



PANAM SPORTS RULES GOVERNING PROTECTION OF PRIVACY AND PERSONAL INFORMATION

PART ONE: INTRODUCTION, *CODE* PROVISIONS, *INTERNATIONAL STANDARD* PROVISIONS AND DEFINITIONS

1.0 Introduction and Scope

The purpose of the Panam Sports Rules for the Protection of Privacy and Personal Information is to ensure that Panam Sports applies appropriate, sufficient and effective privacy protections to the Personal Information it Processes when conducting anti-doping programs, a TUE and/or a Result Management during the Pan American Games, in recognition of the fact that Personal Information gathered in the anti-doping context can impinge upon and implicate the privacy rights of *Persons* involved in and associated with organized sport.

The *Code*, in particular, requires *Athletes* to furnish a significant amount of Personal Information to Panam Sports. As a result, it is essential that Panam Sports appropriately protects the Personal Information that it Processes both to meet legal standards and to ensure the continued confidence and trust of those involved in organized sport.

The *Code* recognizes and affirms the importance of ensuring that the privacy rights of *Persons* subject to anti-doping programs based on the *Code* are fully respected. In support of this commitment, Panam Sports must conform to these when Processing Personal Information pursuant to the *Code*. In addition, Panam Sports, as a non-profit association established under Mexican Law may be required by applicable Mexican laws to apply rules that exceed those set forth in these Rules.

Terms used in these Rules that are defined terms from in the *International Standard* for the Protection of Privacy and Personal Information and/or from the *Code* are italicized. Terms that are defined in this or another *International Standard* are underlined.

2.0 *Code* Provisions

The following articles in the *Code* are directly relevant to the *International Standard* for the Protection of Privacy and Personal Information and/or to this Rules; they can be obtained by referring to the *Code* itself:

- *Code* Article 14 Confidentiality and Reporting



3.0 Definitions and Interpretation

3.1. Defined Terms from the Code that are used in the Panam Sport Rules for the Protection of Privacy and Personal Information

ADAMS: The Anti-Doping Administration and Management System is a Web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and WADA in their anti-doping operations in conjunction with data protection legislation.

Anti-Doping Activities: Anti-doping *Education* and information, test distribution planning, maintenance of a *Registered Testing Pool*, managing *Athlete Biological Passports*, conducting *Testing*, organizing analysis of *Samples*, gathering of intelligence and conduct of investigations, processing of *TUE* applications, *Results Management*, hearings, monitoring and enforcing compliance with any *Consequences* imposed, and all other activities related to anti-doping to be carried out by or on behalf of an *Anti-Doping Organization*, as set out in the *Code* and/or the *International Standards*.

Anti-Doping Organization: WADA or a *Signatory* that is responsible for adopting rules for initiating, implementing or enforcing any part of the *Doping Control* process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other *Major Event Organizations* that conduct *Testing* at their *Events*, International Federations, and *National Anti-Doping Organizations*.

Athlete: Any *Person* who competes in sport at the international level (as defined by each International Federation) or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of "*Athlete*". In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has elected to exercise its authority to test and who competes below the international or national level, then the *Consequences* set forth in the *Code* must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and *Education*, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.

[*Comment to Athlete: Individuals who participate in sport may fall in one of five categories: 1) International-Level Athlete, 2) National-Level Athlete, 3) individuals who are not International or National-Level Athletes but over whom the International Federation or National Anti-Doping Organization has chosen to exercise authority, 4) Recreational Athlete, and 5) individuals over whom no International Federation or National Anti-Doping Organization has, or has chosen to, exercise authority. All International and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international and national level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations.*]



Athlete Support Personnel: Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other *Person* working with, treating or assisting an *Athlete* participating in or preparing for sports competition.

Code: The World Anti-Doping Code.

Competition: A single race, match, game or singular sport contest. For example, a basketball game or the finals of the Olympic 100-meter race in athletics. For stage races and other sport contests where prizes are awarded on a daily or other interim basis the distinction between a *Competition* and an *Event* will be as provided in the rules of the applicable International Federation.

Consequences of Anti-Doping Rule Violations (“Consequences”): An *Athlete’s* or other *Person’s* violation of an anti-doping rule may result in one or more of the following: (a) *Disqualification* means the *Athlete’s* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes; (b) *Ineligibility* means the *Athlete* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.14.1; (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Article 8; (d) *Financial Consequences* means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) *Public Disclosure* means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 14. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11.

Delegated Third Parties: Any *Person* to which an *Anti-Doping Organization* delegates any aspect of *Doping Control* or anti-doping *Education* programs including, but not limited to, third parties or other *Anti-Doping Organizations* that conduct *Sample* collection or other *Doping Control* services or anti-doping *Educational* programs for the *Anti-Doping Organization*, or individuals serving as independent contractors who perform *Doping Control* services for the *Anti-Doping Organization* (e.g., non-employee *Doping Control* officers or chaperones).

