

Tug of War International Federation

Data Protection & Privacy Policy (Final)

Adopted/Approved: TWIF Annual Congress, April 2019

1. Background

The European Union (EU) adopted legislation to ensure that sensitive individual information is protected and that misuse and/or criminal use thereof can be prosecuted. This legislation became active in May 2018 and has a global impact, not just in the EU.

In addition, in order to comply with applicable regulations and the WADA International Standard for the Protection of Privacy and Personal Information (ISPPPI), the Tug of War International Federation (hereinafter, the "Federation") therefore developed this policy to implement mandatory practices with regard to the holding and utilization of individual information ("Personal Data") in relation to each of its members including: Name, Address, Date of Birth, Telephone Number, Email & Club affiliation (if applicable) & Membership Number (if applicable).

Personal data associated with anti-doping requirements includes, but is not limited to, an Athlete's name, date of birth, contact details and sporting affiliations, whereabouts, designated therapeutic use exemptions (if any), anti-doping test results, and results management (including disciplinary hearings, appeals and sanctions). Personal data also includes personal details and contact information relating to other Persons, such as medical professionals and other Persons working with, treating or assisting an Athlete in the context of Anti-Doping activities. Such data remains Personal Information and is regulated by the ISPPPI for the entire duration of its processing, irrespective of whether the relevant individual remains involved in organized sport.

In addition, it may be necessary to hold 'Sensitive Personal Data' on record. Sensitive Personal data includes, Personal Information relating to a Participant's racial or ethnic origin, records of offences (criminal or otherwise), health (including information derived from analyzing an Athlete's Samples or Specimens) and biometric and genetic information.

The Federation also holds administration information, records of Executive and Commission/Committee meetings, correspondence from third parties, registrations for events and competitions run under the control and auspices of the Federation, historic results, archives and other information of individuals and/or groups (teams) essential for the proper running and administering of the organization globally.

2. Federation's position in relation to Data

The Federation is the Data Controller for the Personal Data of individuals and/or groups in relation to its membership and related activities. Information will also be held in the WADA 'Anti-Doping Administration and Management System' (ADAMS) and will be managed by WADA in accordance with the ISPPPI and may be shared with anti-doping related third parties (e.g. Service Providers, National Federations, National Anti-Doping Organizations, etc.)

3. Data Protection Officer

The Secretary General of the Federation as elected from time to time, will be the responsible person and hold the position of "Data Protection Officer - DPO". The DPO may be contacted at any time at the formal contact address/e-mail of the Secretary General as published from time to time.

4. Purpose of Processing Personal Data

- The Personal Data of representatives of National Federations (NF's) will be used and retained by the Federation for the registering of NF's, for communication and maintaining membership on an annual basis and for anti-doping/WADA requirements for a period of four years.
- The Personal Data of individual officials, athletes and supporters will be used and retained by the Federation for such period as the individual's information is required for international events as defined under 'Duration of Retention'.
- The Personal Data of individual athletes and athlete support personnel will be used and retained for the purposes of anti-doping in accordance with the ISPPPI.
- Personal Data required to be processed for the purposes of anti-doping will be recorded in accordance with the requirements of the ISPPPI using Template A in Appendix A.
- Should the Federation wish to Process Personal Information for "other specified purposes", i.e. purposes not provided for in the Anti-doping Code, the *International Standards*, or otherwise required by law, the ISPPPI provides that an appropriate assessment must be conducted and documented to ensure such purposes relate exclusively to the fight against doping. To help conduct and document such an assessment, Template B in Appendix A can be used.
- A NF representative or individual member can resign their Membership by writing to the Federation and their Personal Data will then be erased, except for the basic information required for historic results and/or archive requirements, except in the case of anti-doping data which will be in accordance with the ISPPPI. The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data.
- Personal Data will also be used for administrative purposes to maintain individual's Membership including club and team administration, registrations, team sheets, disciplinary matters, injury reports, transfers, sanctions and for statistical purposes.
- Without the provision of Personal Data an individual's Membership cannot be registered with the Federation.
- The contact information and personal data will also be utilized to keep the membership informed of Federation news, fixtures and events.

