



WORLD ANTI-DOPING CODE
世界反兴奋剂条例

**INTERNATIONAL STANDARD
FOR PROTECTION OF PRIVACY AND PERSONAL INFORMATION**

隐私和个人信息保护国际标准

2021



世界反兴奋剂机构

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International Standard for the Protection of Privacy and Personal Information

The World Anti-Doping *Code International Standard* for the Protection of Privacy and Personal Information is a mandatory *International Standard* developed as part of the World Anti-Doping Program. It was developed in consultation with *Signatories*, public authorities, and other relevant stakeholders.

The *International Standard* for the Protection of Privacy and Personal Information was first adopted in 2009 and came into effect in June 2009. It was subsequently amended two times, the first time effective January 2015 and the second time effective June 2018. A revised version to come into force on 1 January 2021 was approved by the WADA Executive Committee at the World Conference on Doping in Sport in Katowice on 7 November 2019. Following a limited supplementary consultation period, a further revised version was approved by the WADA Executive Committee on 15 September 2020 and is effective as of 1 January 2021.

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《隐私和个人信息保护国际标准》

《世界反兴奋剂条例》下的《隐私和个人信息保护国际标准》是具有强制性的国际标准，是世界反兴奋剂体系的组成部分。本国际标准经征求签约方、政府部门和其他利益相关方意见后制定而成。

《隐私和个人信息保护国际标准》于 2009 年首次通过，并于 2009 年 6 月生效。随后对其进行了两次修订：第一次修订于 2015 年 1 月生效，第二次修订于 2018 年 6 月生效。世界反兴奋剂机构（WADA）执委会于 2019 年 11 月 7 日在卡托维兹举行的世界反兴奋剂大会上批准了将于 2021 年 1 月 1 日生效的修订版。经过有限的补充咨询期后，世界反兴奋剂机构执委会于 2020 年 9 月 15 日批准了进一步的修订版，并自 2021 年 1 月 1 日起生效。

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

1.0 Introduction and Scope

The purpose of the *International Standard* for the Protection of Privacy and Personal Information is to ensure that *Anti-Doping Organizations* apply appropriate, sufficient and effective privacy protections to the Personal Information they Process when conducting anti-doping programs, 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 Anti-Doping Organizations. As a result, it is essential that Anti-Doping Organizations appropriately protect the Personal Information that they Process 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, this *International Standard* sets forth a minimum, common set of rules to which *Anti-Doping Organizations* must conform when Processing Personal Information pursuant to the *Code*. In some cases, *Anti-Doping Organizations* may be required by applicable laws to apply rules or standards that exceed those set forth in this *International Standard*.

A WADA expert reference group reviewed, discussed and prepared this document, and specifically took into account 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 Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS. No. 108); the APEC Privacy Framework; the Charter of Fundamental Rights of the European Union, EU Regulation 2016/679 on the protection of natural persons with regard to the processing of personal data (General Data Protection Regulation), and other international and regional data privacy rules, standards and case law, such as the judgement of the European Court of Human Rights of 18 January 2018 (FNASS and others vs. France).

Terms used in this *International Standard* that are defined terms 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; they can be obtained by referring to the *Code* itself:

- *Code* Article 14 Confidentiality and Reporting

第一部分 导言、《条例》规定、国际标准规定和定义

1.0 导言和适用范围

鉴于在反兴奋剂背景下收集的个人信息可能会侵犯和牵涉体育运动参与者和与之相关的当事人的隐私权，《隐私和个人信息保护国际标准》旨在确保反兴奋剂组织在实施反兴奋剂计划时，对其处理的个人信息进行适当、充分和有效的隐私保护。

《条例》特别要求运动员向反兴奋剂组织提供大量个人信息。因此，反兴奋剂组织必须适当保护其处理的个人信息，以符合法定标准，并确保参与有组织体育运动的当事人继续保持信心和信任。

《条例》承认并肯定了确保依照《条例》规定，充分尊重受反兴奋剂体系影响的当事人的隐私权的重要性。为了有助于实现这一承诺，本国际标准规定了反兴奋剂组织在依照《条例》处理个人信息时必须遵守的一套最低限度的通用规则。在某些情况下，相关法律可能会要求反兴奋剂组织适用超出本国际标准规定的规则或标准。

世界反兴奋剂机构(以下简称“WADA”)专家咨询小组审查、讨论并编写了本文件，还特别考虑了经济合作与发展组织(“经合组织” OECD)1980年《关于隐私保护与个人数据跨境流动的指南》、欧洲理事会《保护自动化处理个人数据的第108号公约》(ETS. No. 108)、《亚太经合组织隐私框架》、《欧盟基本权利宪章》、欧盟关于在处理个人数据方面保护自然人的第2016/679号条例(《通用数据保护条例》)，以及其他国际和地区数据隐私规则、标准和判例法，如欧洲人权法院2018年1月18日的判决(“FNASS等诉法国”)。

本国际标准引用来自《条例》的术语均以斜体标注。本国际标准定义的、或引用其他国际标准的术语用下划线标注。

2.0 《条例》规定

《条例》中的下列条款与《隐私和个人信息保护国际标准》直接相关，可参照《条例》原文：

- 《条例》第14条：保密和报告

3.0 Definitions and Interpretation

3.1 Defined Terms from the *Code* that are used in the *International Standard 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*.

3.0 定义和解释

3.1 在《隐私和个人信息保护国际标准》中使用的引自《条例》的术语

ADAMS: 反兴奋剂管理系统是一个基于网络的数据库管理工具，用于数据的录入、储存、共享和报告，旨在协助各利益相关方和 WADA 结合数据保护法律开展反兴奋剂工作。

反兴奋剂活动: 反兴奋剂教育和宣传、制定检查计划、维护注册检查库、管理运动员生物护照、实施检查、组织样本检测、收集情报和开展调查、处理 TUE 申请、结果管理、监督和执行所实施后果的遵守情况，以及反兴奋剂组织或代表反兴奋剂组织依照《条例》和/或国际标准开展的所有与反兴奋剂有关的其他活动。

反兴奋剂组织: WADA 或负责制定规则以启动、实施或执行兴奋剂管制过程中任何部分工作的签约方，例如包括国际奥委会、国际残奥委会、在其赛事中实施兴奋剂检查的其他重大赛事组织机构、国际单项体育联合会和国家反兴奋剂组织。

运动员: 任何参加国际级（以各国际单项体育联合会的定义为准）或国家级（以各国家反兴奋剂组织的定义为准）体育比赛的当事人。反兴奋剂组织有权对既不是国际级也不是国家级的运动员适用反兴奋剂规则，从而将其纳入“运动员”的定义范围。对既不是国际级也不是国家级运动员，反兴奋剂组织可以决定：实施有限的检查或根本不检查；样本可以不对所有禁用物质进行检测；要求提供部分行踪信息或不要求提供行踪信息；或不要求事先申请 TUE。但是，如果反兴奋剂组织选择行使检查权的运动员参加了低于国际或国家级的比赛，并且构成了条款 2.1、2.3 或 2.5 的兴奋剂违规，则必须适用《条例》规定的后果。为实现条款 2.8 和 2.9 的目的以及为进行反兴奋剂宣传和教育，参加承认《条例》的任何签约方、政府或其他体育组织管辖下的体育运动的任何当事人都是运动员。

[Comment to Athlete: Individuals who participate in sport may fall in one of five categories: 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).