Doping Control: All steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of *Consequences*, including all steps and processes in between, including but not limited to, *Testing*, investigations, whereabouts, *TUEs*, *Sample* collection and handling, laboratory analysis, *Results Management*, hearings and appeals, and investigations or proceedings relating to violations of Article 10.14 (Status During *Ineligibility* or *Provisional Suspension*).

Education: The process of learning to instill values and develop behaviors that foster and protect the spirit of sport, and to prevent intentional and unintentional doping.

International Standard: A standard adopted by WADA in support of the *Code*. Compliance with an *International Standard* (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standard* were performed properly. *International Standards* shall include any *Technical*



Documents issued pursuant to the *International Standard*.

Participant: Any *Athlete* or *Athlete Support Person*.

Person: A natural *Person* or an organization or other entity.

Prohibited Method: Any method so described on the *Prohibited List*.

Prohibited Substance: Any substance, or class of substances, so described on the *Prohibited List*.

Publicly Disclosed: See *Consequences of Anti-Doping Rule Violations* above.

Results Management: The process encompassing the timeframe between notification as per Article 5 of the *International Standard for Results Management*, or in certain cases (e.g., *Atypical Finding*, *Athlete Biological Passport*, *Whereabouts Failure*), such pre-notification steps expressly provided for in Article 5 of the *International Standard for Results Management*, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

Sample or Specimen: Any biological material collected for the purposes of *Doping Control*.

[*Comment to Sample or Specimen: It has sometimes been claimed that the collection of blood Samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.*]

Signatories: Those entities accepting the *Code* and agreeing to implement the *Code*, as provided in Article 23.

Target Testing: Selection of specific *Athletes* for *Testing* based on criteria set forth in the *International Standard for Testing and Investigations*.

Testing: The parts of the *Doping Control* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the laboratory.

Therapeutic Use Exemption [TUE]: A *Therapeutic Use Exemption* allows an *Athlete* with a medical condition to use a *Prohibited Substance* or *Prohibited Method*, but only if the conditions set out in Article 4.4 and the *International Standard for Therapeutic Use Exemptions* are met.

WADA: The World Anti-Doping Agency.

3.2. Defined Terms from the *International Standard for Testing and Investigations*

Doping Control Coordinator: An *Anti-Doping Organization* or a *Delegated Third Party* that coordinates any aspect of *Doping Control* on behalf of an *Anti-Doping Organization*. The *Anti-Doping Organization* always remains ultimately responsible under the *Code* for compliance with the requirements of the *International Standard for Testing and Investigations*, *Therapeutic Use Exemptions*, *Protection of Privacy and Personal*



Information, and *Results Management*.

Doping Control Officer (or DCO): An official who has been trained and authorized by the Sample Collection Authority to carry out the responsibilities given to DCOs in the *International Standard for Testing and Investigations*.

No Advance Notice Testing: *Sample* collection that takes place with no advance warning to the *Athlete* and where the *Athlete* is continuously chaperoned from the moment of notification through *Sample* provision.

3.3. Defined Terms Specific to the *International Standard for the Protection of Privacy and Personal Information*

Personal Information: Information, including without limitation Sensitive Personal Information, relating to an identified or identifiable *Participant* or other *Person* whose information is Processed solely in the context of an *Anti-Doping Organization's Anti-Doping Activities*.

*[Comment to Personal Information: It is understood that Personal Information includes, but is not limited to, information relating to an *Athlete's* name, date of birth, contact details and sporting affiliations, whereabouts, designated TUEs (if any), anti-doping test results, and *Results Management* (including disciplinary hearings, appeals and sanctions). Personal Information 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 information remains Personal Information and is regulated by this *International Standard* for the entire duration of its Processing, irrespective of whether the relevant individual remains involved in organized sport.]*

Processing (and its cognates, **Process** and **Processed**): Collecting, accessing, retaining, storing, disclosing, transferring, transmitting, amending, deleting or otherwise making use of Personal Information.

Security Breach: A breach of security resulting in the loss, theft, damage or unauthorized and/or unlawful Processing of Personal Information whether in electronic or hard-copy or other form, or interference with an information system, that compromises the privacy, security, confidentiality, availability or integrity of Personal Information.

Sensitive Personal Information: Personal Information relating to a *Participant's* racial or ethnic origin, commission of offences (criminal or otherwise), health (including information derived from analyzing an *Athlete's Samples* or *Specimens*) and biometric and genetic information.

Third Party: Any *Person* other than the *Person* to whom the relevant Personal Information relates, *Anti-Doping Organizations*, and Third-Party Agents.

Third-Party Agent: Any *Person* that Processes Personal Information on behalf of, as delegated by, or as otherwise engaged by an *Anti-Doping Organization* in the context of



the *Anti-Doping Organization's* own *Anti-Doping Activities* including, without limitation, a *Delegated Third Party* and any subcontractors.

