



**WORLD CONFERENCE
ON DOPING IN SPORT**
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SESSION 16

The International Standard for the Protection of Privacy and Personal Information (ISPPPI)

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Mentimeter



- How challenging do you find complying with the ISPPPI?
 - **Not very** challenging
 - **Somewhat** challenging
 - **Extremely** challenging
 - **Impossible** to comply
 - **What is the ISPPPI?**

- What level of interest do athletes or others you interact with give to data privacy?
 - A **low level** of interest (i.e., it rarely comes up)
 - A **moderate level** of interest (i.e., it arises from time to time)
 - A **high level** of interest (i.e., it is a regular aspect of our work)
 - A **very high level** of interest (i.e., it arises as an issue almost daily)

Overview of the ISPPPI Revision Process

- Consultation and Revision Process
- ISPPPI Background
- Summary of ISPPPI Amendments

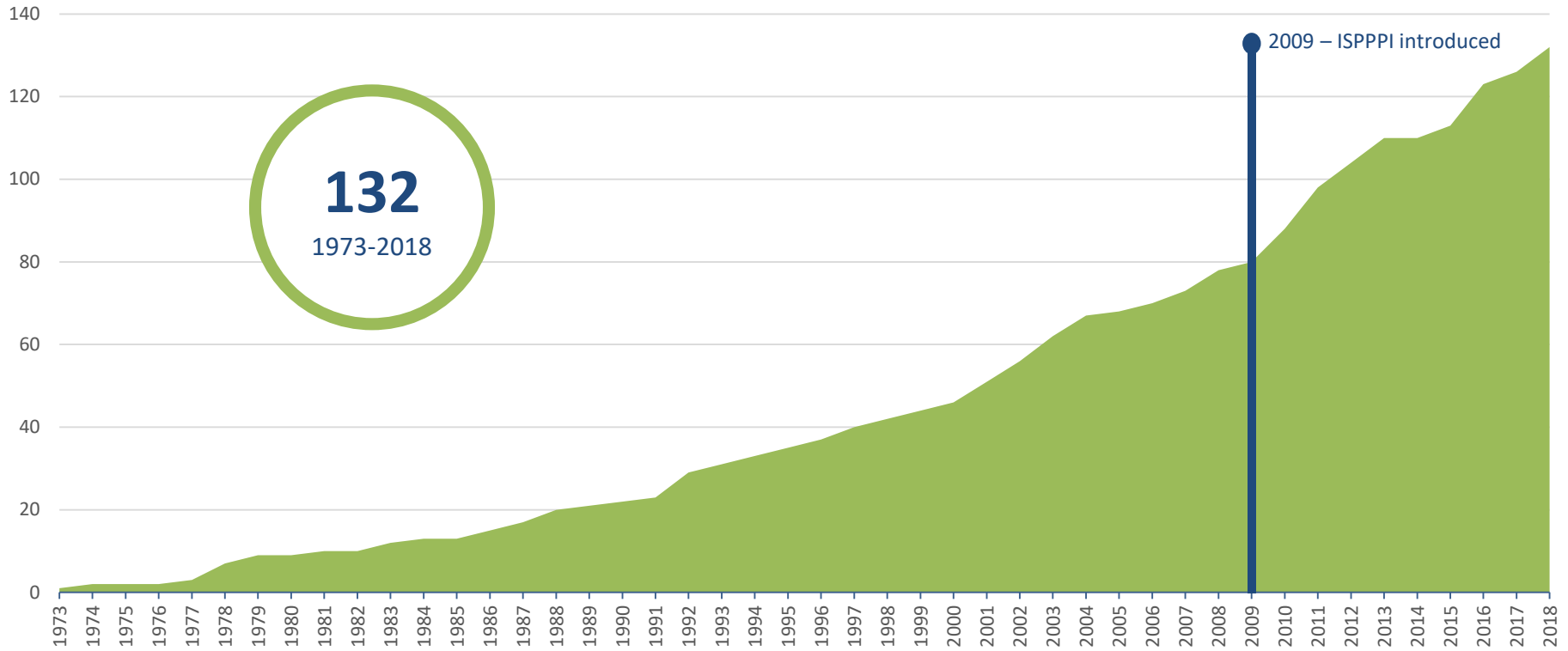


The ISPPPI – Background



- First adopted 9 May 2009
- Ensure Anti-Doping Organizations (ADOs) apply “appropriate, sufficient and effective” protections to personal information
- Establish a baseline set of requirements for ADOs, including transparency, lawful basis, security, accountability, data sharing, proportionality and data retention
- Subsequently revised in 2015 and 2018
 - Reflecting developments in law and anti-doping practices, including EU legislation (GDPR) and case law
 - 2018 amendments introduced material changes

Global Data Privacy Laws Enacted Per Year



Consultation Process



- First consultation launched June 2018 (second Code consultation phase)

- Second consultation launched December 2018 (third Code consultation phase)

- Consultation closed March 2019
 - Over 50 comments and 24 submissions
 - Meetings with stakeholders in March and April 2019

Consultation Process (Cont'd)



- Drafting team comprised of data protection experts, including WADA personnel

- Relatively limited number of comments as compared to other Standards
 - Expected in light of consultations for June 2018 version of ISPPPI

- Some common themes emerged:
 - Overall general support for ISPPPI
 - Retention times for certain data types
 - Review of third party and third-party agent concepts

Changes with Substantive Effect



- Modified Article 5 regulating the circumstances where ADOs may validly process personal information for Anti-Doping Activities
- Applies Code definition of “Anti-Doping Activities”, which references, inter alia, education and information and “all other activities relating to anti-doping” in Code and Standards