[运动员的释义：参加体育运动的个人可以属于以下五类中的一种：1) 国际级运动员，2) 国家级运动员，3) 非国际级或国家级运动员，但国际单项体育联合会或国家反兴奋剂组织选择对其行使管辖权的个人，4) 大众运动员，以及5) 任何国际单项体育联合会或国家反兴奋剂组织没有管辖权或均未选择对其行使管辖权的个人。所有国际级和国家级运动员都应当遵守《条例》的反兴奋剂规则，国际级和国家级运动员的确切定义将在国际单项体育联合会和国家反兴奋剂组织的反兴奋剂规则中予以规定。]

运动员辅助人员：同运动员一起工作、治疗或协助运动员参加或准备体育比赛的任何教练员、体能教练、领队、经纪人、运动队工作人员、官员、医疗和医护人员、家长或其他当事人。

《条例》：《世界反兴奋剂条例》。

比赛：单一的竞赛、比赛或单场体育竞技，例如一场篮球比赛或奥运会田径100米跑决赛。对于每日或其他间隔颁奖的分段赛和其他体育比赛而言，比赛和赛事的区别将以相关国际单项体育联合会的规定为准。

兴奋剂违规的后果（“后果”）：运动员或其他当事人的兴奋剂违规可能导致以下一种或多种后果：（a）取消比赛成绩，即运动员在某一特定比赛或赛事中的成绩无效，由此产生的所有后果包括取消所有奖牌、积分和奖金；（b）禁赛，即运动员或其他当事人由于兴奋剂违规而在特定时间内禁止参加条款 10.14 规定的任何比赛、其他活动或获得资助；（c）临时停赛，即在第 8 条规定的听证会作出最终决定前，运动员或其他当事人暂时被禁止参加任何比赛或活动；（d）经济后果，即因兴奋剂违规而受到的经济处罚或偿付与兴奋剂违规有关的费用；以及（e）公开批露，即向公众或依照第 14 条有权提前得到通知的当事人以外的人员传递或发布信息。集体项目中的运动队还可能面临第 11 条规定的后果。

受委托的第三方：受反兴奋剂组织委托、承担兴奋剂管制或反兴奋剂教育项目的任何方面工作的任何当事人，包括但不限于为反兴奋剂组织进行样本采集或其他兴奋剂管制服务或反兴奋剂教育项目的第三方或其他反兴奋剂组织，或作为独立承包人为反兴奋剂组织提供兴奋剂管制服务的个人（例如非雇员的兴奋剂检查官或陪护员）。该定义不包括 CAS。

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.

兴奋剂管制：从兴奋剂检查计划的制定直到最终处理上诉和执行后果的全部步骤和过程，包括但不限于中间阶段的全部步骤和过程，例如检查、调查、行踪信息、TUE、样本采集和处理、实验室检测、结果管理以及与违反条款 10.14（禁赛期或临时停赛期的身份）有关的调查和程序。

教育：通过学习，树立价值观，培养弘扬和保护体育精神的行为，并防止故意和非故意地使用兴奋剂的过程。

国际标准：WADA 为支持《条例》而制定的标准。遵守国际标准（而不是其他可替代的标准、实践或程序）意味着该国际标准规定的程序得到了适当的执行。国际标准应当包括依照该国际标准发布的任何技术文件。

参赛者：任何运动员或运动员辅助人员。

当事人：自然人、组织或其他实体。

禁用方法：《禁用清单》上所述的任何方法。

禁用物质：《禁用清单》上所述的任何物质或物质类别。

公开披露：参见上述“兴奋剂违规的后果”。

结果管理：从依照《结果管理国际标准》第 5 条的规定发出通知，或在某些情况下（例如非典型性结果、运动员生物护照、违反行踪信息管理规定）从《结果管理国际标准》第 5 条明确规定的预通知步骤，再到指控，直到最终解决问题，包括初审或上诉（如果提起上诉）听证程序结束的全过程的时间范围。

样本或标本：为进行兴奋剂管制而采集的任何生物材料。

[样本或标本的释义：有时有人声称采集血样违反某些宗教教义或文化团体的信条。现已确定这种说法毫无依据。]

签约方：依照第 23 条的规定，承认《条例》并同意执行《条例》的实体。

目标检查：依照《检查和调查国际标准》规定的标准挑选特定运动员实施检查。

检查：兴奋剂管制过程的组成部分，包括制定检查计划、样本采集、样本收存，以及将样本传送至实验室。

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.

治疗用药豁免（TUE）：治疗用药豁免允许运动员有医疗需求时使用禁用物质或禁用方法，但必须满足条款4.4和《治疗用药豁免国际标准》中规定的条件。

WADA：世界反兴奋剂机构。

3.2 引自《检查 and 调查国际标准》的术语

兴奋剂管制协调机构：反兴奋剂组织或代表反兴奋剂组织协调兴奋剂管制任何方面的受委托的第三方。反兴奋剂组织应当始终依照《条例》，对遵守《检查 and 调查国际标准》、《治疗用药豁免国际标准》、《隐私和个人信息保护国际标准》和《结果管理国际标准》等各项要求承担最终责任。

兴奋剂检查官（或 DCO）：经样本采集机构培训并授权，执行《检查 and 调查国际标准》授予 DCO 职责的官员。

事先无通知的检查：事先不通知运动员，从通知的那一刻起到样本提供期间运动员一直受到陪护的样本采集。

3.3 《隐私和个人信息保护国际标准》中的专用术语

个人信息：与已确定或可确定的参赛者或其他当事人有关的信息，包括但不限于敏感的个人信息。该信息仅在反兴奋剂组织的反兴奋剂活动范围内处理。

[个人信息的释义：众所周知，个人信息包括但不限于运动员的姓名、出生日期、联系方式及所属的体育机构、行踪信息、治疗用药豁免（以下简称“TUE”）（如有）、兴奋剂检查结果，以及结果管理（包括纪律处罚听证、上诉和处罚）等信息。个人信息还包括其他当事人的个人详细信息和联系方式，例如在反兴奋剂活动中，与运动员一起工作、治疗或协助运动员的医疗专家和其他当事人。此类信息始终是个人信息，并且在整个处理过程中受本国际标准的规范，无论相关个人是否仍参与有组织的体育活动。]

处理（及其同源词处理和被处理）：收集、获取、保留、储存、披露、转让、传送、修改、删除或以其他方式使用个人信息。

违反安全规定：导致个人信息（无论是电子、硬拷贝或其他形式）丢失、被盗、损坏或未经授权和 / 或非法处理的违反安全规定的行为；或干扰信息系统，从而损害个人信息的隐私性、安全性、保密性、可用性或完整性的行为。

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 *International Standard* for the Protection of Privacy and Personal Information shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.
- 3.4.2 Like the *Code*, the *International Standard* for the Protection of Privacy and Personal Information has 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.
- 3.4.4 Unless otherwise specified, references to Sections and Articles are references to Sections and Articles of the *International Standard* 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*.

敏感个人信息：与参赛者的种族或族裔、犯罪（刑事或其他）、健康状况（包括通过检测运动员的样本或标本获得的信息）以及生物特征和遗传信息相关的个人信息。

第三方：与相关个人信息有关的当事人、反兴奋剂组织和第三方代理以外的任何人。

第三方代理：代表反兴奋剂组织、或受反兴奋剂组织委托或以其他方式与反兴奋剂组织合作，在该反兴奋剂组织自身的反兴奋剂活动中处理个人信息的任何人员，包括但不限于受委托的第三方及任何分包商。

3.4 解释

3.4.1 《隐私和个人信息保护国际标准》的正式文本应当以英文和法文公布。如果英文版与法文版之间出现任何冲突，应当以英文版本为准。

3.4.2 与《条例》一样，《隐私和个人信息保护国际标准》在制定时权衡了比例原则、人权原则和其他适用的法律原则。应当据此解释和适用本国际标准。

3.4.3 《隐私和个人信息保护国际标准》各项规定的释义应当用于解释本国际标准。

3.4.4 除非另有说明，本文件中提及的章节和条款均指《隐私和个人信息保护国际标准》中的章节和条款。

3.4.5 《隐私和个人信息保护国际标准》的附件与本国际标准的其余部分一样，具有同等的强制性地位。

PART TWO: STANDARDS FOR HANDLING PERSONAL INFORMATION

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

- 4.1** This *International Standard* sets forth a minimum set of requirements applicable to the Processing of Personal Information by *Anti-Doping Organizations* and their Third-Party Agents in the context of their *Anti-Doping Activities*. All *Anti-Doping Organizations* must comply with this *International Standard*, even when its requirements exceed those arising under the *Anti-Doping Organization's* applicable data protection and/or privacy laws, reflecting the vital need to protect the privacy of *Participants* and other *Persons* involved in and associated with anti-doping in sport.

[Comment to 4.1: Anti-Doping Organizations, along with any Third-Party Agents, minimally must comply with the requirements set forth in this International Standard, as applicable, provided that such compliance does not breach other applicable laws. For greater certainty, in cases where compliance with the requirements of this International Standard may cause an Anti-Doping Organization to breach other applicable laws, those laws shall prevail. This result will not lead to a determination of non-compliance with the World Anti-Doping Code to the strict extent of the conflict, however, Anti-Doping Organizations should communicate any such conflicts to WADA and other relevant Anti-Doping Organizations as soon as reasonably possible.]

- 4.2** *Anti-Doping Organizations* may be subject to data protection and privacy laws that impose requirements that exceed those arising under this *International Standard*. In such circumstances, *Anti-Doping Organizations* must ensure that their Processing of Personal Information complies with all such data protection and privacy laws.