3.4. Interpretation

- 3.4.1** The official text of the Panam Sports Rules for the Protection of Privacy and Personal Information shall be published in English and Spanish. In the event of any conflict between the English and Spanish versions, the English version shall prevail.
- 3.4.2** Like the *Code*, the Panam Sports Rules for the Protection of Privacy and Personal Information have been drafted giving consideration to the principles of proportionality, human rights, and other applicable legal principles. It shall be interpreted and applied in that light.
- 3.4.3** The comments annotating various provisions of the *International Standard* for the Protection of Privacy and Personal Information shall be used to guide its interpretation. The comments are incorporated to these Rules by reference.
- 3.4.4** Unless otherwise specified, references to Sections and Articles are references to Sections and Articles of the Panam Sports Rules for the Protection of Privacy and Personal Information.
- 3.4.5** The Annexes to the *International Standard* for the Protection of Privacy and Personal Information have the same mandatory status as the rest of the *International Standard* and they are incorporated by reference to these Rules.



PART TWO: STANDARDS FOR HANDLING PERSONAL INFORMATION

4.0 Processing Personal Information in Accordance with *International Standard* and Applicable Law

- 4.1 Panam Sports must comply with the *International Standard* for the Protection of Privacy and Personal Information, hereinafter *ISPPPI*, even when its requirements exceed those arising under the Panam Sports applicable data protection and/or privacy laws.
- 4.2 Panam Sports may be subject to data protection and privacy laws that impose requirements that exceed those arising under the *ISPPPI*. In such circumstances, Panam Sports must ensure that its Processing of Personal Information complies with all such data protection and privacy laws.
- 4.3 In order to fulfill its obligations in the Personal Information Process, Panam Sports shall adopt an appropriate internal policies and procedures reflecting its adherence to the *ISPPPI*.
- 4.4 Panam Sports shall maintain a record of the Processing of Personal Information for which it is responsible, which shall describe the general purposes of the Processing, a description of the types of Personal Information, the categories of potential recipients of the Personal Information, the safeguards used where Personal Information is disclosed to other *Anti-Doping Organizations*, Third Parties, or Third-Party Agents, the period for which the Personal Information will be stored, or the criteria used to determine this period, and a general description of the technical and organizational security measures applied to the Personal Information. To fulfill with this obligation, Panam Sports may use the Record of Processing, (Appendix 4).
- 4.5 Panam Sports shall designate a *Person* who is accountable for compliance with the *ISPPPI* and/or these Rules and all locally applicable privacy and data protection laws. It shall ensure that the contact information of the *Person* so designated is made readily available to *Participants* in accordance with Article 7.

5.0 Processing Relevant and Proportionate Personal Information

- 5.1 Panam Sports shall only Process Personal Information where relevant and proportionate in order to conduct *Anti-Doping Activities* under the Panam Sports Anti-Doping Rules, the *Code* and *International Standards*, provided such Processing does not conflict with applicable privacy and data protection laws, or where otherwise required by applicable law, regulation or compulsory legal process.
- 5.2 Panam Sports shall not Process Personal Information that is irrelevant or unnecessary in the context of its *Anti-Doping Activities* as identified in Article 5.1.
- 5.3 In particular, except as otherwise expressly required by law:
 - a) Panam Sports, for Processing Personal Information (which may involve Processing Sensitive Personal Information relating to *Athletes* and Processing non-Sensitive Personal Information relating to *Participants* and potentially other *Persons*) and in order to determine whether an *Athlete's* use of a *Prohibited Substance* or *Prohibited Method* is consistent with the provisions of a *TUE*, shall Process only the Personal Information proportionate and relevant for making this determination in accordance with the *Code*



and/or the *International Standard for Therapeutic Use Exemptions*.

- b) For Processing Personal Information relating to *Participants* and other *Persons* in order to perform *Testing*, Panam Sports shall Process only the Personal Information (including whereabouts information and *TUEs*) proportionate and relevant for conducting *Testing* (e.g., test distribution planning, *Sample* collection, *Sample* handling, *Sample* transport to the laboratory or associated matters) in accordance with the *Code* and/or the *International Standard for Testing* and Investigations.
- c) For Processing Personal Information relating to *Participants* and other *Persons* in order to engage in investigations and *Results Management* limited to the *Event*, Panam Sports shall Process only the Personal Information, including but not limited to whereabouts information, *TUEs*, test results, and non-analytical intelligence or information, proportionate and relevant for investigating and establishing one or more anti-doping rule violations in accordance with the *Code* and/or the *International Standard for Results Management* and the *International Standard for Testing* and Investigations.

5.4 Personal Information Processed by Panam Sports shall be Processed fairly and shall be accurate, complete and kept up to date. Panam Sports shall correct or amend as soon as possible any Personal Information that they know to be incorrect or inaccurate, taking into account the responsibilities of *Participants* to provide accurate and up-to-date information regarding themselves to Panam Sports, including in the context of the provision of whereabouts information.

6.0 Processing Personal Information in Accordance with a Valid Legal Ground

6.1 Panam Sports shall only Process Personal Information in accordance with a valid legal ground, which can include:

- a) Compliance with legal obligations, performance of a public interest task, where necessary for reasons of substantial public interest, public health, or fulfillment of a contract, or to protect the vital interests of the *Participant* and other *Persons*; or
- b) Where permitted, consent of a *Participant* or other *Person*, 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 *ISPPi*

6.2 Panam Sports shall obtain an informed, specific and unambiguous consent to ensure that adequate information is furnished to the *Participant* or *Person* to whom the Personal Information relates as described more fully in Article 7.

