

Translated from original in French

April 3, 2009

Letter from the Quebec Commission on Access to Information

Re.: World Anti-Doping Agency (WADA)

Dear Ms Stoddart,

This week, the letter that Mr Alex Türk sent to you on 14 January in his capacity as Chairman of the Article 29 Working Party was brought to my attention. The working party was asked to issue an opinion concerning the draft standard on the protection of privacy that forms part of the World Anti-Doping Agency (WADA) Code.

In the context of the opinion requested, Mr Alex Türk informed us that the Article 29 Working Party has to consider the protection of personal data stored by WADA. This involves not only verifying contractual commitments undertaken, but also identifying the legislation guaranteeing the protection of privacy and the control authority responsible for monitoring this.

It is necessary to describe the level of protection of personal data in Quebec, since WADA exercises those activities for which an opinion has been requested in Quebec.

As far as we are concerned, the protection of personal data is governed in Quebec by two fundamental acts, depending on whether the data are held in the public sector or in the private sector. Indeed, since 1982, public bodies have been required to comply with the Act respecting access to documents held by public bodies and the protection of personal information (R.S.Q., c. A-2.1).

In the private sector, the protection of personal data and privacy is established by the Quebec Charter of Human Rights and Freedoms and the Civil Code of Quebec and, since 1994, the Act respecting the protection of personal information in the private sector (R.S.Q., c. P-39.1).

This legislation, to which WADA is subject, particularly regarding the use of the ADAMS database, complies with the fundamental principles for the protection of privacy and draws its inspiration primarily from the European Directive 95/46 EC on the protection of personal data.

The Quebec National Assembly made sure, when the time came, to assign the responsibility for personal data protection management to an independent control authority. This function is carried out by the Quebec Commission on Access to Information, of which I am chairman. The members of this commission are appointed by the National Assembly. In addition to its jurisdictional function regarding decisions

that may be subject to review, the commission has extensive monitoring powers in the public and private sectors.

I should like to thank you, as well as the Chairman of the Article 29 Working Party, for giving the Commission on Access to Information (*Commission d'accès à l'information du Québec*) the opportunity to confirm that personal data in Quebec benefit from a level of protection established by the law and monitored by an independent control authority in accordance with the principles of Directive 95/46 EC. We can confirm that WADA and the ADAMS database are governed by the applicable laws in force in Canada so that, if necessary, the competent Canadian authority may, in due course, take the necessary measures to resolve a case or an issue concerning the protection of personal data.

We should be delighted, together with the Privacy Commission in Ottawa, to answer any questions that may be put to us.

In relation to your correspondence with Mr Türk, I should be grateful if you would send him a copy of this letter.

Yours sincerely,

Jacques Saint-Laurent