[Comment to 4.2: Anti-Doping Organizations in certain countries may be subject to laws that govern their Processing of Personal Information relating to natural Persons in addition to Participants, such as their own employees or staff employed by other Anti-Doping Organizations, or impose additional restrictions going beyond this International Standard. In all such cases, Anti-Doping Organizations are expected to comply with applicable privacy and data protection laws.]

- 4.3** *Anti-Doping Organizations* shall be able to demonstrate that their Processing of Personal Information takes place in accordance with this *International Standard*, in particular through the adoption of appropriate internal policies and procedures reflecting their adherence to this *International Standard*.

[Comment to 4.3: Anti-Doping Organizations can only effectively adhere to the requirements of this International Standard by having in place documented internal policies, procedures and information governance standards relating to Personal Information.]

第二部分 处理个人信息的标准

4.0 依照本国际标准和适用法律处理个人信息

- 4.1** 本国际标准规定了一系列适用于反兴奋剂组织及其第三方代理在开展反兴奋剂活动中处理个人信息的最低要求。即使本国际标准的要求超出了反兴奋剂组织所适用的数据保护法和 / 或隐私法的要求，所有反兴奋剂组织也必须遵守本国际标准，这体现了保护体育运动参与者和其他当事人与反兴奋剂有关的隐私权的至关重要性。

[条款 4.1 的释义：反兴奋剂组织，以及任何第三方代理，必须至少遵守本国际标准中规定的要求（如适用），前提是遵守本国际标准不违反其他适用法律。为更明确起见，如果遵守本国际标准可能导致反兴奋剂组织违反其他适用法律，则应当以这些法律为准。这一结果不会导致严格意义上的不遵守《条例》，但反兴奋剂组织应尽快将任何此类冲突告知 WADA 和其他相关反兴奋剂组织。]

- 4.2** 如果数据保护和隐私法的要求超出了本国际标准的要求，反兴奋剂组织应当遵守数据保护和隐私法。在这种情况下，反兴奋剂组织必须确保其对个人信息的处理遵守所有此类数据保护和隐私法。

[条款 4.2 的释义：某些国家的反兴奋剂组织可能会受到法律的约束，这些法律规定反兴奋剂组织处理除参赛者以外的自然人，例如他们自己的雇员或其他反兴奋剂组织的雇员的个人信息，或者施加超出本国际标准的额外限制。在所有此类情况下，反兴奋剂组织应当遵守适用的隐私和数据保护法。]

- 4.3** 反兴奋剂组织应当能够证明，其对个人信息的处理符合本国际标准，尤其是通过制定适当的内部政策和程序，以体现其遵守本国际标准。

[条款 4.3 的释义：反兴奋剂组织只有通过制定与个人信息有关的书面内部政策、程序和信息管理标准，才能有效地遵守本国际标准的要求。]

- 4.4** *Anti-Doping Organizations* shall maintain a record of the Processing of Personal Information for which they are 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.

[Comment to 4.4: Anti-Doping Organizations must maintain a record of their Processing activities, to better ensure their effective oversight of these activities and to facilitate compliance with this International Standard. With respect to the ADAMS database administered by WADA, WADA shall be solely responsible for maintaining a record reflecting the types of Processing of Personal Information that occur within the database.]

- 4.5** *Anti-Doping Organizations* shall designate a *Person* who is accountable for compliance with this *International Standard* and all locally applicable privacy and data protection laws. They 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** *Anti-Doping Organizations* shall only Process Personal Information where relevant and proportionate in order to conduct *Anti-Doping Activities under 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** *Anti-Doping Organizations* shall not Process Personal Information that is irrelevant or unnecessary in the context of their *Anti-Doping Activities* as identified in Article 5.1.

[Comment to 5.2: Anti-Doping Organizations shall examine the different contexts in which they Process Personal Information to ensure that the Processing of the Personal Information in any given case is required in order to satisfy one of the purposes identified in Article 5.1. Where Anti-Doping Organizations cannot satisfy themselves that the Processing is necessary, they shall refrain from Processing the Personal Information.]

- 5.3** In particular, except as otherwise expressly required by law:
- a) *Anti-Doping Organizations* 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*) 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*.

- 4.4** 反兴奋剂组织应当保存其负责处理个人信息的记录，其中应当说明处理的一般目的、个人信息的类型、潜在接收方的类别、向其他反兴奋剂组织、第三方或第三方代理披露个人信息时使用的保护措施、个人信息的存储期限或确定该期限的标准，以及适用于个人信息的技术和组织安全措施的总体情况。

[条款 4.4 的释义：反兴奋剂组织必须保留其处理活动的记录，以更好地确保对这些活动进行有效监督，并促进遵守本国际标准。对于 WADA 管理的 ADAMS 数据库，WADA 应当全权负责维护反映数据库中个人信息处理类型的记录。]

- 4.5** 反兴奋剂组织应当指定人员，履行遵守本国际标准和所有当地适用的隐私和数据保护法的职责。反兴奋剂组织应当确保依照第 7 条向参赛者提供指定人员的联系方式。

5.0 处理相关和相称的个人信息

- 5.1** 反兴奋剂组织应当仅在相关和相称的情况下，处理依照《条例》和国际标准开展反兴奋剂活动的个人信息，前提是此类处理不得与适用的隐私和数据保护法相冲突，或者适用的法律、法规或强制法律程序另有要求。

- 5.2** 反兴奋剂组织不得在条款 5.1 所述的反兴奋剂活动中处理无关或不必要的个人信息。

[条款 5.2 的释义：反兴奋剂组织应当审查其处理个人信息的不同情况，以确保在任何特定情况下处理个人信息都是必要的，从而实现条款 5.1 的目的。如果反兴奋剂组织不能保证这种处理是必要的，则应当避免处理个人信息。]

- 5.3** 特别是，除非法律另有明确规定：

- a)** 反兴奋剂组织为确定运动员使用的禁用物质或禁用方法是否符合 TUE 的规定，而处理个人信息（包括处理与运动员有关的敏感个人信息，以及处理与参赛者和潜在其他当事人有关的非敏感个人信息）时，应当依照《条例》和《治疗用药豁免国际标准》的规定，仅处理与作出这一决定相称且相关的个人信息。

- b) *Anti-Doping Organizations* Processing Personal Information relating to *Participants* and other *Persons* in order to perform *Testing*, 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) *Anti-Doping Organizations* Processing Personal Information relating to *Participants* and other *Persons* in order to engage in investigations and *Results Management* (including associated disciplinary hearings, appeals and adjudications) 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*.
- d) *Anti-Doping Organizations* may Process Personal Information relating to *Participants* and other *Persons* for other specified purposes, provided that those purposes relate exclusively to the fight against doping and are found to be relevant to that fight following an appropriately documented assessment performed by the *Anti-Doping Organization*.

[Comment to 5.3.d.: In certain contexts, it may be appropriate or necessary for Anti-Doping Organizations to Process Personal Information for additional purposes, besides those identified as Anti-Doping Activities or expressly required by law, in order to engage effectively in the fight against doping. Such Processing must be exclusively linked to the fight against doping and may only occur where the Anti-Doping Organization has documented the need to perform such Processing. The general limitations set out in 5.1 and 5.2 continue to apply to any Processing of Personal Information for such purposes.]

- 5.4 Personal Information Processed by *Anti-Doping Organizations* shall be Processed fairly and shall be accurate, complete and kept up to date. *Anti-Doping Organizations* 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 *Anti-Doping Organizations*, including in the context of the provision of whereabouts information.