- a) Panam Sports 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.
- b) Panam Sports shall inform *Participants* that regardless of any refusal to grant or subsequent withdrawal of consent, the Processing of their Personal Information by Panam Sports still may be required, unless otherwise prohibited by applicable law, where necessary to enable it to:



- a. To commence or pursue analyses or investigations involving suspected anti-doping rule violations relating to the *Participant*;
- b. To conduct or participate in proceedings involving suspected anti-doping rule violations relating to the *Participant*; or
- c. To establish, exercise or defend against legal claims relating to an *Anti-Doping Organization* and/or the *Participant*.

6.3 If Panam Sports Processes Sensitive Personal Information on the basis of consent (including sharing Sensitive Personal Information with *WADA*), the explicit consent of the *Participant* or *Person* to whom the Personal Information relates shall be obtained. The Processing of Sensitive Personal Information shall occur in accordance with any specific safeguards or procedures established under applicable privacy and data protection laws.

6.4 In cases where a *Participant* is incapable of furnishing an informed consent by virtue of age, mental capacity or other legitimate reason recognized in law, the *Participant's* legal representative, guardian or other competent representative may furnish consent on the *Participant's* behalf for purposes of the *ISPPi*, as well as exercise the *Participant's* rights arising under Article 11 below. Panam Sports shall ensure that obtaining consents under such circumstances is permitted by applicable law.

7.0 Ensuring Appropriate Information is Furnished to *Participants* and Other *Persons*

7.1 Panam Sports shall inform *Participants* or *Persons* to whom the Personal Information relates about the Processing of their Personal Information. This information shall include:

- a) The identification of Panam Sports as the authority collecting the Personal Information and contact details of the *Person* appointed pursuant to Section 4.5;
- b) Types of Personal Information that may be Processed;
- c) The purposes for which the Personal Information may be used;
- d) Categories of potential recipients of the Personal Information, including *Anti-Doping Organizations* (such as *WADA*), Third Parties and Third-Party Agents who may be located in other countries where the *Participant* may compete, train or travel;
- e) The possibility and circumstances under which Personal Information may, where permitted by applicable law, be *Publicly Disclosed* (such as the disclosure of test results and tribunal decisions);
- f) The *Participant's* rights with respect to the Personal Information under this *International Standard* and the means to exercise those rights;
- g) The procedure for submitting complaints pursuant to Article 11.5 and the possibility, if any, to submit complaints to competent data protection authorities;
- h) The period for which the Personal Information will be stored, or the criteria used to determine this period; and
- i) Any other information necessary to ensure that the Processing of Personal Information remains fair, such as information about regulatory authorities or bodies that oversee Panam Sports' Processing of Personal Information.



7.2 Panam Sports shall communicate the above information to *Participants* or other *Persons* prior to or at the time that it collects Personal Information from *Participants* or other *Persons* in the form and manner specified in Article 7.3; and Panam Sports shall be responsive to the questions or concerns of *Participants* relating to the Processing of their Personal Information by the Panam Sports. If Panam Sports receives Personal Information from third parties, and not directly from the *Participant*, it shall communicate the above information as soon as possible and without undue delay, unless it has previously been furnished to the *Participant* or other *Person* by other parties. Exceptionally, notice to the *Participant* or other *Persons* may be delayed or suspended where providing such notice might reasonably be considered to jeopardize an anti-doping investigation or otherwise undermine the integrity of the anti-doping process. In such cases, the justification for the delay must be appropriately documented and the information provided to the *Participant* or other *Persons* as soon as reasonably possible.

7.3 Panam Sports shall provide the above information in a manner and format, whether written, oral or otherwise, that *Participants* or *Persons* to whom the Personal Information relates can easily comprehend, using clear and plain language. Panam Sports shall take into account the age and mental capacity of the *Participant* or other *Person*, as well as local practices, customs and the particular circumstances surrounding the Processing of the Personal Information.

8.0 Disclosures of Personal Information to other *Anti-Doping Organizations* and Third Parties

8.1 Panam Sports shall not disclose Personal Information to other *Anti-Doping Organizations* except where such disclosures are necessary to allow the *Anti-Doping Organizations* receiving the Personal Information to fulfill obligations under the *Code* and the *International Standards* and in accordance with applicable privacy and data protection laws.

8.2 Panam Sports shall not disclose Personal Information to other *Anti-Doping Organizations*: (i) where the recipient *Anti-Doping Organizations* cannot establish a right, authority or need to obtain the Personal Information; (ii) where there is evidence that the recipient *Anti-Doping Organizations* do not or cannot comply with this *International Standard*; (iii) where the *Anti-Doping Organization* is prohibited from disclosing the Personal Information by applicable law or restrictions imposed by a competent supervisory authority; or (iv) where the disclosure would seriously compromise the status of an ongoing investigation into anti-doping rule violations. If Panam Sports has concerns that another *Anti-Doping Organization* is incapable of complying with this *International Standard*, it shall make its concerns known to the *Anti-Doping Organization* and WADA as soon as possible.

