

2027 Code & International Standard Update Process: Third Consultation Phase - International Standard for Data Protection (ISDP) / International Standard for the Protection of Privacy and Personal Information

Showing: All (35 Comments)

Article 3 (1)

Sport Integrity Australia

SUBMITTED

Cameron Boland, Assistant Director Anti-Doping Policy (Australia)

NADO - NADO

General Comments

.

Article 3.3 (4)

SA Institute for Drug-Free Sport

SUBMITTED

khalid galant, CEO (Souoth Africa)

NADO - NADO

General Comments

The definition of *Processing* in the Protection of Personal Information Act, 4 of 2013 (South Africa) is broader than that in the ISDP.

Even though the ISDP aims to broaden its definition of Processing, it omits pivotal definitions.

Suggested changes to the wording of the Article

Processing: (and its cognates, **Process** and **Processed**): Collecting, accessing, retaining, storing, disclosing, transferring, transmitting, amending, deleting, *merging, linking as well as restriction* or otherwise making use of Personal Information.

Reasons for suggested changes

This will ensure that the definition of Processing is not limited and gives greater protection to the personal information of Athletes, not only in South Africa but also internationally.

NADA India

SUBMITTED

NADA India, NADO (India)

NADO - NADO

General Comments

Agreed

Sport Integrity Commission Te Kahu Raunui

SUBMITTED

Jono McGlashan, GM Athlete Services (New Zealand)
NADO - NADO

General Comments

We seek clarity on what ‘greater protection’ would consist of and how this would be applied.

We have consulted with the Commission’s Athletes Commission who are supportive of this submission.

Sport Integrity Commission Te Kahu Raunui

SUBMITTED

Toby Cunliffe-Steel, Athlete Commission Chairperson (New Zealand)
NADO - NADO

General Comments

We, the Athlete Commission to New Zealand's NADO, support our NADO's submission on Article 3.3 Definitions and Interpretation – Sexual Preferences/Activity

Article 6 (2)**Japan Anti-Doping Agency**

SUBMITTED

Chika HIRAI, Director of International Relations (Japan)
NADO - NADO

General Comments

Agree with the proposal.

NADA India

SUBMITTED

NADA India, NADO (India)
NADO - NADO

General Comments

Agreed

Article 6.2 (2)**NADA Austria**

SUBMITTED

Dario Campara, Lawyer (Austria)
NADO - NADO

General Comments

Article 6.2

The purpose and scope of the World Anti-Doping Program is to “protect the Athletes’ fundamental right to participate in doping-free sport and thus promote health, fairness and equality for Athletes worldwide, and to ensure harmonized, coordinated and effective anti-doping programs at the international and national level with regard to the prevention of doping”.

We DO NOT fight or combat doping. Fighting and combating sadly is a reality in countries in Europa and elsewhere. Militaristic language should not be used in the clean sport community, especially not in Education.

Additionally, omitting this kind of language from the WADC, Standards, Guidelines, etc. helps to harmonize the wording across the regulations since only the WADC, the ISDP and the ISCCS use words like fight, combat or the scourge of doping.

Thus, the word “fight” should be removed from Article 6.2 and Article 11.6.

Similarly, the word “combat” should be removed from Comment to Article 6.2.

Please Note: This comment is also agreed upon the CEADO Education Managers and the PEERS group.

International Testing Agency

SUBMITTED

International Testing Agency, - (Switzerland)

Other - Other (ex. Media, University, etc.)

General Comments

We fully support the inclusion of the new comment to Article 6.2, which we believe is both necessary and timely. This clarification aligns well with the evolving nature of anti-doping efforts and for instance is also consistent with the updated language in art. 5.7 of the Code, which explicitly acknowledges the broader scope of investigative and intelligence-gathering activities undertaken by ADOs.

Article 7 (2)

Council of Europe (CoE)

SUBMITTED

Council of Europe, Sport Convention Division (France)

Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

General Comments

7.1 a)

A comment to article 7.1 a) could be necessary to sort out what legal ground are relevant. For example, include that the grounds of substantial public interest and public health requires regulations in national law and give examples for what anti-doping activities agreement could be a valid ground.