- b) 反兴奋剂组织为实施检查，而处理与参赛者和其他当事人有关的个人信息时，应当依照《条例》和 / 或《检查和调查国际标准》的规定，仅处理与检查（例如检查计划、样本采集、样本收存、将样本传送至实验室或相关事宜）相称且相关的个人信息，包括行踪信息和 TUE。
- c) 反兴奋剂组织为开展调查和实施结果管理（包括相关的纪律处罚听证会，上诉和裁决），而处理与参赛者和其他当事人有关的个人信息时，应当依照《条例》和 / 或《结果管理国际标准》和《检查和调查国际标准》的规定，仅处理与开展调查和确定一起或多起兴奋剂违规相称且相关的个人信息，包括但不限于行踪信息、TUE、检查结果以及非检测性情报或信息。
- d) 反兴奋剂组织可以为其他特定目的处理与参赛者和其他当事人有关的个人信息，但这些目的必须完全与反兴奋剂斗争相关，并且经反兴奋剂组织进行适当书面评估后，确定与反兴奋剂斗争相关。

[条款 5.3.d 的释义：在某些情况下，除了确定为反兴奋剂目的或法律明确规定的目的外，反兴奋剂组织还可以出于其他的目的，适当或必要地处理个人信息，从而有效参与反兴奋剂斗争。此类处理必须完全与反兴奋剂斗争相关，并且只有在反兴奋剂组织记录了进行此类处理的必要性时才能进行。条款 5.1 和 5.2 规定的一般限制仍适用于为此目的处理个人信息。]

- 5.4** 反兴奋剂组织应当公平处理个人信息，确保处理的个人信息准确、完整和及时更新。鉴于参赛者有责任向反兴奋剂组织提供准确和最新的个人信息，包括行踪信息，反兴奋剂组织发现个人信息不正确或不准确时，应当尽快更正或修改。

[Comment to 5.4: Where Participants are responsible for providing Personal Information about themselves directly to Anti-Doping Organizations and for keeping it accurate, complete and up- to-date, they should be informed of this obligation and, whenever practicable, offered reasonable means to fulfill it. For instance, this could involve furnishing individuals with access to their Personal Information via the Internet through online tools and resources.]

6.0 Processing Personal Information in Accordance with a Valid Legal Ground

6.1 *Anti-Doping Organizations* 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 this *International Standard*.

[Comment to 6.1: Principal responsibility for obtaining the consent of an Athlete, and/or his or her associated Athlete Support Personnel, or establishing another valid legal ground, shall rest with the Anti-Doping Organization(s) that has the then-primary relationship with the relevant Participant.]

6.2 Where *Anti-Doping Organizations* Process Personal Information on the basis of consent (including sharing Personal Information with WADA), *Anti-Doping Organizations* shall, in order to obtain an informed, specific and unambiguous 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.

- a) *Anti-Doping Organizations* 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.

[Comment to 6.2.a: 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. A Participant who believes that an Anti-Doping Organization does not comply with this International Standard may notify WADA pursuant to Article 11.5, which shall, without prejudice to any other rights the Participant may have under applicable law, consider the grounds for the complaint.]

[条款 5.4 的释义：反兴奋剂组织应当告知参赛者有责任和义务直接向反兴奋剂组织提供其个人信息，并确保信息准确、完整和及时更新，并在可行的情况下为其提供合理途径以履行这一义务。例如，这可能包括使个人利用在线工具和资源通过互联网获取其个人信息。]

6.0 依照有效的法律规定处理个人信息

6.1 反兴奋剂组织只能依照有效的法律规定处理个人信息，这可以包括：

- a) 在必要时出于保护重大公共利益、公众健康或履行合同的原因，或为保护参赛者和其他当事人的切身利益，遵守法律义务，履行公共职责；或
- b) 在条件允许时，获取参赛者或其他当事人的同意，该同意应当是本人知情、出于自愿、具体明确的，但本国际标准条款 6.2.b、6.3 和 6.4 规定的例外情况除外。

[条款 6.1 的释义：获得运动员和 / 或相关运动员辅助人员的同意，或确立其他有效的法律依据，主要责任应当由当时与相关参赛者有主要关系的反兴奋剂组织承担。]

6.2 如果反兴奋剂组织基于同意而处理个人信息(包括与 WADA 共享个人信息)，反兴奋剂组织应当确保向与个人信息有关的参赛者或当事人提供充分信息，以获得知情、具体、明确的同意，详见第 7 条。

- a) 反兴奋剂组织应当告知参赛者，拒绝参与包括兴奋剂检查在内的兴奋剂管制工作，以及拒绝同意为此目的处理个人信息可能产生负面的后果。

[条款 6.2.a 的释义：为避免疑问，应当告知参赛者，在被要求参加兴奋剂管制时拒绝参加，可能会使他们无法继续参加有组织的体育运动；对运动员而言，该做法违反了《条例》，并会使比赛成绩无效。如果参赛者认为反兴奋剂组织未能遵守本国际标准，可以依照条款 11.5 的规定通知 WADA。WADA 应当在不损害参赛者依照相关法律法规的任何其他权利的情况下，考虑其申诉的理由。]

b) Where *Anti-Doping Organizations* Process Personal Information on the basis of consent (including sharing Personal Information with WADA), *Anti-Doping Organizations* shall inform *Participants* that regardless of any refusal to grant or subsequent withdrawal of consent, the Processing of their Personal Information by *Anti-Doping Organizations* still may be required, unless otherwise prohibited by applicable law, where necessary to enable *Anti-Doping Organizations*:

- 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*.

[Comment to 6.2.b.: In certain limited circumstances, Anti-Doping Organizations must have the ability to Process Personal Information in the absence of the Participant's consent. These exceptions are necessary to avoid situations where Participants refuse to grant consent or withdraw consent in order to circumvent anti-doping efforts and procedures and evade detection for a doping violation.]

6.3 Where *Anti-Doping Organizations* Process 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.

*[Comment to 6.3: This International Standard imposes additional restrictions where Anti-Doping Organizations Process Sensitive Personal Information, reflecting the greater sensitivities surrounding the Processing of such information. Specifically, explicit consent requires a positive, explicit action agreeing to the relevant Processing by the *Person* to whom the Personal Information relates. Although the International Standard defines Sensitive Personal Information to expressly include different classes of information, this is not to suggest that such information should be Processed by *Anti-Doping Organizations*, as required by Article 5.1.]*

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 this *International Standard*, as well as exercise the *Participant's* rights arising under Article 11 below. *Anti-Doping Organizations* shall ensure that obtaining consents under such circumstances is permitted by applicable law.

b) 如果反兴奋剂组织基于同意而处理个人信息（包括与 WADA 共享个人信息），反兴奋剂组织应当告知参赛者，无论是拒绝同意还是随后撤回同意，反兴奋剂组织仍可能需要处理其个人信息，除非适用法律另有禁止，否则必要时反兴奋剂组织能够：

- a) 开始或继续进行与参赛者有关的涉嫌兴奋剂违规的检测或调查；
- b) 实施或加入与参赛者有关的涉嫌兴奋剂违规的程序；或
- c) 证实、施行或抗辩与反兴奋剂组织和 / 或参赛者有关的法律要求。

[条款 6.2.b 的释义：在某些特定的情况下，反兴奋剂组织必须有能力在未经参赛者同意的情况下处理个人信息。这些例外是必要的，以避免发生参赛者拒绝同意或撤回同意，从而规避反兴奋剂工作和程序以及逃避兴奋剂违规调查等情况。]

6.3 如果反兴奋剂组织基于同意而处理敏感个人信息（包括与 WADA 共享的个人信息），应当获得与个人信息相关的参赛者或当事人的明确同意。应当依照适用的隐私和数据保护法规定的任何具体保护措施或程序，处理敏感个人信息。

[条款 6.3 的释义：本国际标准对反兴奋剂组织处理敏感个人信息施加了额外的限制，这表明对此类信息处理更为敏感。具体而言，明确要求与此类个人信息相关的当事人采取积极、明确的行动，同意相关处理。尽管本国际标准对敏感个人信息的定义包含不同类别的信息，但这并不表示反兴奋剂组织应当依照条款 5.1 的规定处理此类信息。]

6.4 如果参赛者因年龄、智力或法律认可的其他合法原因而无法提供知情同意，则参赛者的法定代表人、监护人或其他合格的代表可以根据本国际标准代为同意，并行使下文第 11 条规定的参赛者的权利。反兴奋剂组织应当确保在相关法律允许的情况下获得同意。

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

- 7.1** An *Anti-Doping Organization* shall inform *Participants* or *Persons* to whom the Personal Information relates about the Processing of their Personal Information. This information shall include:
- a) The identity of the *Anti-Doping Organization* 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 the *Anti-Doping Organization's* Processing of Personal Information.
- 7.2** *Anti-Doping Organizations* shall communicate the above information to *Participants* or other *Persons* prior to or at the time that they collect Personal Information from *Participants* or other *Persons* in the form and manner specified in Article 7.3; and *Anti-Doping Organizations* shall be responsive to the questions or concerns of *Participants* relating to the Processing of their Personal Information by the *Anti-Doping Organization*. Where *Anti-Doping Organizations* receive Personal Information from third parties, and not directly from the *Participant*, they 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.