8.3 Apart from the disclosures referenced in Sections 8.1 and 8.2 above, Panam Sports may disclose Personal Information to Third Parties where such disclosures:

- a) Are required by law, regulation or compulsory legal process;
- b) Take place with the informed, express consent of the relevant *Participant*; or
- c) Are necessary to assist law enforcement or governmental or other authorities in the detection, investigation or prosecution of a criminal offence, breach of professional conduct rules, or breach of the *Code*; provided that the Personal Information is reasonably relevant



to the offence or breach in question and cannot otherwise reasonably be obtained by the relevant authorities.

- 8.4. When other *Anti-Doping Organization* requests the disclosure, it shall fill out the Disclosure Request Form (Appendix 1).

9.0 Maintaining the Security of Personal Information

- 9.1 Panam Sports shall protect Personal Information that it Processes by applying all necessary security safeguards, including physical, organizational, technical, environmental and other measures, to prevent a Security Breach.
- 9.2 Panam Sports shall apply security measures that take into account the sensitivity of the Personal Information being Processed. *Anti-Doping Organizations* shall apply a higher level of security to the Sensitive Personal Information that they Process, reflecting the correspondingly greater risk that a Security Breach involving such information presents to the *Participant* or *Person* to whom the Personal Information relates.
- 9.3 When sharing Personal Information with Third-Party Agents in connection with their *Anti-Doping Activities*, Panam Sports shall ensure that such Third-Party Agents are subject to appropriate controls, including contractual and technical controls, in order to protect the confidentiality and privacy of the Personal Information and to ensure that the Personal Information is only Processed on behalf of the *Anti-Doping Organization* or within the scope of the delegation or engagement of such Third-Party Agent, as the case may be.
- 9.4 Panam Sports is required to choose Third-Party Agents that provide sufficient guarantees, in accordance with applicable law and this *International Standard*, in respect of the technical security measures and organizational measures governing the Processing to be carried out.
- 9.5 In the event of a Security Breach, Panam Sports shall inform affected *Participants* or other natural *Persons* of the breach, where this breach is likely to affect in a significant way the rights and interests of those *Persons* concerned. The information must be provided as soon as reasonably possible once Panam Sports becomes aware of the details of the Security Breach and should describe the nature of the breach, the possible negative consequences for those *Persons* concerned and the remediation measures taken or to be taken by the *Anti-Doping Organization*. Additionally, Panam Sports shall ensure that the *Person* appointed pursuant to Section 4.5 is also informed about the Security Breach. Panam Sports shall keep a record of Security Breaches, including the facts relating to the breach, its effects and remedial actions taken, using the Security Breach Log and the Security Breach Report (Appendixes 2 and 3).
- 9.6 Panam Sports shall regularly assess its Processing of Sensitive Personal Information and whereabouts information to determine the proportionality and risks of its Processing and to assess any measures, including privacy by design measures, that could be taken to reduce the risks for the *Participants* concerned. To process this Sensitive Personal Information, the Risk Management Assets Matrix (Appendix 5) shall be used.
- 9.7 Panam Sports shall ensure that any staff Processing Personal Information of *Participants* is subject to a fully enforceable contractual and/or statutory duty of confidentiality.



10.0 Retaining Personal Information Where Relevant and Ensuring Its Destruction

- 10.1 Panam Sports shall adhere to those retention times set forth in the latest version of Annex A - Retention Times attached to the *ISPPi*. Panam Sports shall retain any Personal Information for which no retention time has been set in Annex A – Retention Times in accordance with the following principles, and where possible, shall establish clear retention times to govern their Processing of Personal Information consistent with such principles.
- 10.2 As a general rule, retaining Sensitive Personal Information requires stronger or more compelling reasons and justifications than retaining non-Sensitive Personal Information.
- 10.3 Panam Sports shall ensure that Personal Information is only retained where it remains relevant to fulfilling their obligations under the *Code* or under the *International Standards* or where otherwise required by applicable law, regulation or compulsory legal process. Once Personal Information no longer serves the above purposes, it shall be deleted, destroyed or permanently anonymized.
- 10.4 Panam Sports shall develop specific plans and procedures to ensure the secure retention and eventual destruction of Personal Information.
- 10.5 Different retention times may be applied to different types of Personal Information and shall take into account the purposes for which the Personal Information is Processed in the context of *Anti-Doping Activities*, including the granting of *TUEs*, *Testing*, the investigation of anti-doping rule violations, and the sanctioning of such violations.