7.3

In the comment to article 7.3 an example of an “positive, explicit action” would be good. For example, tick in a box about the consenting.

Anti-Doping Sweden

SUBMITTED

Jessica Wissman, Head of legal department (Sverige)
NADO - NADO

General Comments

A **comment to article 7.1 a)** could be necessary to sort out what legal ground are relevant. For example, include that the grounds of substantial public interest and public health requires regulations in national law and give examples for what anti-doping activities agreement could be a valid ground.

In the **comment to article 7.3** an example of an “positive, explicit action” would be good. For example, tick in a box about the consenting.

Reasons for suggested changes

Clarifications that improves the standard.

Article 8 (2)

SA Institute for Drug-Free Sport

SUBMITTED

khalid galant, CEO (Souoth Africa)
NADO - NADO

General Comments

In terms of section 18 of POPIA (South Africa), openness is an important factor in protecting an individual’s personal information.

Article 8.2 makes provision for an individual to be informed about the Personal Information which an Anti-Doping Agency received from a third party relating to the individual.

However, this provision does not state whether an individual should be informed who the third party is who disclosed that individuals’ information.

Suggested changes to the wording of the Article

Where Anti-

Doping Organizations receive Personal Information from third parties, and not directly from the individual, they shall communicate the above information **and the source from which it is collected** as soon as possible and without undue delay, unless it has previously been furnished to the individual by other parties”.

Reasons for suggested changes

This insertion will provide more protection to individuals and also also be inline with international standards of data protection. Transparency / openness are important considerations if one wants to give effect to the purpose the data protection legislation

NADA India

SUBMITTED

NADA India, NADO (India)
NADO - NADO

General Comments

Agreed

Article 11 (3)

Council of Europe (CoE)

SUBMITTED

Council of Europe, Sport Convention Division (France)
Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

General Comments

11.3

In accordance with the recommendations from the EDPB, justifications to retain sensitive personal information should be developed. At least a reference to article 5.3 could be relevant.

NADA India

SUBMITTED

NADA India, NADO (India)
NADO - NADO

General Comments

Agreed, however please specify when can ADO take this consent when there is a need to keep the records for a time period more than specified in Annex A

Anti-Doping Sweden

SUBMITTED

Jessica Wissman, Head of legal department (Sverige)
NADO - NADO

General Comments

Article 11.3. In accordance with the recommendations from the EDPB, justifications to retain sensitive personal information should be developed. At least a reference to article 5.3 could be relevant.

Suggested changes to the wording of the Article

Article 11.5 d). Consider referring directly to article 7.3, instead of article 7.

Reasons for suggested changes

The suggestions will hopefully improve the articles.

Article 11.5 (1)

Council of Europe (CoE)

SUBMITTED

Council of Europe, Sport Convention Division (France)

Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

General Comments

11.5. d)

Consider refer directly to article 7.3 (instead of 7).

Annex A (8)

World Rugby

SUBMITTED

Ross Blake, Anti-Doping Education Manager (Ireland)

Sport - IF – Summer Olympic

General Comments

Under Important Notes, point (III) - World Rugby suggest amending the newly added 'regularly' to 'as regularly as practical'. This reflects the position that IFs have finite resources, and cleaning/purging incomplete data is something that will only be possible at particular junctures.

Council of Europe (CoE)

SUBMITTED

Council of Europe, Sport Convention Division (France)

Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

General Comments

1. Annex A module 2

In accordance with the recommendations from the EDPB update the description for whereabouts, i.e remove regular activities and add training activities.

Strong recommendation to change the retention period for whereabouts information in module 2. In the previous ISPPPI the retention period for this information was 12 months. That an ADO should use this type of information that far back is very incredible. We agree that 12 months is too short, but a maximum period of 3 years is more relevant and proportionate.

2. Annex A module 7

Consider reevaluate the retention period of 10 years for information relating to investigations. A maximum period could be 3 or 5 years. If new information of the same person is received during this period, the period can be extended by an additional 3 (or 5 years).

Consider introducing a maximum retention period of 10 years. Although, the information should be delated earlier if the athlete is no longer active.