7.0 确保向参赛者和其他当事人提供适当信息

7.1 反兴奋剂组织应当告知有关参赛者或其他当事人其个人信息的处理情况。此类信息包括：

- a) 收集个人信息的反兴奋剂组织，以及依照条款 4.5 指定人员的联系方式；
- b) 可能要处理的个人信息的类型；
- c) 使用个人信息的目的；
- d) 个人信息潜在接收方的类别，包括可能位于参赛者参加比赛、培训或旅行的其他国家的反兴奋剂组织（如 WADA）、第三方和第三方代理；
- e) 在适用法律允许的情况下，公开披露个人信息的可能性和情况（例如披露检查结果和审理决定）；
- f) 参赛者依照本国际标准享有的在个人信息方面的权利以及行使这些权利的途径；
- g) 依照条款 11.5 提出申诉的程序，以及向数据保护主管机构提出申诉的可能性（如有）；
- h) 个人信息的保留时限，或确定该期限的标准；以及
- i) 确保公平处理个人信息所需的任何其他信息，例如监督反兴奋剂组织处理个人信息的监管部门或机构的有关信息。

7.2 反兴奋剂组织在收集参赛者或其他当事人的个人信息之前或之时，应当依照条款 7.3 规定的方式方法，向参赛者或其他当事人告知以上信息；对参赛者提出的与反兴奋剂组织处理其个人信息有关的问题或关切，反兴奋剂组织应当作出回应。如果反兴奋剂组织从第三方而不是直接从参赛者那里得到个人信息，应当尽快告知其上述信息，不得无故拖延，除非其他方已事先向参赛者或其他当事人提供了此类信息。在例外情况下，如果有理由认为通知参赛者或其他当事人可能会危害反兴奋剂调查或以其他方式破坏反兴奋剂程序的完整性，则可以延迟或暂缓发出通知。在这种情况下，必须适当记录延迟的理由，并在合理的情况下尽快将信息提供给参赛者或其他当事人。

[Comment to 7.2: Anti-Doping Organizations should recognize that basic principles of fairness require that where a Participant's Personal Information is Processed in the context of Anti- Doping Activities, he or she should receive or have access to information that explains in simple terms the purpose and procedures for the Processing of their Personal Information. This International Standard aspires to ensure that Participants acquire a basic grasp of the roles and responsibilities performed by the different organizations involved in anti-doping in sport, as those relate to the Processing of Personal Information. Under no circumstances should Anti- Doping Organizations seek to mislead or misinform Participants in order to Process their Personal Information. In addition to furnishing such information directly to Participants or other Persons, Anti-Doping Organizations may wish to make such information available on any websites or other online platforms that they operate.

Each Anti-Doping Organization should ensure that its Processing of Personal Information is transparent to Participants, notwithstanding the fact that certain information relating to Anti- Doping Activities, notably information concerning scheduled Testing and investigations and proceedings relating to anti-doping rule violations, may need to be temporarily withheld from Participants in order to maintain the integrity of the anti-doping process. Similarly, notice to Participants also may need to be temporarily withheld if providing the information might reasonably risk jeopardizing an ongoing or reasonably anticipated investigation into doping- related activities conducted by an Anti-Doping Organization or law enforcement agencies. The prompt provision of appropriate information to Participants pursuant to this Article 7 is essential given the serious adverse Consequences that might arise if Participants are found to have committed an anti-doping rule violation.]

- 7.3** *Anti-Doping Organizations 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. Anti-Doping Organizations 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.*

[Comment to 7.3: Anti-Doping Organizations need to determine the most effective means of providing information in particular cases, recognizing that furnishing Participants with written notice is to be preferred when practical. This also may include furnishing notices through generally available sources, such as brochures and Internet websites, alone or preferably in combination with more succinct notices on forms and other documentation provided directly to Participants. Anti-Doping Organizations also must take into account the specific circumstances of the Participant or other Person, in particular factors such as their age or mental capacity that impact their ability to understand the information being presented to them by the Anti-Doping Organization.]

[条款 7.2 的释义：反兴奋剂组织应当认识到公平的基本原则要求，在反兴奋剂活动中处理参赛者的个人信息时，参赛者应当能够收到或获得有关信息，简单解释处理个人信息的目的和程序。本国际标准旨在确保参赛者基本了解参与体育运动中反兴奋剂工作的不同组织在处理个人信息方面的责任和义务。在任何情况下，反兴奋剂组织都不得为了处理个人信息而误导参赛者或向其提供错误信息。除了直接向参赛者或其他当事人提供此类信息外，反兴奋剂组织还可能希望在其运营的任何网站或其他在线平台提供此类信息。

各反兴奋剂组织都应当确保其对个人信息的处理向参赛者透明公开，尽管为了维护反兴奋剂程序的完整性，与反兴奋剂活动有关的某些信息，特别是有关计划实施检查以及与兴奋剂违规有关的调查和程序的信息，可能需要暂时向参赛者保密。同样，如果有理由认为提供信息可能会危及反兴奋剂组织或执法机构正在进行的或预期实施的对兴奋剂的相关调查，也可能需要暂时向参赛者保密。考虑到参赛者被发现构成兴奋剂违规而可能产生的严重不利后果，依照第 7 条的规定及时向参赛者提供适当信息是至关重要的。]

- 7.3** 反兴奋剂组织应当使用清晰明确的语言，通过有关参赛者或当事人易于理解的方式和格式（无论是书面、口头或其他形式）提供上述信息。反兴奋剂组织应当考虑参赛者或其他当事人的年龄和智力，以及当地处理个人信息的做法、习俗和的特殊情况。

[条款 7.3 的释义：反兴奋剂组织需要确定在特定情况下提供信息的最有效手段，并认识到在可行的条件下向参赛者提供书面通知是首选方式。这还可以包括单独通过普遍可用的渠道，例如宣传册和网站进行通知，或最好结合向参赛者提供的表格和其他文件进行更直接简洁的通知。反兴奋剂组织还必须考虑参赛者或其他当事人的具体情况，尤其是诸如年龄或智力等影响其理解反兴奋剂组织提供的信息的因素。]

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

- 8.1** *Anti-Doping Organizations* 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.

[Comment to 8.1: In many instances required by the Code and the International Standards, it is necessary for Anti-Doping Organizations to share certain Personal Information relating to Participants with other Anti-Doping Organizations so that they may engage in Code-mandated Testing or otherwise fulfill their respective roles under the Code/International Standards. For instance, this may occur in order to subject Athletes to In-Competition and Out-of-Competition Testing. In such cases, Anti-Doping Organizations shall cooperate with one another to ensure that the participation by Participants in such Testing remains suitably transparent to Participants and complies with the rules set out in this International Standard and applicable laws.]

- 8.2** *Anti-Doping Organizations* 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. Where an *Anti-Doping Organization* 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, *Anti-Doping Organizations* 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.

[Comment to 8.3.c.: The ability of an Anti-Doping Organization to cooperate and exchange Personal Information with law enforcement agencies and other authorities and the manner by which this is to occur may depend upon applicable national laws and regulations. Such rules may sometimes

8.0 向其他反兴奋剂组织和第三方披露个人信息

- 8.1** 反兴奋剂组织不得向其他反兴奋剂组织披露个人信息，除非该披露能够使接收个人信息的反兴奋剂组织履行《条例》和国际标准规定的义务，并符合适用的隐私和数据保护法律。

[条款 8.1 的释义：在《条例》和国际标准要求的许多情况下，反兴奋剂组织有必要与其他反兴奋剂组织共享参赛者的有关个人信息，以便他们可以实施《条例》规定的检查或以其他方式履行《条例》/国际标准规定的职责。例如，这可能发生在让运动员接受赛内和赛外检查的情况下。在这种情况下，反兴奋剂组织应当互相合作，确保参赛者参与此类检查的情况对其保持适当公开，并遵守本国际标准和适用法律的规定。]

- 8.2** 在以下情况下，反兴奋剂组织不得向其他反兴奋剂组织披露个人信息：（i）接收信息的反兴奋剂组织无法证明具有获得个人信息的权利、权限或需要；（ii）有证据表明接收信息的反兴奋剂组织未能或无法遵守本国际标准；（iii）适用的法律或监督主管部门施加的限制禁止反兴奋剂组织披露个人信息；或者（iv）披露信息将严重危及当前对兴奋剂违规的调查。如果反兴奋剂组织担心另一反兴奋剂组织无法遵守本国际标准，应当尽快将其担心通知该反兴奋剂组织和 WADA。

- 8.3** 除了上文条款 8.1 和 8.2 提及的披露之外，反兴奋剂组织可在以下情况下，向第三方披露个人信息：

- a) 法律、法规或强制性法律程序要求的；
- b) 相关参赛者知情且明确同意的；或
- c) 能够协助执法部门或政府当局或其他机构发现、调查或起诉刑事犯罪、违反职业行为规定或违反《条例》，但前提是个人信息与有关犯罪或违规存在合理的相关性，且有关部门无法以其他方式合理获得该个人信息。

[条款 8.3.c 的释义：反兴奋剂组织能够与执法机构和其他当局合作和交换个人信息，以及实现这一合作和交换的方式可能取决于相关国家的法律法规。此类规定有时可能要求或鼓励反兴奋剂组织在意识到个人信息可能与调

require or encourage Anti-Doping Organizations to disclose Personal Information to law enforcement and other authorities when they are aware that this information may be relevant to an investigation. Anti-Doping Organizations must comply with such national obligations where they exist.]