11.0 Rights of *Participants* and Other *Persons* with Respect to Personal Information

- 11.1 *Participants* or *Persons* to whom the Personal Information relates shall have the right to obtain from Panam Sports: (a) confirmation of whether or not Panam Sports Processes Personal Information relating to them, (b) the information as per Article 7.1, and (c) a copy of the relevant Personal Information within one (1) month, where practicable, or as soon as possible thereafter, in a readily intelligible format, and without excessive cost, subject to limited exceptions prescribed by law or unless to do so in a particular case plainly conflicts with the integrity of the anti-doping system or Panam Sports' ability to plan or conduct No Advance Notice Testing or to investigate and establish anti-doping rule violations or other legal claims.
- 11.2 Panam Sports has to respond to requests from *Participants* or *Persons* to whom the Personal Information relates seeking access to their Personal Information, except if doing so imposes a disproportionate burden on Panam Sports in terms of cost or effort given the nature of the Personal Information in question.
- 11.3 If Panam Sports refuses to allow a *Participant* or *Person* access to his or her Personal Information, Panam Sports shall inform the *Participant/Person* and set out in writing the reasons for refusing the request as soon as practicable. Panam Sports shall ensure that *Participants/Persons* only obtain Personal Information relating to themselves, and not relating to other *Participants* or third *Persons*, where they seek to obtain access to Personal Information pursuant to this Article 11.



- 11.4 If Panam Sports' Processing of Personal Information is shown to be inaccurate, incomplete, or excessive, it shall, as appropriate, rectify, amend, block or delete the relevant Personal Information as soon as possible. If Panam Sports has disclosed the Personal Information in question to another *Anti-Doping Organization* that to its knowledge or belief continues to Process the Personal Information, it shall inform that *Anti-Doping Organization* of the change as soon as possible, unless this proves impossible or involves a disproportionate effort. Panam Sports shall inform the *Participant* or *Person* about these *Anti-Doping Organizations* where they request the information.
- 11.5 Without prejudice to any other rights a *Participant* or *Person* may have under applicable laws, a *Participant* or *Person* shall be entitled to initiate a complaint with Panam Sports where he or she has a reasonable, good-faith belief that Panam Sports is not complying with the *ISPPi* and after reception of the complaint, Panam Sports shall deal with such complaint in a fair and impartial manner in the next 30 days. In the event that the complaint cannot be satisfactorily resolved, the *Participant* or *Person* may notify *WADA*, which will handle the complaint in accordance with the *International Standard* for Code Compliance by *Signatories*. Nothing in this *International Standard* prevents a *Participant* or *Person* from lodging a complaint with any competent authority responsible for the protection of privacy and personal information, and *Anti-Doping Organizations* shall cooperate with such authorities when investigating the complaint.



ANNEX A: RETENTION TIMES (incorporated by reference to this Rules)

ADRV: *Anti-doping rule violation*
 AAF: *Adverse analytical finding*
 ATF: *Atypical finding*
 APF: *Adverse passport finding*
 ATPF: *Atypical passport finding*

- I. Referenced data will be deleted no later than the end of the calendar quarter following the expiry of the stated retention period.
- II. Retention times are limited to two categories: Twelve (12) months and ten (10) years. The period of ten (10) years represents the time period during which an action may be commenced for an anti-doping violation under the *Code*. The period of twelve (12) months represents the time period relevant to count three (3) whereabouts failures giving rise to an anti-doping rule violation, and is also applied to certain incomplete documentation and *TUE*-related information.
- III. Retention times can be extended in case of pending or reasonably anticipated anti-doping rule violations, investigations, or other legal proceedings.

Module	Data	Retention Periods	Remarks	Criteria
1 – <i>Athlete</i>		:	<i>Athlete</i> data relevant for practical purposes and for notification purposes in the event of an ADRV. These data are not particularly sensitive.	
<i>Athlete</i> (general)	Name, Date of birth, Sport Discipline and Gender	10 yrs as of time when <i>Athlete</i> is excluded from ADO's <i>Testing</i> program or as of time other data categories have been deleted (see, e.g. Section 6 - ADRV), whichever is later	Necessary to notify of ADRV and to keep a record of <i>Athletes</i> included in an ADO's <i>Testing</i> program.	Necessity
	Contact information (phone number (s), email address, mailing address)	10 yrs as of time when <i>Athlete</i> is excluded from ADO's <i>Testing</i> program	Same as above.	Necessity



Module	Data	Retention Periods	Remarks	Criteria
2 – Whereabouts* *(except for city, country, and <i>In- Competition</i> whereabouts information, which are needed for the <i>Athlete Biological Passport</i> - see section 7) Whereabouts	Whereabouts (other than city, country and <i>In-Competition</i> whereabouts)	12 months as of end of the whereabouts quarter for which the data was submitted	Relevant to count 3 whereabouts failures in 12 months' time.	Necessity
	Whereabouts failures (filing failures and missed tests)	10 years as of date of whereabouts failure	Relevant to count 3 whereabouts failures in 12 months' time and to other possible ADRVs. If ADRV, will also be kept as part of results management file (see section 6).	Necessity
3 – TUEs TUE	<i>TUE</i> certificates and rejected <i>TUE</i> decision forms	10 yrs as of date of <i>TUE</i> expiry/date of rejection decision	Destroying medical information makes it impossible for WADA/ADOs to review TUEs retrospectively after TUE has lost its validity. TUE information is largely medical and therefore sensitive. Can be relevant in case of re- <i>Testing</i> or other investigations.	Proportionality/ Necessity
	<i>TUE</i> application forms and supp. med information and any other <i>TUE</i> info not otherwise expressly mentioned herein.	12 months from date of <i>TUE</i> expiry	Loses relevance after expiration of <i>TUE</i> except in case of re-application.	Proportionality/Necessity
	Incomplete <i>TUEs</i>	12 months from date of creation	Can be relevant in case of re-application.	Proportionality



