

## 2027 CODE & IS UPDATE PROCESS

### Stakeholder Consultation Phase: Summary of Major Changes

## International Standard for Intelligence and Investigations

### Executive Summary

The International Standard for Intelligence and Investigation (ISII) has been drafted and proposed to recognize the developing maturity in the field of anti-doping intelligence and investigations and in response to the continually changing landscape of doping offences.

When drafting this new International Standard, the ISII Drafting Team carefully took into consideration stakeholders' comments and feedback notably as it concerned the information presented in the ISII Concept Paper which was published on 26 September 2023 as part of the [Stakeholder Engagement Phase](#), the first phase of the 2027 Code & IS Update Process.

The proposed ISII is an expansion of the current intelligence and investigation related articles in the 2023 ISTI and seeks to provide further clarity and explanations in some areas whilst expanding upon others including the protection of confidential sources and the use of intelligence to inform and guide anti-doping activities. Moreover, the parameters on how to investigate have been significantly clarified, as well as the requirements concerning the sharing of confidential information and the need for all parties to cooperate with an investigation. This noted, it must nevertheless be emphasized that the ISII Drafting Team has sought to provide useful guidance to all Anti-Doping Organizations whilst acknowledging the different resources and capabilities each may possess.

The following section offers a concise summary of the key articles proposed by the ISII Drafting Team in this new International Standard.

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#### Article 4.1: Objective of the ISII

ISII Article 4.1 is similar to current 2023 ISTI Article 11.1. However, instead of limiting the gathering of information and intelligence for the purposes of developing a testing plan, it is expanded to ensure that information and intelligence is used across the entire spectrum of "Anti-Doping Activities" (as defined in the Code). Certainly, in addition to testing and investigations, anti-doping information and intelligence can also be used in other areas, for example to tailor education or other anti-doping programs.

#### Article 4.2.2: Collection, Storage and Sharing of Raw Information & Anti-Doping Intelligence

This article refers to current 2023 ISTI Article 11.4.2 and provides more clarification on how and when to share anti-doping intelligence. As the sharing of anti-doping intelligence is considered a key element in the fight against doping, the ISII Drafting Team proposes that this element be elevated from a best practice to a mandatory requirement. The comment to this article provides further clarification on the requirements that should be considered when determining whether to share anti-doping intelligence. In this respect, the consideration of local

laws and data privacy regulations are highlighted as well as the key exceptions to sharing certain information, for example, if doing so may compromise an ongoing investigation or the identity of a confidential source.

### **Article 4.2.3: Disclosure of Confidential Sources**

Confidential sources are essential to the fight against doping. As such, Anti-Doping Organizations have a duty to ensure that they are protected. It is only by ensuring this protection that the anti-doping community shall gain and maintain trust and encourage other sources to come forward. This article therefore expands upon current 2023 ISTI Articles 11.2.2, 11.4.2, and 11.4.3, and stipulates in its comment that in the exceptional circumstance an investigation is conducted by WADA, pursuant to Code Article 20.7.14, the Anti-Doping Organization is required to fully cooperate, including - when relevant for the case - disclosing the identity of confidential sources to WADA.

### **Article 4.2.5: Policies and Procedures for Confidential Sources**

This is a new article and pertains only to those Anti-Doping Organizations which manage confidential sources. The ISII Drafting Team proposes that these organizations shall have policies and procedures in place to ensure the appropriate management of confidential sources and also directs organizations to the relevant Guidelines which have been developed by WADA in this respect.

### **Article 4.3.2: Use of Raw Information and Anti-Doping Intelligence**

This article refers to 2023 ISTI Article 11.3.2 and is complementary to the objectives stipulated at ISII Article 4.1 in so much that the information and intelligence gathered under the requirement of ISII Article 4.1 shall be subsequently used to guide the organization's anti-doping activities. The ISII Drafting Team proposes that this element be considered as a mandatory requirement for all Anti-Doping Organizations to ensure that valuable information and intelligence gathered by an organization is effectively used and not lost.

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## **Article 5.2: Purpose of Investigations**

ISII Article 5.2 is a new addition that serves to introduce the purpose for which anti-doping organizations shall conduct investigations.

## **Article 5.3: Conducting Investigations**

Although a new article, ISII Article 5.3 has been created from, and elaborates on, multiple articles in the current ISTI. This noted, major noteworthy changes or additions in this article include the following:

- Where there is reasonable cause to suspect a breach of the Code or International Standards, investigations shall be conducted impartially and objectively by investigators who are trained to do so.
- Investigations need to be operationally and strategically planned to ensure the best use of available resources and preservation of evidence, whilst aiming at timely outcomes and avoiding undue delay.
- The utmost care shall be taken with the confidentiality of all information obtained, and only shared on a need-to-know basis.
- All stages of the investigation shall be documented, and the resultant outcomes reported.

## **Article 5.4: Cooperating with an Investigation**

ISII Article 5.4 is a new article and seeks to elaborate on the requirements for Code Signatories, athletes, and athlete support personnel to cooperate with investigations as required under Code Articles 20 and 21. This article also provides procedures for cases where there is a lack of cooperation.