9.0 Maintaining the Security of Personal Information

- 9.1** *Anti-Doping Organizations shall protect Personal Information that they Process by applying all necessary security safeguards, including physical, organizational, technical, environmental and other measures, to prevent a Security Breach.*

[Comment to 9.1: Anti-Doping Organizations shall ensure that any access to Personal Information by their own personnel shall take place on a need-to-know basis only and where consistent with assigned roles and responsibilities. Personnel accessing Personal Information should be informed of the need to hold Personal Information in confidence.]

- 9.2** *Anti-Doping Organizations 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** *Anti-Doping Organizations sharing Personal Information with Third-Party Agents in connection with their Anti-Doping Activities 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.*

[Comment to 9.3: Anti-Doping Organizations have an ongoing responsibility to protect any Personal Information under their effective control or in their possession, including Personal Information Processed by their Third-Party Agents, such as IT-service providers, laboratories, external experts, Delegated Third Parties, Doping Control Coordinators, and external Doping Control Officers. Anti-Doping Organizations shall apply contractual controls that can include, as appropriate, provisions to ensure Third-Party Agents only Process Personal Information on the documented instructions of the Anti-Doping Organization, subject any Third-Party Agent or its staff handling Personal Information to a duty of confidentiality, apply appropriate technical security measures and organizational measures to the Personal Information, refrain from engaging other parties to Process the Personal Information without prior authorization and appropriate contractual controls being in place, require assistance where Participants or other Persons assert rights under this International Standard or applicable law, delete or return all Personal Information at the conclusion of the service or upon request, and make information available to the Anti-Doping Organization to demonstrate compliance with such controls. Anti-Doping Organizations shall consider technical controls where Third-Party Agents are granted access to their systems that include, inter alia, access restrictions and authentication requirements.]

查有关时，向执法部门及其他当局披露这些信息。如果相关国家存在此类义务，反兴奋剂组织必须予以遵守。]

9.0 维护个人信息安全

- 9.1** 反兴奋剂组织应当采取一切必要的安全保护措施，包括物理、组织、技术、环境和其他措施，保护其处理的个人信息，防止违反安全规定。

[条款 9.1 的释义：反兴奋剂组织应确保其员工仅在履行指定的责任和义务，有必要了解的前提下，接触个人信息。应当告知接触个人信息的员工必须对其保密。]

- 9.2** 反兴奋剂组织应当根据所处理的个人信息的敏感性而采取安全措施。反兴奋剂组织应当对其处理的敏感个人信息实施更高级别的安全保护，这反映出涉及此类信息的违反安全规定，会与个人信息相关的参赛者或当事人带来更大的风险。

- 9.3** 反兴奋剂组织与第三方代理共享与反兴奋剂工作有关的个人信息时，应当确保第三方代理受到适当的限制，包括合同限制和技术限制，从而保护个人信息的保密性和隐私性，并视具体情况，确保其仅代表反兴奋剂组织或在其授权或合作的范围内处理个人信息。

[条款 9.3 的释义：反兴奋剂组织始终有责任保护其有效控制或占有的任何个人信息，包括由第三方代理处理的个人信息，例如信息技术（IT）服务提供商、实验室、外部专家、受委托的第三方、兴奋剂管制协调员以及外部兴奋剂检查官。反兴奋剂组织应当实施合同限制，可以根据情况纳入以下条款，确保第三方代理只能根据反兴奋剂组织的书面指示处理个人信息，要求处理个人信息的第三方代理或其员工承担保密义务，对个人信息采取适当的技术安全措施和组织措施，在未获得事先授权或适当的合同限制之前不得让其他方处理个人信息，在参赛者或其他当事人依照本国际标准或适用法律主张权利时获得协助，在完成服务或收到要求时删除或归还所有个人信息，以及向反兴奋剂组织提供信息以证明遵守此类限制措施。如果允许第三方代理访问其系统，反兴奋剂组织应当考虑技术限制措施，尤其是要包括访问限制和认证要求。]

- 9.4** *Anti-Doping Organizations* are 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, the responsible *Anti-Doping Organization* 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 the *Anti-Doping Organization* 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, the *Anti-Doping Organization* shall ensure that the *Person* appointed pursuant to Section 4.5 is also informed about the Security Breach. The *Anti-Doping Organization* shall keep a record of Security Breaches, including the facts relating to the breach, its effects and remedial actions taken.

*[Comment to 9.5: Security Breach notification obligations are becoming increasingly common throughout the world. Pursuant to Article 4 of this International Standard, Anti-Doping Organizations must comply with national obligations that go beyond the International Standard (i.e., some national regimes may require additional notification to a competent authority or other organizations or impose specific timeframes for notification). A breach does not significantly affect an individual when the Personal Information in question is subject to suitable technological protection measures (e.g., encryption) and there is no indication that the protection has been compromised. Notice shall be given by any appropriate means, whether written, verbally or otherwise, taking into account the particular circumstances of the Security Breach, including the prejudice that the relevant *Persons* may suffer as a result of the Security Breach.]*

- 9.6** *Anti-Doping Organizations* shall regularly assess their Processing of Sensitive Personal Information and whereabouts information to determine the proportionality and risks of their Processing and to assess any measures, including privacy by design measures, that could be taken to reduce the risks for the *Participants* concerned.

[Comment to 9.6: The requirement to conduct assessments of the Processing of Sensitive Personal Information and whereabouts information on a regular basis is intended to provide Anti-Doping Organizations flexibility to conduct such assessments at an appropriate frequency reflecting applicable privacy and data protection laws, and any changes to such Processing. For instance, Anti-Doping Organizations have the discretion under the International Standard for Testing and Investigations to collect varying types and amounts of whereabouts information from different tiers of Athletes. The establishment of appropriate types and amounts of whereabouts information, as well as any changes to such requirements may require an assessment].

9.4 反兴奋剂组织需要根据适用的法律和本国际标准，选择能够在技术安全措施和组织措施方面为个人信息处理提供充分保护的第三方代理。

9.5 如果发生违反安全规定的事件，且该事件可能对相关当事人的权益产生重大影响，则负责的反兴奋剂组织应当将此事件通知受影响的参赛者或其他自然人。一旦反兴奋剂组织了解到违反安全规定的细节，必须在合理的情况下尽快提供这些信息，并说明违反安全规定的性质、对相关当事人可能产生的负面后果，以及反兴奋剂组织已经或将要采取的补救措施。此外，反兴奋剂组织应当确保将违反安全规定的事件告知依照条款 4.5 指定的人员。反兴奋剂组织应当保留违反安全规定的记录，包括与违反安全规定相关的事实、产生的影响以及采取的补救措施。

[条款 9.5 的释义：违反安全规定的通知义务在全球范围内越来越普遍。依照本国际标准第 4 条，反兴奋剂组织必须遵守超出国际标准的国家法律义务（例如，一些国家的制度可能要求向主管当局或其他组织另行通知，或规定具体的通知时限）。如果涉及的个人信息得到适当的技术措施保护（例如加密），并且没有迹象表明该保护已受到损害，则违反安全规定并不会对个人造成重大影响。应以任何适当的方式（书面、口头或其他方式）发出通知，并且考虑到违反安全规定的特殊情况，包括相关当事人可能因违反安全规定而受到的损害。]

9.6 反兴奋剂组织应当定期评估其对敏感个人信息和行踪信息的处理，以确定其处理的尺度和风险，并评估为降低相关参赛者风险而可能采取的任何措施，包括通过设计保护隐私的措施。

[条款 9.6 的释义：要求定期对敏感个人信息和行踪信息的处理进行评估，旨在为反兴奋剂组织提供灵活性，从而以适当的频率进行此类评估，以反映相关隐私和数据保护法的要求，以及此类处理的任何改变。例如，根据《检查和调查国际标准》的规定，反兴奋剂组织有权从不同级别的运动员处收集不同类型和数量的行踪信息。在确定行踪信息的适当类型和数量，以及对此类要求的任何更改，都有可能需要进行评估。]

- 9.7** *Anti-Doping Organizations* 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** *Anti-Doping Organizations* shall adhere to those retention times set forth in the latest version of Annex A - Retention Times attached hereto. *Anti-Doping Organizations* shall retain any Personal Information for which no retention time has been set in Annex A 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.