Module	Data	Retention Periods	Remarks	Criteria
4 – Testing <i>Testing</i>	Doping Control Forms (DCFs)	10 yrs as of <i>Sample</i> collection date	DCFs, associated mission/Testing orders, and chain of custody documents are relevant for <i>Athlete Biological Passport</i> and in case of <i>re-Testing of Samples</i> . If ADRV, will also be kept as part of results management file (see section 6).	Proportionality/Necessity
	Mission/Testing orders	Retained until all associated DCFs have been deleted	Same as above.	Proportionality/Necessity
	Chain of custody	10 yrs as of document creation date	Same as above.	Proportionality/Necessity
	Incomplete <i>Testing</i> documentation or documentation not matched to a <i>Sample</i>	12 months as of document creation date	Documentation that is incomplete or not matched to a <i>Sample</i> typically results from a data entry error and is discarded after a short delay for data integrity purposes.	Proportionality
5 – Test results/Results Management	Analytical test results (incl. AAF/ATF), laboratory reports, and other associated documentation	As of <i>Sample</i> collection date / date of creation of relevant documents: 10 yrs*	Necessary because of multiple violations and retrospective analysis. If ADRV, will also be kept as part of results management file (see section 6). *Subject to the criteria and requirements of the <i>Code/International Standards</i> , analytical data resulting from <i>Sample</i> analysis and other <i>Doping Control</i> information may, in certain circumstances, be kept beyond the applicable retention period for research and other purposes permitted by Article 6.3 of the <i>Code</i> . Samples and data must be processed to ensure they cannot be traced back to an athlete before being used for such secondary purposes. 10 years is the maximum retention time for identifiable data and <i>Samples</i> . See the <i>International Standard</i> for Laboratories for details.	Necessity Proportionality/Necessity



Module	Data	Retention Periods	Remarks	Criteria
<p>6 –Proceedings and Decisions (ADRV)</p> <p>Decisions and proceedings</p>	<p>Sanctions and Decisions under the <i>Code</i></p> <p>Relevant documentation/files (incl. AAF or whereabouts failure record, case files, laboratory and ABP documentation packages, etc.)</p>	<p>As of date of final decision:</p> <p>Longer of 10 yrs or duration of sanction*</p> <p>Longer of 10 yrs or duration of sanction</p>	<p>Managed by disciplinary body / sports federation / ADO.</p> <p>Necessary because of multiple violations and possible duration of sanctions.</p> <p>* Decisions (e.g. CAS decisions) can be important legal precedents and part of the public record; in such cases, ADOs may decide to retain a decision beyond the applicable retention period.</p> <p>Necessary because of multiple violations and possible duration of sanctions.</p>	<p>Necessity</p> <p>Proportionality/Necessity</p> <p>Necessity</p>
<p>7 – Athlete Biological Passport</p> <p>Results</p> <p>Whereabouts</p>	<p>Biological variables, ATPF, APF, APMU reports, expert reviews, ABP documentation packages and associated laboratory documentation.</p> <p>Whereabouts (only city, country and <i>In-Competition</i> whereabouts)</p>	<p>10 yrs as of date of match between results and Doping Control Form/ date of creation of relevant documents</p> <p>10 yrs as of end of the whereabouts quarter for which the data was submitted</p>	<p>Necessary because of multiple violations and to analyze or review biological variables, APMU reports, expert reviews, etc., over time. If ADRV, will also be kept as part of results management file (see section 6).</p> <p>Needed to support atypical/abnormal results, or to refute <i>Athletes'</i> claims.</p>	<p>Necessity</p> <p>Proportionality/Necessity</p>



APPENDIX 1

PANAM SPORTS DISCLOSURE REQUEST FORM



Organization Requesting Disclosure	PANAM SPORTS ORGANIZATION (MEO)	
	Name, title and contact information for responsible person	
	Commitment regarding personal information	<p>On behalf of the organization requesting disclosure, the responsible person identified above represents and warrants that the requesting organization will process any personal information received in compliance with applicable laws, the World Anti-Doping Code and the International Standards. Without limiting the foregoing, the responsible person further represents and warrants that any personal information of athletes or other persons received from the disclosing ADO:</p> <ul style="list-style-type: none"> (i) will only be used for the anti-doping purposes described in this form; (ii) will be held in strict confidence and be protected by security safeguards appropriate to the sensitivity of the personal information; and (iii) will only be accessed by individuals within its organization or by organizations identified in the onward disclosure section of this form with a need-to-know such information and who have a duty of confidentiality toward the organization. <p>Date: _____ Signature of Responsible Person: _____</p>

