

2027 CODE & IS UPDATE PROCESS

Stakeholder Consultation Phase: Summary of Major Changes

International Standard for the Protection of Privacy and Personal Information

Executive Summary

The International Standard for the Protection of Privacy and Personal Information (ISPPPI) was first adopted in 2009 and updated versions were introduced in 2015, 2018, and 2021, following consultations with Signatories, public authorities, and other relevant stakeholders.

The ISPPPI's main purpose is to ensure that Anti-Doping Organizations apply appropriate, sufficient, and effective privacy protecting measures to the personal information they process when conducting anti-doping activities. The ISPPPI is aligned with international and regional data protection frameworks and case law, such as the Organization for Economic Cooperation and Development's (OECD) 1980 Guidelines on the Protection of Privacy and Transborder Flows of Personal Data, the Council of Europe's modernized Convention 108+ and the European Union (EU) and United Kingdom (UK) General Data Protection Regulation.

The key changes to the ISPPPI are consistent with the concepts identified for stakeholder feedback, which all received strong support: **a new title (i.e., International Standard for Data Protection)**, a privacy-by-design article consolidating concepts already present in the International Standard, simplified principles for the sharing of personal information with third parties, and updates to data retention periods, including those in Annex A. Additional articles where less substantive changes have been made will also be opened for stakeholder feedback in WADACONNECT. Stakeholders should note that article numbering has changed throughout the Standard due to the introduction of the new article on privacy-by-design.

Article 5: Implementing Privacy-by-Design

This is a new article in this International Standard. However, most of its requirements are already present in the current ISPPPI. The first requirement in the article sets out a general obligation to assess and mitigate data protection risks associated with personal information processing. This expands the obligation previously found in 2021 ISPPPI Article 9.6, which applied to sensitive personal information and whereabouts. The following requirement sets out how to conduct this assessment and identifies certain high-risk contexts where additional assessments may be needed. The final two requirements consolidate obligations that were previously found under 2021 ISPPPI Article 6 involving the need to adjust safeguards or procedures when sensitive personal information is involved, and 2021 ISPPPI Article 5 involving measures to ensure data accuracy.

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

This article, current 2021 ISPPPI Article 5, has been substantially simplified. Considering the new and expanded privacy-by-design and risk assessment requirements, as well as the increasing level of detail set out in the World Anti-Doping Code (Code) and International Standards, the ISPPPI Drafting Team felt the detail previously included in 2021 ISPPPI Article 5.3 was no longer useful.

Article 9: Sharing Personal Information Responsibly

This article is current 2021 ISPPPI Article 8 and has also been simplified for similar reasons to 2021 ISPPPI Article 6 regarding purpose limitation and proportionality, namely that sharing purposes and safeguards are already included in the Code and other International Standards, as well as the ISPPPI itself. This updated article also consolidates specific sharing requirements applicable when working with a Third-Party Agent, which were previously found in the Article regarding security.

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

This Article 11 relates to current 2021 ISPPPI Article 10 and has been re-titled to highlight its key purpose of ensuring data minimization at the storage stage of the data lifecycle. The first four requirements (Articles 11.1-11.4) are substantially similar to current 2021 ISPPPI Articles 10.1-10.5. Articles 11.5 and 11.6 contain specific and limited exceptions to Annex A retention periods, as well as a requirement to assess the risk of and document any applicable exception. The listed exceptions consolidate exceptions previously identified in Annex A regarding ongoing investigations or legal proceedings. They also provide a framework for aligning with specificities of local legal frameworks with due regard to the data minimization principles of the ISPPPI and the consensus on appropriate retention periods for Anti-Doping Activities as reflected in Annex A.

Annex A: Retention Times

The ISPPPI Drafting Team has made certain non-substantive changes throughout the Annex (e.g., in record names and descriptions) to facilitate its implementation by Anti-Doping Organizations within their own systems and records management processes. Any specificities related to the implementation of Annex A in ADAMS will be identified in ADAMS documentation going forward (e.g. retention times applied to incomplete records or records with errors). The following substantive changes are being proposed, the first two of which were specifically supported by stakeholders at the concept stage, and the latter two which resulted from discussions of the ISPPPI Drafting Team:

- Whereabouts: A harmonization of the retention period for whereabouts to 10 years is being proposed, which was supported by a majority of stakeholders. Stakeholders cited the need to retain whereabouts for this period to inform proceedings and investigations related to whereabouts (e.g., whereabouts failures or tampering) and identify suspicious trends and risks (e.g., Operation Fenec).
- Investigations: A new maximum retention period is being proposed for records containing personal information associated with completed investigations. Considering the I&I aspects of anti-doping are at an early stage of maturity, as evidenced by the new International Standard for Intelligence & Investigations, the ISPPPI Drafting Team proposes to wait before setting a harmonized maximum retention period for intelligence records, while recalling that each Anti-Doping Organization has an obligation to establish an appropriate period under Article 11 of the ISPPPI.
- Education: A new, maximum retention period is being proposed for individual education records, considering their relevance for anti-doping rule violation proceedings and the need to understand learner

pathways for individuals across various roles. This period is aligned with the period for demographic records, considering their low sensitivity.

- Results Management: A longer retention period is being proposed for limited information tied to anti-doping rule violations, i.e., nature of the violation, duration of period of ineligibility, prohibited substance/method and consequences imposed. This is being proposed because, similar to education records, individuals may hold multiple roles in sport (e.g. as an athlete, coach, or member of a sport governing body) which means certain minimum information about past anti-doping rule violations remains relevant and necessary for a longer period.