- Clarifies that processing for anti-doping education and research, or to analyse and improve anti-doping processes, does not require an Article 5.3(d) documented assessment

Changes with Substantive Effect (Cont'd)



- Modified Article 6 requiring ADOs to have a valid legal basis to process personal information, such as consent, legal obligation or other grounds
- Additionally refers to “public health” grounds and clarifies that ADO with “then-primary” athlete relationship has responsibility
- Heightens consent standard to “specific and unambiguous”, and “explicit” for sensitive information

Changes with Substantive Effect (Cont'd)



- Modified Article 8 on regulation of disclosures and sharing of personal information
- Establishes that ADOs may share information with other authorities pursuant to investigations into breaches of professional ethics rules, not just criminal law violations

Changes with Substantive Effect (Cont'd)



- Modified Article 9 that imposes baseline data security requirements upon ADOs
- Requires “regular” assessments of sensitive data/whereabouts data processing, removing three-year review cycle
- Includes text to reflect increasing use of third parties to perform delegated tasks, such as Delegated Third Parties and subcontractors

Changes with Substantive Effect (Cont'd)



- Modified Article 10 and Annex A establishing data retention restrictions, including guidelines for retention of anti-doping data types
- Clarifies that Annex A serves as a primary reference for retention periods for stated data types, other data subject to Article 10 general rules
- Notes WADA's role in applying Annex A retention times for ADAMS data
- Annex A updated to align with changes to Code, Athlete Biological Passport program and stakeholder operational needs

Changes with Substantive Effect (Cont'd)

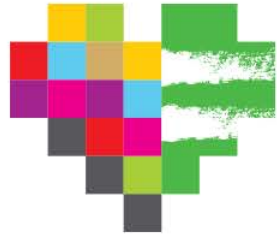


- Modified Article 11 bestowing rights upon individuals (athletes and participants)
- New comment acknowledges the possibility of additional rights under applicable data protection laws
- Establishes that ADOs can restrict rights where applicable exemptions in law exist or for conflicts with ADO's ability to defend or advance legal claims

Other Changes



- Modified ISPPPI to align with changes to Code and International Standards
- Incorporates definitions from Code and International Standards, such as “Delegated Third Party”, “Anti-Doping Activities” and other terms
- Other less consequential fine-tuning of the text



play true