[Comment to 10.1: WADA shall be solely responsible for implementing the retention times set forth in Annex A within the ADAMS database administered by WADA.]

- 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** *Anti-Doping Organizations* 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** *Anti-Doping Organizations* 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 *Anti-Doping Organizations*: (a) confirmation of whether or not *Anti-Doping Organizations* Process 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

9.7 反兴奋剂组织应当确保处理参赛者个人信息的任何工作人员都必须遵守可充分履行的合同和 / 或承担法定保密义务。

10.0 相关个人信息的保留和销毁

10.1 反兴奋剂组织应当遵守附件 A《保留时限》最新版中规定的保留时限。对于附件 A 中未规定保留时限的个人信息，反兴奋剂组织应当根据以下原则保留，并在可能的情况下，依照这些原则制定明确的保留时限，以规范个人信息处理。

[条款 10.1 的释义：WADA 应当全权负责在其管理的 ADAMS 数据库中执行附件 A 规定的保留时限。]

10.2 一般来说，保留敏感个人信息比保留非敏感个人信息需要更有力或更令人信服的原因和理由。

10.3 反兴奋剂组织应当确保仅在履行《条例》或国际标准规定的与个人信息相关义务的情况下，或在适用的法律、法规或强制性法律程序另有要求的情况下，才能保留个人信息。一旦个人信息不再用于上述目的，应当将其删除、销毁或永久匿名化。

10.4 反兴奋剂组织应当制定具体的计划和程序，以确保个人信息的安全保留和最终销毁。

10.5 不同类型的个人信息可适用不同的保留时限。保留时限应当考虑到在反兴奋剂活动中处理个人信息的目的，包括批准 TUE、实施检查、调查兴奋剂违规以及对兴奋剂违规实施处罚等。

11.0 参赛者和其他当事人在个人信息方面的权利

11.1 与个人信息有关的参赛者或当事人有权从反兴奋剂组织获得以下信息：（a）确认反兴奋剂组织是否处理与其相关的个人信息；（b）条款 7.1 规定的信息；以及（c）在一（1）个月内（如可行）或之后尽快获得相关个人信息的副本。副本的格式应当易于理解，且不产生额外费用，但以下情况除外：法律规定的有限例外情况，或在特定情况下这么做明显与反兴奋剂体系的

case plainly conflicts with the integrity of the anti-doping system or an *Anti-Doping Organization's* ability to plan or conduct No Advance Notice Testing or to investigate and establish anti-doping rule violations or other legal claims.

[Comment to 11.1: Participants or other Persons may also have additional rights under applicable privacy and data protection laws, and Anti-Doping Organizations shall follow the process set out herein when responding to requests in respect of such additional rights, as applicable. Principal responsibility for receiving and responding to requests from Participants or other Persons shall rest with the Anti-Doping Organization(s) that has the then-primary relationship with the relevant Participant/Person. To the extent it receives any such requests, WADA will respond in coordination with the relevant Anti-Doping Organization. Save in exceptional circumstances, (which may include situations where the amount of Personal Information at issue is significant and involves a disproportionate effort to assemble), an Anti-Doping Organization ordinarily is expected to respond no later than four (4) weeks from the date a properly formulated request is received. Anti-Doping Organizations shall be entitled to request additional information and clarifications from Participants or Persons in order to be able to respond to their request, including, where appropriate, additional information to confirm the identity of the Participant or Person making the request.]

- 11.2** *Anti-Doping Organizations* have 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 the *Anti-Doping Organizations* in terms of cost or effort given the nature of the Personal Information in question.
- 11.3** In the event an *Anti-Doping Organization* refuses to allow a *Participant* or *Person* access to his or her Personal Information, it shall inform the *Participant/Person* and set out in writing the reasons for refusing the request as soon as practicable. *Anti-Doping Organizations* 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** Where an *Anti-Doping Organization's* 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 the *Anti-Doping Organization* 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. The *Anti-Doping Organization* shall inform the *Participant* or *Person* about these *Anti-Doping Organizations* where they request the information.

完整性相冲突，或者这么做与反兴奋剂组织计划或实施事先无通知的检查，或能够调查和证明兴奋剂违规或其他法律要求相冲突。

[条款 11.1 的释义：根据适用的隐私和数据保护法，参赛者或其他当事人还可能享有其他权利，反兴奋剂组织在回应有关此类其他权利的请求时，应当根据情况遵循本条款规定的程序。接收和回应参赛者或其他当事人请求的主要责任，应当由当时与相关参赛者 / 当事人有主要关系的反兴奋剂组织承担。收到任何此类请求时，WADA 将与相关反兴奋剂组织协调做出回应。除非在特殊情况下（可能涉及的个人信息数量巨大，且需要不成比例的收集工作），反兴奋剂组织通常应当在收到适当提出的请求之日起的四（4）周内作出回应。反兴奋剂组织有权要求参赛者或当事人提供补充信息和说明，以便回应其请求，包括根据情况提供补充信息，以确认提出请求的参赛者或当事人的身份。]

- 11.2** 反兴奋剂组织必须回应与个人信息有关的参赛者或当事人提出的获取其个人信息的请求，除非由于所涉及的个人信息的性质，这么做在费用或工作量方面会给反兴奋剂组织带来不成比例的负担。
- 11.3** 如果反兴奋剂组织拒绝参赛者或当事人获取其个人信息，应当尽快告知参赛者 / 当事人，并在可行的情况下，尽快以书面形式说明拒绝请求的原因。如果参赛者 / 当事人试图依照第 11 条获取个人信息，反兴奋剂组织应当确保其只能获取与自己相关的个人信息，而不是与其他参赛者或第三人有关的个人信息。
- 11.4** 如果反兴奋剂组织对个人信息的处理不准确、不完整或不适度，应当尽快纠正、修改、锁定或删除相关个人信息。如果反兴奋剂组织已将有关个人信息披露给另一个反兴奋剂组织，而据其所知或其认为该组织仍在处理该个人信息，则应当尽快将这一变化通知该反兴奋剂组织，除非事实证明这不可行或涉及的工作量不成比例。反兴奋剂组织应当向要求提供信息的参赛者或当事人通报这些反兴奋剂组织的情况。

- 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 an *Anti-Doping Organization* where he or she has a reasonable, good-faith belief that an *Anti-Doping Organization* is not complying with this *International Standard* and each *Anti-Doping Organization* shall have a documented procedure in place for dealing with such complaints in a fair and impartial manner. 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*. Where the *International Standard* for the Protection of Privacy and Personal Information is not being adhered to, the relevant *Anti-Doping Organization* will be required to resolve the non-conformity 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.

11.5 在不损害参赛者或当事人依照适用法律可能享有的任何其他权利的情况下，参赛者或当事人如果合理、善意地认为反兴奋剂组织未能遵守本国际标准，可以对其提出申诉，并且各反兴奋剂组织应当制定书面程序，以公平、公正的方式处理此类申诉。如果申诉不能得到令人满意的解决，参赛者或当事人可以通知 **WADA**，**WADA** 将依照《签约方条例遵守国际标准》处理申诉。如果确认未遵守《隐私和个人信息保护国际标准》，**WADA** 将要求相关反兴奋剂组织依照《签约方条例遵守国际标准》解决不符合项。本国际标准的任何规定都不妨碍参赛者或当事人向任何负责保护隐私和个人信息的主管部门提出申诉，反兴奋剂组织应当配合主管部门对该申诉的调查。

ANNEX A: RETENTION TIMES

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.