5. Personal Data Collection

Personal Data is collected when a membership application is made, registration for an event of the Federation is required and while performing anti-doping activities.

In regard to anti-doping the Federation will only collect and / or Process Personal Information:

- on valid legal grounds, which can include compliance with legal obligations, performance of a public interest task, where necessary for reasons of substantial public interest, fulfilment of a contract or to protect the vital interests of the *Participant* and other *Persons*; or
- where permitted, with a Participant's or other Person's consent, which shall be informed, freely given, specific and unambiguous, subject to the exceptions in Article 6.2.b, 6.3 and 6.4 of the ISPPPI.

6. Consent

Personal data is obtained at the time of membership application, renewal or registration for events and through anti-doping activities. The Federation will clearly indicate on application/registration/testing forms that personal data is required and that a valid consent is provided. The individual will be informed with regard to how the data will be processed and for how long it will be maintained and will have the choice to provide or refrain their consent to provide the required data. A member and/or individual may withdraw their consent at any time by contacting the DPO in writing.

With regard to anti-doping, the Federation will only Process Personal Information with consent. The Federation shall, in order to obtain an informed consent, ensure that adequate information is furnished to the *Participant* or *Person* to whom the Personal Information relates as described more fully in Article 7 of the ISPPPI.

The Federation shall inform Participants of the negative Consequences that could arise from their refusal to participate in Doping Controls, including Testing, and of the refusal to consent to the Processing of Personal Information as required for this purpose. For the avoidance of doubt, Participants shall be informed that their refusal to participate in Doping Controls, when requested to do so, could prevent their continued involvement in organized sport and, for Athletes, constitute a violation of the Code and invalidate Competition results, among other things.

The Federation shall inform Participants that regardless of any refusal to grant or subsequent withdrawal of consent, the Processing of their Personal Information by the Federation still may be required, unless otherwise prohibited by applicable law, where necessary to enable the Federation:

- to commence or pursue investigations involving suspected anti- doping rule violations relating to the Participant;
- to conduct or participate in proceedings involving suspected anti- doping rule violations relating to the Participant; or
- to establish, exercise or defend against legal claims relating to the Federation, the Participant or both.

7. Children's consent

The Federation will ensure that adequate systems are in place to verify individual ages of minors participating in events. Consent will be required from the guardian/parent of the minors. Any communication from the Federation will be sent directly to the guardian/parent registered for such purposes.

8. Access Control

Personal Data will only be accessible by the following positions on the Executive Committee (on a need to know basis):

- President
- Secretary General/Data Protection Officer
- Treasurer
- Chairperson of the Anti-doping Commission, and
- Chairperson of the Technical and Athletes Commission.

In addition, the following personnel will have access on a need to know basis:

- Anti-doping Officer
- The Federation's responsible IT persons
- Secretary of the Technical and Athletes Commission
- NF Representative, and
- Chief Officials appointed from time to time to run competitions and events of the Federation.

The DPO will be the sole recipient of IF Membership and related information for the Federation. Only the minimum of information required for administrative and/or event purposes will be provided to the officials indicated above.

With regard to personal data in relation to anti-doping the Chairperson of the Anti-doping Commission will authorize, manage and monitor access levels to personal data. In accordance with the ISPPPI the Federation personnel, that may have access to Personal Information, are subject to an enforceable contractual duty of confidentiality. A Confidentiality Agreement is provided in Template D in Appendix A to establish this contractual duty, in addition, this template may also be used when engaging individual consultants or external *TUE* or other experts.

9. Distribution of Information

Being an International Federation with members throughout the world, information will be distributed by post, fax, email and website. The information includes Federation governance material, news, fixtures and events.

10. Personal Data & Third Parties

At no stage and under no circumstance will the Federation take or process any data considered as "Sensitive Data" under the EU General Data Protection Regulation (GDPR), other than the information required for operational purposes including anti-doping "Sensitive Personal Information" in terms of the ISPPPI.

