2027 CODE & IS UPDATE PROCESS

Final Draft: Summary of Major Changes

International Standard for Data Protection

Executive Summary

Following the review and consideration of stakeholder comments provided during the Third Consultation Phase, including Athlete feedback provided as part of the Athlete-Centered Consultation, and through further consultations with the anti-doping community and input from the European Union's (EU's) European Data Protection Board, the International Standard for the Protection of Privacy and Personal Information (**ISPPPI**) Drafting Team has proposed further key changes in a final draft of the proposed 2027 International Standard for Data Protection (**ISDP**) – currently titled the ISPPPI – as part of the ongoing 2027 Code & IS Update Process.

The purpose of this document is to summarize the changes proposed in the final draft of the 2027 ISDP, which predominantly build on those proposed in the second draft of the 2027 ISDP and as summarized in the corresponding second draft Summary of Major Changes.

The ISPPPI Drafting Team wishes to flag certain changes arising from its review of stakeholder comments and discussions with the anti-doping community, such as amendments:

- Clarifying the status of those persons that Anti-Doping Organizations (ADOs) must designate under Article 4.4 to ensure their compliance with the ISDP and applicable data privacy laws;
- Requiring ADOs to include, in their records of processing as required by Article 5.2(a), information on the roles of the relevant parties processing personal information;
- Clarifying that technical and organizational measures are among the types of controls ADOs must consider under Article 5's privacy-by-design mandate;
- Providing clarity to what it concretely means to capture explicit consent by including some examples of relevant techniques in the comment to Article 7.3; and
- Requiring ADOs to either set clear retention times or set clear "retention criteria" for any personal information not already addressed in Annex A: Retention Times.

The following section summarizes the material changes in this final draft of the 2027 ISDP. Only sections of the ISDP that have been amended are referenced below.

Article 3: Interpretation

Changes from the Second Draft

Defined terms have been moved to Appendix I to harmonize the document's format and structure with the Code and other International Standards. Additional clarification has also been provided to clearly distinguish between mandatory requirements and recommendations in the document.

Article 4: Processing Personal Information in Accordance with International Standard and Applicable Law

Changes from the Second Draft

Article 4.4 has been amended by removing the term "Person" and replacing it with "individual or individuals" to clarify that ADOs need to appoint a natural, living person or persons within their organizations, whose role is to ensure compliance with the ISDP. Where ADOs are subject to data privacy frameworks that require them to appoint a "data protection officer" or the like, the ISDP-designated individual potentially could fill this additional role.

Article 5: Implementing Privacy-by-Design

Changes from the Second Draft

Article 5.1(b) has been amended to clarify that among the various security controls and data minimization measures that ADOs should consider applying to mitigate data privacy risks, they should specifically consider measures that are technical and organizational in nature.

Article 5.2(a) has been amended to expand the categories of information that ADOs must include in their records documenting their processing activities. As amended, the ISDP would require ADOs to additionally describe their own role and, when sharing data with third parties, the role of the recipient (e.g., whether a party is a data controller or processor). This amendment responds to comments certain stakeholders provided requesting clarity on the roles of ADOs when processing personal information.

Article 6: Processing Relevant and Proportionate Personal Information for Limited Purposes

Changes from the Second Draft

The comment to Article 6.1, addressing the need for ADOs to only engage in relevant and proportionate processing of personal information, has been amended to include an explicit cross-reference to Article 5.1(b), which sets out more particular data minimization measures, including technical and organizational measures.

Article 7: Processing Personal Information in Accordance with a Valid Legal Ground

Changes from the Second Draft

The comment to Article 7.3, concerning situations where ADOs rely on consent to process sensitive personal information, has been amended to provide a few concrete examples of how ADOs may evidence express

consent from Athletes or others, such as by incorporating a tick box into a form or obtaining an Athlete's written signature or initials.

Article 10: Maintaining the Security of Personal Information

Changes from the Second Draft

NEW ADDITION

A new comment has been added to Article 10.3, to reinforce the requirement under Article 10.3 that ADOs shall apply appropriate security measures calibrated to the sensitivity of the personal information they process. Furthermore, considering ADOs process certain categories of personal information for several years, such as information related to TUEs, anti-doping test results, and results management information, they are reminded of the need to ensure security throughout its lifespan and of the possibility of removing information from "live" systems and archiving it, where practicable, to enhance its security.

Article 11: Limiting Retention of Personal Information and Ensuring its Destruction

Changes from the Second Draft

Article 11.2, which requires ADOs to establish retention times for categories of personal information *other than* the information described in Annex A, has been strengthened. Rather than requiring ADOs to set retention times "where possible", Article 11.2 now calls upon ADOs to always set clear retention times or, where that is not possible, at least establish "relevant criteria" that determines for how long personal information will be retained. The amendment will more closely align the ISDP to European standards in relation to data retention.

Article 11.3 has been amended to cross-reference the requirements of Article 5.3 which mandates that any sensitive personal information be retained in accordance with any specific safeguards or protections under applicable data privacy frameworks.

Annex A: Retention Times

Changes from the Second Draft

The "Important Notes" to Annex A:

- Retention Times – specifying explicit retention times for designated anti-doping records – has been amended so that ADOs "must" now – not just "should" – clean or purge incomplete data "as regularly as practicable" in order to improve the quality of the data.

- The description used in Row 2, Whereabouts, has been reworded to align with the current text of the International Standard for Testing.

- The description used in Row 3, Therapeutic Use Exemptions (TUEs), has been amended to refer to Supplementary Report Forms to clarify their inclusion. The retention period has also been amended to include a separate retention period for retroactive TUEs.

- The final column in Annex A: Retention Times, headed "Criteria", has been removed as it was determined that it is of limited or no value and may potentially confuse ADOs.

Appendix 1: Defined Terms Specific to the *International Standard* for Data Protection

Changes from the Second Draft

The definition of the term "Processing" in Article 3.3 has been amended to include the phrase "using or other operation" performed on personal information, clarifying that *any* processing operation performed on personal information is within the scope of the ISDP.

Athlete-Centered Consultation

The ISPPPI Drafting Team specifically considered the submissions it received from the Athlete-Centered Consultation and discussed them at length. The ISPPPI Drafting Team wishes to thank all the respondents for their valuable input during the Athlete-Centered Consultation.

Concerns raised in relation to the security controls applied to personal information, including whereabouts data specifically, gave rise to amendments to the ISDP's provisions addressing personal information security in Article 10, among others.

As most Athletes questioned the necessity for the proposed 10-year retention period for whereabouts data, the ISPPPI Drafting Team separately consulted technical experts and other stakeholders to weigh the arguments for and against applying a 10-year retention period. Ultimately, the proposed 10-year retention period has been retained in the final draft of the 2027 ISDP, as it will better align with recent developments in anti-doping investigations and intelligence techniques, where such data has taken on a renewed importance in detecting Code violations. This will also avoid problems arising from having incomplete information in the context of anti-doping rule violations proceedings, when all other relevant information is kept pursuant to a 10-year limitation period. Moreover, it is important to note that the majority of other stakeholders endorsed the proposed 10-year retention period.