附件 A 保留时限

ADRV: 兴奋剂违规

AAF: 阳性检测结果

ATF: 非典型性结果

APF: 生物护照阳性结果

ATPF: 非典型性生物护照结果

- I. 以下提到的数据将在所述保留期限届满后，不晚于该日历季度末删除。
- II. 保留时限分为两类：十二（12）个月和十（10）年。十（10）年指可以依照《条例》对兴奋剂违规采取行动的期限。十二（12）个月是指累计三（3）次违反行踪信息管理规定而导致兴奋剂违规的期限，也适用于某些不完整的文件和与 TUE 相关的信息。
- III. 如果兴奋剂违规、调查或其他法律程序未决或有预期的合理时限，保留时限可以延长。

Module	Data	Retention Periods	Remarks	Criteria
1 – Athlete			Athlete data relevant for practical purposes and for notification purposes in the event of an ADRV. These data are not particularly sensitive.	
Athlete (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
2 – Whereabouts*				
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

模块	数据	保留时限	备注	标准
1. 运动员			在出现兴奋剂违规时，与实际目的和通知目的相关的运动员数据。这些不是特别敏感的数据。	
运动员（通用）	姓名、出生日期、运动项目和性别	从运动员被撤出反兴奋剂组织检查计划之时起10年，或从其他数据类别删除之时起10年（例如，参见第6节——兴奋剂违规），以较晚者为准。	有必要通知兴奋剂违规，并保存在被纳入反兴奋剂组织检查计划的运动员记录。	必要性
	联系信息（电话号码、电子邮件地址、通讯地址）	从运动员被撤出反兴奋剂组织检查计划之时起10年。	同上	必要性
2. 追踪信息 *				
*（除运动员生物护照所需的城市、国家和赛内追踪信息外——参见条款7）				
追踪信息	追踪信息（城市、国家和赛内追踪信息除外）	自提交追踪信息数据的季度末起12个月	与12个月内累计3次违反追踪信息管理规定有关。	必要性
	违反追踪信息管理规定的（填报失败和错过检查）	自违反追踪信息管理规定之日起10年	与12个月内累计3次违反追踪信息管理规定以及其他可能存在的兴奋剂违规有关。如果出现在兴奋剂违规，将作为结果管理文件的一部分保存（参见第6部分）。	必要性

Module	Data	Retention Periods	Remarks	Criteria
3 – TUEs			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.	
	TUE certificates and rejected TUE decision forms	10 yrs as of certificate date/date of rejection decision	Can be relevant in case of re-Testing or other investigations.	Proportionality/Ne-cessity
	TUE application forms and supp. med information and any other TUE info not otherwise expressly mentioned herein.	12 months from end of validity of TUE	Loses relevance after expiration of TUE except in case of re-application.	Proportionality/Ne-cessity
4 – Testing	Incomplete TUEs	12 months from date of creation	Can be relevant in case of re-appli-cation.	Proportionality
	Doping Control Forms (DCFs)	10 yrs as of Sample collection date	DCFs, associated mission/Testing orders, and chain of custody docu-ments are relevant for <i>Athlete Biological Passport</i> and in case of re-Testing of Samples. If ADRV, will also be kept as part of results management file (see section 6).	Proportionality/Ne-cessity
	Mission/Testing orders	Retained until all associated DCFs have been deleted	Same as above.	Proportionality/Ne-cessity

模块	数据	保留时限	备注	标准
3. 治疗用药豁免			销毁医疗信息，使 WADA/ 反兴奋剂组织无法在 TUE 失效后对 TUE 进行追溯审查。TUE 信息主要是医疗信息，因此是敏感信息。	
治疗用药豁免	TUE 批准书和拒绝批准 TUE 的决定表格	自 TUE 批准之日 / 拒绝决定作出之日起 10 年	在重新检查或开展其他调查的情况下可能相关。	相称性 / 必要性
	在本标准中未明确提及的 TUE 申请表和补充医疗信息及其他 TUE 信息。	自 TUE 有效期结束起 12 个月	TUE 期满后失去相关性，但重新申请的除外。	相称性 / 必要性
	不完整的 TUE 申请	自创建之日起 12 个月	如果重新申请，则可能有关。	相称性
4. 检查				
检查	兴奋剂检查记录单 (DCF)	自样本采集之日起 10 年	兴奋剂检查记录单、相关任务书 / 检查单和传送链文件与运动员生物护照和样本重新检测相关。如果出现兴奋剂违规，将作为结果管理文件的一部分保存 (参见第 6 部分) 。	相称性 / 必要性
	任务书 / 检查任务	保留到所有相关检查记录单删除为止	同上	相称性 / 必要性

Module	Data	Retention Periods	Remarks	Criteria
5 – Test results/Results Management	Chain of custody	10 yrs as of document creation date	Same as above.	Proportionality/Ne-cessity
	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
	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*	<p>Necessary because of multiple violations and retrospective analysis. If ADRV, will also be kept as part of results management file (see section 6).</p> <p>*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>. <i>Samples</i> 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.</p>	<p>Necessity</p> <p>Proportionality/Ne-cessity</p>

模块	数据	保留时限	备注	标准
5. 检查结果 / 结果管理 (表格 / 文件)	传送链	自文件创建之日起 10 年	同上	相称性 / 必要性
	不完整的检查文件或 与样本不匹配的文件	自文件创建之日起 12 个月	文件不完整或与样本不匹配， 通常是数据输入错误造成的， 为了保持数据完整性，这些文 件会在短暂延迟后废弃。	相称性
	分析检测结果 (包括 AAF/ATF)，实验室 报告和其他相关文件	自样本采集之日 / 相关文件创建 之日起 10 年 *	因多次违规和追溯性检测而有 必要。如果出现兴奋剂违规， 将作为结果管理文件的一部分 保存 (参见第 6 部分)。 根据《条例》或国际标准的标 准和要求，在某些情况下，样 本检测得到的数据和其他兴奋 剂管制信息的保存期可长于适 用的保留时限，用于《条例》 条款 6.3 允许的研究和其他目 的。必须对样本和数据进行处 理，以确保将它们用于此类次 要目的时不会追溯到某个运动 员。10 年是可识别数据和样本 的最长保留时限。详见《实验 室国际标准》。	必要性 相称性 / 必要性

Module	Data	Retention Periods	Remarks	Criteria
6 – Proceedings and Decisions (ADRV)		As of date of final decision:	Managed by disciplinary body / sports federation / ADO. Necessary because of multiple violations and possible duration of sanctions.	Necessity
	Sanctions and Decisions under the Code	Longer of 10 yrs or duration of sanction*	* 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.	Proportionality/Necessity
	Relevant documentation/files (incl. AAF or whereabouts failure record, case files, laboratory and ABP documentation packages, etc.)	Longer of 10 yrs or duration of sanction	Necessary because of multiple violations and possible duration of sanctions.	Necessity
7 – Athlete Biological Passport				
	Results	10 yrs as of date of match between results and Doping Control Form	Necessary because of multiple violations and to analyze or review biological variables, APMU reports and expert reviews over time.	Necessity
	Whereabouts	10 yrs as of end of the whereabouts quarter for which the data was submitted	Needed to support atypical/abnormal results, or to refute Athletes' claims.	Proportionality/Necessity

模块	数据	保留时限	备注	标准
6. 程序和决定 (ADRV)				
决定和程序	<p>依照《条例》的处罚和决定</p> <p>相关程序文件 / 文档 (包括 AAF 或违反追踪信息管理规定记录、案卷、实验室和 ABP 文件包等)</p>	<p>自最终决定作出之日起</p> <p>10 年或处罚存续期，以较长的时间为准 *</p> <p>10 年或处罚存续期，以较长的时间为准</p>	<p>由纪律处罚机构 / 体育协会 / 反兴奋剂组织管理。</p> <p>因多次违规和可能的处罚存续期而有必要。</p> <p>* 决定 (例如 CAS 裁决) 可能是重要的法律先例，也是公共记录的一部分；在这种情况下，反兴奋剂组织可以决定保留决定，超过适用的保留时限。</p> <p>因多次违规和可能的处罚存续期而有必要。</p>	<p>必要性</p> <p>相称性 / 必要性</p> <p>必要性</p>
7. 运动员生物护照				
结果	生物变量、ATPF、APF、APMU 报告、专家审查意见和其他证明文件。	自结果与兴奋剂检查记录匹配之日起 10 年	因多次违规和检测或审查生物变量、APMU 报告和专家审查而有必要。	必要性
追踪信息	追踪信息 (仅城市、国家和赛内追踪信息)	自提交追踪信息数据的季度末起 10 年	用于支持非典型性结果 / 异常结果，或反驳运动员的抗辩。	相称性 / 必要性

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