future.

#### **How is WADA maintaining dialogue with the proper authorities in relation to the International Standard for the Protection of Privacy and Personal Information?**

- WADA has always been and will continue to be available to answer any question European authorities and others may have. WADA is fully committed to a continued dialogue. WADA representatives have regularly met with European authorities' representatives and data protection authorities throughout the past months and years to answer their questions and address their concerns.
- Following the submissions made by representatives of European governments at WADA's November 2008 Board meeting (and repeated at the Council of Europe meeting of Ministers in Athens in December), WADA's Management has offered to meet any individual, any government, and any data protection expert in Europe. The team has already consequently liaised on several occasions with the European Commission and other European bodies and provided more information and background material. This should enable sensible discussion and resolution, rather than opinions based on misinformation and misunderstandings.
- WADA will continue to ensure that the European authorities are fully briefed and receive accurate and up-to-date information about WADA's activities and global anti-doping rules.