NADA India

NADA India, NADO (India)

NADO - NADO

SUBMITTED

General Comments

Agreed.

UK Anti-Doping

UKAD Stakeholder Comments, Stakeholder Comments (United Kingdom)

NADO - NADO

SUBMITTED

General Comments

Module 2 (Whereabouts) – UKAD is supportive of the change to the retention of whereabouts information in this module from 12-months to 10-years. Our rationale is because whereabouts data is an important intelligence tool for Anti-Doping Organisations and it can provide valuable information to support investigations, review of Athlete Biological Passports, and to aid decisions on sample storage and re-analysis when reviewing samples kept in long-term storage. Therefore, UKAD agrees it was important to align the retention timeframe for Doping Control testing data so that this information is available for review and investigating to support key operational activities and decisions. We understand the above rationale may not meet the requirements for proportionality, but we feel it is important to consider the value whereabouts information can provide.

Module 3 (TUEs) - In light of the proposed revision to ISTUE Article 9.1, we propose that TUE data (that is, application forms, supplementary medical information, and any other TUE information) may be retained for a maximum of five years (rather than 12 months) from the date that a TUE expires. We believe that this is proportionate and necessary for the following reasons:

- There are often circumstances whereby an athlete applies for a renewal TUE greater than 12 months after the expiry of their previously granted TUE. Examples include when an athlete’s competition level fluctuates or when an athlete requires intermittent use of a medication. In these circumstances the Anti-Doping Organisation (ADO) and TUEC require access to the athlete’s medical history to review the renewal application. Without this access, it would be the responsibility of the athlete to re-submit all their historical supporting medical evidence. From experience, it can prove difficult for athletes to access historical medical information (especially those without support from a team doctor) leading to delays in the submission of a complete application. In the past five years, UKAD has received 29 renewal TUE applications that were submitted greater than 12 months after a previous TUE had expired and where the TUE history was not available on ADAMS. In these instances, UKAD was able to access this information from its own records speeding up the review process.
- We rely on having access to TUE data for longer than 12 months after a TUE expires to monitor the consistency of TUEC decisions.
- ADOs may be required to defend a historical decision to grant a TUE which would require access to more than just the TUE certificate to be able to evidence how the medical information presented sufficiently fulfilled the ISTUE criteria.
- There may be circumstances related to the pursuit of an ADRV (presence or use) where an ADO relies on information contained within a historical medication or TUE enquiry to evidence that they provided the athlete with an accurate response.

UKAD therefore proposes to revise the TUE data retention period to five years (rather than 12 months) from date of TUE expiry or add a provision which enables ADOs to set their own medical data retention policy (of up to five years

from date of TUE expiry) if they can argue the need for retaining the data is proportionate and necessary to the functioning of their TUE Programme.

Module 7 (Investigations) - UKAD is supportive of the retention period for Investigations remaining as 10 years. Part of the ISDP retention for Investigations rationale is, ‘...the need to understand doping practices and networks in time.’ Under DPA & GDPR, UKAD conducts a regular review of the intelligence/cases held and where appropriate filters out cases not deemed necessary to retain or those not suitable for anonymisation.

Furthermore, 10 years allows for new methods/evidence/intelligence to come to light; from the inspection of electronic devices that may uncover ADRVs during that period; and also those athletes that have then gone on to be ASP for several years afterwards. In addition, regard has to be given to new (future) scientific analytical methods for detecting prohibited substances which result in an AAF from samples stored in the sample tank.

Anti-Doping Sweden

SUBMITTED

Jessica Wissman, Head of legal department (Sverige)
NADO - NADO

General Comments

Module 2. In accordance with the recommendations from the EDPB update the description for whereabouts, i.e remove regular activities and add training activities.

Further, consider changing the retention period for the whereabouts information in module 2. In the previous ISPPP the retention period for this information was 12 months. That an ADO should use this type of information that far back is very incredible. ADSE agrees that 12 months is too short, but a maximum period of 3 years is more relevant and proportionate.

