

# Does Anti-Doping Serve a Public Interest?

## Working Party Position

The Working Party's opinion on WADA's International Standard for the Protection of Privacy and Personal Information (WP 162) is based on a number of assumptions about the role and importance of the international fight against doping in sport. In particular, the Working Party suggests that:

- **anti-doping efforts serve the interests of WADA and the sports community, instead of a substantial public interest**, and that sensitive data may only be processed if permitted by national law or approved by a supervisory authority (see page 11 of the Working Party's opinion); and
- **international transfers of anti-doping data do not serve an important public interest** (see page 14 of the Working Party's opinion). The opinion goes on to suggest, incorrectly, that "important public interests" must be set out in national law.

### Did you know?

- 50% of athletes surveyed would take a doping agent if they would: (1) not be caught; and (2) win for the next five years, even if they would subsequently die of doping-related causes (1997 Sports Illustrated survey).
- 3% of pre-adolescents surveyed had used doping agents in the preceding six months and, of that group, 44% claimed to have won a competition as a result (2007 study).

## WADA's Perspective

- Efforts to curb doping in sport undoubtedly serve an important public interest, irrespective of the nature of the organization responsible for such efforts. The importance of the anti-doping issue is evidenced by the following examples:
  - ✓ *25 EU Member States have ratified the UNESCO International Convention against Doping in Sport.* The Convention stresses that "sport should play an important role in the protection of health."
  - ✓ *26 EU Member States have ratified the Council of Europe Anti-Doping Convention.* The Convention expresses concern over "the growing use of doping agents and methods by sportsmen and sportswomen throughout sport and the consequences thereof for the health of participants."
  - ✓ *Article 165(2) of the Lisbon Treaty* provides that the Union's actions shall be aimed at "protecting the physical and moral integrity of sportsmen and women...", and that the Union must take into account the "specific nature of sport" and "its structure based on voluntary activity."
  - ✓ The European Court of Justice has accepted that combating doping is necessary to safeguard both athletes' health and the ethical values of sport. As such, the legitimate objective of combating doping necessarily impinges on certain freedoms ordinarily enjoyed by athletes under the Treaty (Case C-519/04 P).
  - ✓ National anti-doping laws often require athletes to subject themselves to anti-doping tests without consent. Such requirements would be incomprehensible if promoting anti-doping was not considered to be strongly in the public interest.
  - ✓ The conclusions of the recent Athens Conference considered that doping is a matter of public interest.
  - ✓ WADA recently signed an agreement with Interpol on closer cooperation in the fight against anti-doping.
  - ✓ A recent study indicated that "the use of doping agents, particularly anabolic androgenic steroids (AAS), has changed from being a problem restricted to sports to one of public-health concern." (*Lancet*, 2008 May 31; 371(9627):1872-82.)
- In light of these examples (and many more that we could provide), it is difficult to understand on what basis the Working Party claims that anti-doping efforts do not serve an important public interest.

## Helpful Links

- **UNESCO Convention:**  
[http://portal.unesco.org/en/ev.php-URL\\_ID=31037&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=31037&URL_DO=DO_TOPIC&URL_SECTION=201.html)
- **Council of Europe Convention:** <http://conventions.coe.int/treaty/en/Treaties/Html/135.htm>