Disclosure Request

Type of information requested	Brief description (include or attach list of ADAMS IDs or sample codes, if relevant to request)	
Purposes of Disclosure	Brief description (include reference to relevant Articles of Code and International Standards)	
Proposed Disclosure Method	Describe proposed secure means of communicating personal information	
Intended onward disclosures	Brief description of intended disclosures (organizations/persons to which the information will be disclosed and purpose(s) of disclosure)	

Decision

Decision by disclosing ADO	Briefly describe decision made (include details on any additional conditions or modifications made to the request)	
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APPENDIX 3

SECURITY BREACH REPORT



Name/title of individual completing form: _____

Date of creation: _____

Date of last update: _____

Description of Security Breach	
Date and time breach discovered	
Date or time period during which breach occurred	
Describe the nature and cause of the incident (provide sufficient detail, incl. indicators of malicious intent, whether this an isolated incident or the result of a systemic problem, etc.)	
Estimate number of individuals directly affected by the breach	
Type(s) of individuals affected (i.e. athletes, athlete support personnel, etc.)	
Describe the systems or assets (laptop, mobile device, storage locker) affected or involved by or in the breach	
Personal Information and Safeguards	
Describe what types of personal information are affected by the breach (i.e. name, contact information, medical history, etc)	
What was the format of the personal information (i.e., hard copy, electronic, etc.)?	
Describe any physical (locked cabinets, etc.), technical (i.e. password protections, other encryption, remote wiping capabilities, etc.), and legal (confidentiality agreement, etc.) safeguards in place at the time of breach to protect the affected personal information	
Containment of the Security Breach	
Describe the steps taken or that you intend to take to contain and remediate the breach	
Harm/Consequences of the Breach	
Describe the possible harm(s) that may result from the breach (i.e. identify theft, reputational harm, breach of contractual obligations, risk of physical harm, etc.)	
Internal Notifications	
Have you notified the Privacy Manager? If yes, when?	
Have you notified IT? If yes, when?	
Have you notified any other relevant party? If yes, when?	



APPENDIX 4:

PANAM SPORTS RECORD OF PROCESSING



Name/title of individual completing form: _____

Date of creation: _____

Date of last update: _____

Processing Activity e.g.: Processing TUE applications

Types of Personal Information Collected*	Manner/Medium of Collection	Processing Purposes*	Recipients of Personal Information (Internal and External)*
Describe the types of personal information collected as part of the processing activity you are assessing, e.g. name, contact information, medical condition, medication, etc.	Describe the manner/medium of collection, for all types of personal information, e.g. online application form completed by Athlete; supporting medical information obtained from Athlete doctor, etc.	Describe the purposes for this processing activity, i.e. why are you collecting the types of personal information identified in the first column.	Describe the categories of recipients who will have access to or will receive personal information as part of this processing activity, e.g. administrative staff, TUE managers, other ADOs, TUE committee, delegated third parties, other third-party agents, etc.
Safeguards Applied When Sharing Personal Information*	Retention*	Technical/Organizational Safeguards*	IT Assets Used to Collect, Use, Share or Store Personal Information
Describe measures taken to protect personal information when it is shared with external recipients, i.e. other ADOs, third-party agents or other third parties. Measures could include encryption, confidentiality agreements with external experts, contractual controls with third-party agents, etc.	Insert details of the applicable retention periods. You may also include a reference to your retention schedule	Provide a general description of safeguarding measures relevant for this activity. This may include pseudonymisation, encryption, methods to ensure the ongoing confidentiality, integrity, and availability of processing, methods to restore data, etc. You may also reference your general information security policies or procedures.	Identify the various IT assets used at each stage of this processing activity, e.g. ADAMS, internal systems, email or other file sharing asset, etc.



APPENDIX 5

PANAM SPORTS RISK ASSESSMENT MATRIX



Name/title of individual completing form: _____
 Date of creation: _____
 Date of last update: _____

Processing Activity e.g.: Processing TUE applications

Risk Rating Key



Identify and Assess Risks				Risk Mitigation			Privacy Manager Sign Off		
Description of risks and potential impact on individuals	Likelihood of Risk	Severity of Impact	Risk Rating	Describe mitigation measure(s) to reduce likelihood and/or severity of harm	Post-Mitigation			Name	Date
					Likelihood of Risk	Severity of Impact	Residual Risk Rating		
Describe risks and their possible impact, for example: TUE applications (and supporting documents) contain highly sensitive medical information. Risks include insecure transmission from athletes to ADOs (e.g. regular email or mail), failure to redact information provided to TUE experts, employee snooping, etc. The impact of a breach would be severe given the sensitivity of the information concerned and possible reputational impact for the athlete.	2	3	6	Describe steps and measures that mitigate risks and/or severity of impact: Guidance/education measures for athletes so they know how to securely send in their application and documents; confidentiality agreements with all TUEC members; restricted access to TUE info internally; privacy and security policies for staff; General security controls for internal systems (2FA authentication, firewalls, anti-malware, etc.)	1	3	3		
			0				0		
			0				0		
			0				0		