Module 7. Consider reevaluate the retention period of 10 years for information relating to investigations. A maximum period could be shorter, maybe 3-5 years. If new information of the same person is received during this period, the period can be extended by an additional 3 (or 4/5) years.

Module 8. Consider introducing a maximum retention period of 10 years. Although, the information should be delated earlier if the athlete is no longer active.

Reasons for suggested changes

Improvement of the standard and meets the proportionality requirement.

Swiss Sport Integrity

SUBMITTED

Ernst König, CEO (Switzerland)
NADO - NADO

General Comments

Retention Times, Module 2 - Whereabouts:

SSI strongly agrees with WADA that Whereabouts need to be retained for 10 years as whereabouts remain relevant for longer period to refine Testing strategies, to Results Managmenet (e.g. cases of ADRV involving evading [Article 2.3 WADC] or tampering [Article 2.5 WADC], especially with the statute of limitations beeing 10 years), including cases of re-Testing.

Retention Times, Module 3 - TUEs

SSI would recommend to have a longer retention period from date of TUE expiry, e.g. 5 to 10 years. If an athlete needs a TUE, then gets demoted and does not need to renew it (for example, not in the TUE pool anymore; competition level changes), it would be easier to asses a retroactive TUE if the initial TUE still is available. This would serve the athlete, especially with retroactive TUEs, as he would not have to go through all the stages of a retroactive TUE again. Therefore, with the consent of an athlete, a longer retention period should be possible.

A longer retention period would also assure consistency of TUE decisions while being able to access previous, similar cases. It would also help defend decisions in case of dispute or later cases.

Retention Times, Module 7 - Investigations:

SSI strongly agrees with WADA that Investigations data need to be retained for 10 years, in line with the statute of limitations beeing 10 years. See also comment to Annex A: Retention Times, Module 2 - Whereabouts.

USADA

SUBMITTED

Allison Wagner, Director of Athlete and International Relations (USA)
NADO - NADO

General Comments

N/A

Suggested changes to the wording of the Article

Recommended Change: Under Annex A Retention Schedule table, section 2 Whereabouts, change “daily one-hour timeslot” to “60-minute time slot.”

Reasons for suggested changes

Reason for Change: The change is needed to mirror the language in the IST.

International Testing Agency

SUBMITTED

International Testing Agency, - (Switzerland)
Other - Other (ex. Media, University, etc.)

General Comments

Regarding the retention policy for whereabouts data, we recommend clarifying (under the *Description* section) that the retention should also extend to any attachments submitted as part of the filings, as these are frequently used—particularly in team manager submissions—to provide part of the whereabouts information.

Additionally, it may be helpful to specify that audit logs should also retain information on the user who created or modified any records.

In the *Testing* section, it could be beneficial to clarify under *Remarks* that this also includes any relevant Supplementary Report Forms.

Other Comments / Suggestions (10)

International Cricket Council

SUBMITTED

Vanessa Hobkirk, Anti-Doping Manager (United Arab Emirates)
Sport - IF – IOC-Recognized

General Comments

Burden on ADOs

While the ICC is supportive of many of the proposed changes to the Code and International Standards, it urges WADA to carefully consider the growing number of mandatory ('must') provisions in relation to the capacity of the average anti-doping organization. There is a risk that an excessive compliance burden may shift ADOs' focus away from delivering effective and meaningful anti-doping programs toward simply meeting administrative and compliance requirements.

World Rugby

SUBMITTED

Ross Blake, Anti-Doping Education Manager (Ireland)
Sport - IF – Summer Olympic

General Comments

General comment: We consider that a caveat should be added in relation to complying with the ISDP in accordance with local laws and regulations. For example, World Rugby are currently prohibited from deleting any player welfare-related data due to an ongoing court case. It would provide us with some comfort if this position could be expressly acknowledged in the ISDP.

Council of Europe (CoE)

SUBMITTED

Council of Europe, Sport Convention Division (France)
Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

General Comments

Definition of Data controller and Data processor

In accordance with the recommendations from the EDPB consider adding definitions of a Data controller and a Data processor which is important for who is responsible for the data when ADOs are sharing information (see below article 9.3 b).