Where Members of the IF's represent their respective Countries either as part of a team or in an official's capacity, only the necessary Personal Data of the individuals involved will be registered in order for the individual or team to be accredited for the event.

In regard Anti-doping, the Federation may share Personal Information with Third-Party Agents that Process such Personal Information for or on behalf of the Federation, this may include, for example, IT-service providers, laboratories, and external Doping Control Officers. The ISPPPI requires that, prior to providing any Personal Information to such Third-Party Agents, the Federation shall ensure that such agents are subject to appropriate controls, including contractual and technical controls, in order that Personal Information be appropriately protected while in the custody of the Third-Party Agent. Typical controls can be found in the ISPPPI Privacy Protection Guidelines.

In accordance with the ISPPPI, the Federation shall not disclose Personal Information to other ADOs, except where necessary to allow the disclosing and recipient ADOs to fulfil their obligations under the Code.

Prior to sharing Personal Information with another ADO, The Federation will ensure that:

- the disclosure is in accordance with applicable data protection and privacy laws;
- the recipient *ADO* has established a right, authority, or need to obtain the requested Personal Information;
- the requested Personal Information is only being sent to the identified and relevant person at the recipient *ADO*, and that only Personal Information that is necessary to the right, authority or need established by the recipient *ADO* is shared; and
- the mode of communicating the Personal Information is secure.

Template C in Appendix A provides a means of documenting any disclosure requests from *ADOs*, and assists in ensuring that the conditions set out above are met.

At international events, the collection of samples shall therefore be initiated and directed by the organizers and the appropriate NADO in collaboration with the Federations' Anti-Doping Officer as appointed from time to time for such events.

For out of competition testing the Federation will initiate the collection of samples by raising the appropriate 'Mission Order' on a contracted Sample Collection Organization.

11. Storage

Personal Data will be stored in paper form and electronically on the Federation's database, archive and ADAMS which is in under the control of the DPO. Access to this database is restricted by password protection with unique passwords used for different levels of data to ensure appropriate data is accessed on a need to know basis. Sensitive personal data will be held on password protected computers and shall be encrypted. Paper form data will be stored in a lockable filing cabinet. Other electronic personal data will be held on a password protected laptop or removable hard drive/storage disk.

12. Duration of Retention

Personal Data will be held for the duration of an individual's membership or duration of an event. In the case of resignation, Personal Data will be deleted immediately, except where data are required for historical/archived results. Administrative information will be retained for 4 Years. The Duration of Retention for the purposes of Anti-doping will be in accordance with Table 1 in the ISPPPI.

13. Right to Access

A Member or IF may request a copy of all their individual or countries Personal Data by contacting the DPO of the Federation. This information will be provided free of charge, in paper form or electronically as per the Members wishes. The request will be completed within one month of the receipt of the request. (See right to access procedure below)

The right of access is subject to certain exceptions under the ISPPPI. Under the ISPPPI, the Federation may refuse to respond favorably to an access request if doing so would conflict with other Anti-Doping Activities, such as No Advance Notice Testing or the investigation and establishment of anti-doping rule violations.

14. Member's Privacy Rights

The Federation will make every effort to ensure all Personal Data held is up to date and correct. In the event of errors, a Member or IF has the right to have their Personal Data updated, rectified or deleted. (Restrictions in regarding Anti-doping data may apply, see above) Upon receipt of their written request the DPO will execute the instructions of the member within one month of such request. (See right to access procedure below)

15. Right to be forgotten/Right to be erased

A member has the right to seek erasure of personal data concerning them without undue delay except where they formed part of teams placed 1 to 3 during international events where such information will be utilized for archived results. In addition, restrictions in regarding Anti-doping data apply in accordance with the ISPPPI.

16. Right of Access Procedure

In order for a Right of Access request to be completed, the member making the application must provide the Federation with a written request in paper or electronic form.

Prior to responding to an access request, the Federation shall confirm the identity of the requester. The manner of conducting such verification may depend on the circumstances of the request and the Federation's relationship with the requester. For example, the Federation may require a requester to present themselves in person in order to confirm their identity. In other circumstances, the Federation may be able to confirm the requester's identity through secure electronic means (not email) or by requesting that the requester confirm certain Personal Information by phone or other means.