9.3 b)

In the comment to the article, consider include that if personal information is shared with another ADO/third party, it should be clear who is the controller of the personal information and who's the processor.

VASANOC

SUBMITTED

Dave Lolo, CEO (Vanuatu)
NADO - NADO

General Comments

NADA Austria

SUBMITTED

Dario Campara, Lawyer (Austria)

NADO - NADO

General Comments

Article 6.2

The purpose and scope of the World Anti-Doping Program is to “protect the Athletes’ fundamental right to participate in doping-free sport and thus promote health, fairness and equality for Athletes worldwide, and to ensure harmonized, coordinated and effective anti-doping programs at the international and national level with regard to the prevention of doping”.

We DO NOT fight or combat doping. Fighting and combating sadly is a reality in countries in Europa and elsewhere. Militaristic language should not be used in the clean sport community, especially not in Education.

Additionally, omitting this kind of language from the WADC, Standards, Guidelines, etc. helps to harmonize the wording across the regulations since only the WADC, the ISDP and the ISCCS use words like fight, combat or the scourge of doping.

Thus, the word “fight” should be removed from Article 6.2 and Article 11.6.

Similarly, the word “combat” should be removed from Comment to Article 6.2.

Please Note: This comment is also agreed upon the CEADO Education Managers and the PEERS group.

Anti-Doping Sweden

SUBMITTED

Jessica Wissman, Head of legal department (Sverige)

NADO - NADO

General Comments

Definition of Data controller and Data processor. In accordance with the recommendations from the EDPB consider adding definitions of a Data controller and a Data processor which is important for who is responsible for the data when ADOs are sharing information (see below article 9.3 d).

Article 9.3 b). In the comment to the article, consider include that if personal information is shared with another ADO/third party, it should be clear who is the controller of the personal information and who’s the processor.

Reasons for suggested changes

Improvement of the standard.

Japan Anti-Doping Agency

SUBMITTED

Chika HIRAI, Director of International Relations (Japan)

NADO - NADO

General Comments

Although we commented on this point in the first draft, and this is not for the ISDP itself but more for a guideline, we understand that it is not reflected to this draft. However, we believe this is an important issue, we would like to mention again in case.

"Agree to the proposed introduction of Privacy by Design concept.
Guideline (or model rules) should be considered to ensure that privacy management and operational systems are uniformly implemented across countries.
Furthermore, the requirements of international standards should be carefully considered to avoid excessive demands, taking into accounts that each country has laws governing the management of personal information and that these laws are being implemented."

CHINADA

SUBMITTED

MUQING LIU, Coordinator of Legal Affair Department (CHINA)
NADO - NADO

General Comments

Defined term: Sensitive Personal Information

We support the expansion of the scope of the term, as it will help us better identify such information. Meanwhile, the draft provides that the additional categories of personal data may be deemed “sensitive” under emerging national or regional data privacy frameworks and so warrant greater protection by anti-doping organizations. In this context, are there any minimum requirements for these “greater protection”? We recommend the revised International Standard further clarify this or provide relevant guidelines for implementation.

USADA

SUBMITTED

Allison Wagner, Director of Athlete and International Relations (USA)
NADO - NADO

General Comments

Article 4.4 Comment - Add a comment referencing the ISDP Guidelines. The ISDP Guidelines offer organizations a starting point in implementing a privacy-by-design framework including some policies and procedures, which would be a helpful and relevant reference here.

Suggested changes to the wording of the Article

Article 4.4 – Replace “Person” with “individual”

Reasons for suggested changes

Article 4.4 - Person is defined to include organizations and entities, and USADA assumes WADA wishes to have an individual accountable for compliance with the ISDP.

Martin Holmlund Lauesen, Director - International Relations and Medical (Norge)

NADO - NADO

General Comments

We generally support the recommendation of the European Data Protection Board, in particular that ISDP more clearly defines the specific roles in relation to personal data in ADAMS. Given that WADA retain full control of all data inserted in ADAMS and determines the purposes and means of the processing which ADOs will need to comply with, it seems appropriate that WADA has the role of data controller once data is entered into ADAMS, and that this is codified in the ISDP.