The Federation shall also ensure that only Personal Information regarding the requester is provided in response to the access request, and not of any other Person (i.e., by redacting Personal Information relating to third parties within the copy of Personal Information to be provided to the requester, as appropriate). The right of access is subject to certain exceptions under the ISPPPI.

Once the written request has been verified, the DPO will review all the records of the Federation to locate any and all data pertaining to the Requester.

The DPO may also request the following Federations' Executive members, Secretary of the TAC, anti-doping officer and International Representative to review any records they may possess.

The DPO will endeavour to process the request without undue delay but will ensure that a response is provided to the member within one month of receipt of the request. Where the Federation is unable to respond to a request within such period, they shall supply the *Person* with an explanation for the delay and an estimated timeframe for its response, which should be as soon as practicable under the circumstances.

No charge will be made for processing the request.

17. Record Keeping

The DPO will maintain Records of all Personal Data which the Federation processes. These records will be maintained electronically. The information recorded will include:

- The data processed
- The reason for processing and/or archiving.
- The duration the data will be kept
- The legal basis on which the data is processed/maintained.

Data will be retained in accordance with the timescales given in the Duration of Retention section above

18. Making a Complaint

Any Person may file a complaint if he or she believes that his or her Personal Information is not being Processed in accordance with this procedure or applicable data protection and privacy laws. If a member wishes to make a complaint against the Federation they may contact the office of the DPO in writing indicating the nature of the complaint.

19. Security Breach Preparedness and Response

As soon as a data breach has been suspected or detected and/or reported to the DPO, the incident will be investigated and reported on, with appropriate corrective steps/measures within 72 hours of the notification.

The DPO should assess the Security Breach to determine its severity and to implement appropriate containment, notification, and remediation measures.

In particular, the DPO and other relevant stakeholders and advisors of the Federation will assess the Security Breach to determine whether it is required to notify other organizations, individuals or governmental authorities. The ISPPPI provides that the Federation is required to inform the individuals concerned where the breach is likely to affect their rights and interests in a significant way.

Factors to determine whether the breach meets this trigger include:

- whether there is a risk of the individuals concerned suffering emotional or psychological distress as a result of the breach;
- whether the individuals concerned might be exposed to a risk of discrimination, identity theft, or related harms;
- or
- whether the individuals concerned might suffer damage to reputation or economic harm.

Where the Federation has determined that it must notify affected Participants or other natural Persons about a Security Breach in accordance with the assessment referred to above, the notification should include the following information:

- nature of the breach;
- possible negative consequences for the Persons concerned; and
- remediation measures taken or to be taken by the Federation

Where a Security Breach affects the Federation’s ADAMS account or access, the Federation are required to promptly notify WADA of the breach.

The Federation shall maintain appropriate records of all security breaches including the facts related to the breach, its effects and remedial actions taken. Template E of Appendix A can be used to assist the DPO in their record keeping and notification obligations.

Following investigation of the incident, the DPO will furnish a report to the Executive Committee of the Federation detailing the reasons why and how the incident occurred, the corrective actions taken to ensure such a data breach does not occur again, and any other mitigations taken in relation to the data subjects involved in the incident.

20. Pledge of Confidentiality

The following pledge will be signed/agreed to by Members of the Executive of the Federation and International Representatives:

This is to certify that as a member of the Executive of the Federation or International Representative of my Country, I acknowledge and agree to conform to the obligations of this policy. his policy. I understand that any information (written, verbal or other form) obtained during the performance of my duties must remain confidential. This includes all information that I may become privy to as part of my being a member of the Executive or as NF representative which is not part of the general public’s knowledge, including but not limited to information shared during meetings as well as any other information otherwise marked or known to be confidential.

I understand that any unauthorised release or carelessness in the handling of this confidential information is considered a breach of the duty to maintain confidentiality.

I further understand that any breach of the duty to maintain confidentiality could be grounds for immediate disciplinary action.

Capacity/Position: _____

Name: _____

Signature: _____

Date: _____