

Fighting Together Against Doping



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ETHIOPIAN NATIONAL ANTI-DOPING OFFICE

**Ethiopian National Anti-Doping
Office**

**Information sharing and privacy
Guideline**

October, 2017

Addis Ababa, Ethiopia

ACRONYMS

ADAMS:-The Anti-Doping Administration and Management system

ADO: - Anti-Doping Organization.

ETH-NADO:-Ethiopian National Anti-Doping Office

ISPPPI: - International Standard protection of privacy and personal information.

WADA: - world Anti-Doping Agency

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1. INTRODUCTION

Ethiopia National Anti-doping office has an obligation to promote Doping free sport nationwide and provide a mechanism to assist in the implementation of its establishment Regulation. As such, it is mandated with planning and implementation of the doping control process part of which entails intelligence gathering, analysis of information, investigations and safe storage of the acquired information. Therefore, this information sharing and privacy guideline has been produced to undertake the proper information sharing and protection of privacy.

The Guide line provides the basis for how to collect, store, use and disclose personal information. It, in particular, requires Athletes and Athlete Support Personnel to furnish a significant amount of Personal Information to ETH-NADO. As a result, it is essential that ETH-NADO appropriately protect the confidential and secured information that it Processes both to meet legal standards and to ensure the continued confidence and trust of those involved in organized sport.

The information sharing and privacy Guide line provides directions relating to the protection of Personal Information by ETH-NADO and other concerned stakeholders, Consistent with other International Standards that have been developed and implemented. The Guide line sets forth a minimum, common set of rules to which ETH-NADO must conform when collecting and handling Personal Information pursuant to the Code. In some cases, ETH-NADO may be required by applicable laws to apply rules or standards that exceed those set forth in this Standard.

This Guide line is composed of the main objective, scope, classification of information, information handling and its standards, privacy protection, disclosure of information and ETH-NADO Role on the Process of Doping Control Information Clearinghouse.

2. OBJECTIVE

The general objective of this guideline is to undertake proper information sharing and protection of privacy in line with International Standard for protection of privacy and personal information (ISPPPI) and other relevant national laws of Ethiopia.

3. SCOPE

This Guide line applies in all doping control process conducted to implement information sharing and maintain privacy rights conducted by the ETH-NADO and all participants involved.

4. CLASSIFICATION OF INFORMATION

The ETH-NADO Intelligence& Investigations Team will unavoidably receive confidential information in the course of its duties including the receipt of confidential information from external stakeholders and other Anti-Doping Originations (**ADO**).

In determining the level of information that is provided to subjects, witnesses and others in the course of an investigation, the ETH-NADO Intelligence& Investigations team will seek to strike a balance between the legitimate need for information and the risk that the investigation (or any later investigation for example, by national authorities) may be compromised or that witnesses (e.g. whistle-blowers) identified.

For this reason, information shall be classified as:

1. Secret information: Information shall be classified as a '*Secret*' if the protection of the information is required by law/regulation or if ETH-NADO is required to self-report to the World Anti-Doping Agency (**WADA**) or other relevant party.

If a file which would otherwise be considered to be '*Restricted*' or '*Confidential*' contains any element of secret information, the entire file is considered to be secret information.

2. Restricted information: Information shall be classified as *'Restricted'* if it would otherwise qualify as *'Secret'* but has been determined by the Intelligence and Investigations Team that prohibiting such information storage on computing equipment or its transmission to other persons on a need-to-know basis would significantly reduce the Intelligence & Investigations Team's effectiveness when acting in support of the offices' mission.

3. Confidential information: Information shall be classified as *'Confidential'* if it is not considered to be *'Secret'* or *'Restricted'* and it is not generally available to the public or is otherwise marked as confidential. Access to such information shall only be on a need-to-know basis only where the same is consistent with the roles and responsibilities of the personnel accessing such information

5. INFORMATION HANDLING

Information collected according to their classification from various relevant sources shall be handled solely by the ETH-NADO's intelligence and investigation team.

Information is handled when the Information gathered is processed in cases where the law expressly provides for its Processing or with the consent of Participants, and shall Process only the Personal Information appropriate and relevant for making this determination as required.

Personal Information requires stronger or more compelling reasons and justifications than retaining non-Sensitive Personal Information. The intelligence and investigation team shall ensure that Personal Information is only retained where it remains relevant to fulfilling their obligations under the Code or under ISPPPI 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 or destroyed.

Standards for handling personal information

1. Processing Personal Information in Accordance with International Standard and Applicable Law
2. Processing Relevant and Proportionate Personal Information
3. Processing Personal Information in Accordance with Law or with Consent
4. Ensuring Appropriate Information is furnished to Participants and Other Persons
5. Disclosures of Personal Information to other Anti-Doping Organizations and Third Parties
6. Maintaining the Security of Personal Information
7. Retaining Personal Information Where Relevant and Ensuring Its Destruction
8. Rights of Participants and Other Persons with Respect to Personal Information.

6. PRIVACY PROTECTION

The ETH-NADO intelligence and investigation team shall apply laws, reflecting to the vital need to protect the privacy of athletes, Participants and other Persons involved in and associated with anti-doping.

As investigation information is considered strictly confidential the intelligence and investigation process may collect, store, process or disclose personal information relating to athletes and other Persons where necessary and appropriate to conduct their anti-doping activities under the Code and International Standards (including specifically the International Standard or the Protection of Privacy and Personal Information), and also processing of Personal Information complies with all such data protection , privacy laws and regulations which are accountable for compliance with all locally applicable privacy and data protection laws.

ETH-NADO shall have subject to data protection and privacy laws and regulations that impose requirements that exceed those arising under this guideline. In such circumstances, ETH-NADO shall ensure that its Processing of Personal Information complies with all data protection and privacy laws and regulations.

7. DISCLOSURE OF INFORMATION

According to ETH-NADO Intelligence and Investigation Procedure, Confidential and Secured Information might be collected from different sources for the purpose proofing or disproving Anti-Doping Rule Violations. Therefore, ETH-NADO installed the system how such confidential information would be disclosed at different level.

Any confidential and secured information may be provided for the external stakeholders (e.g. Federal Police, Federal General Attorney, Ethiopian Food and Medicine Authority, and other concerned body) for further investigation and disciplinary or criminal measures. So, each of those external stakeholders should securely maintain those confidential information.

Information to be disclosed and notified should include but not limited adverse analytical findings, adverse passport analytical findings, atypical findings, and other asserted Anti-Doping Rule Violations (suspected; proved or disproved cases). All those confidential and secured information shall be provided to the concerned body through the final decision of the ETH-NADO Director General. But non-sensitive information that needs to be publicized can be disclosed for the general public by the communication and public relation authorized person of ETH-NADO.

6.1. Notice of Anti-Doping Rule Violations to Athletes and other Persons: The form and manner of notice of an asserted anti-doping rule violation shall be as provided in the Ethiopia National Anti-Doping rule, result management guiding procedure and other relevant laws. Notification shall include the Athlete's name, country, sport and discipline within the sport, the Athlete's competitive level, whether the test was In Competition or Out-of-Competition, the date of Sample collection, the analytical result reported by the laboratory and other information as required by the International Standard for Testing and Investigations, or for anti-doping rule violations other than Article 2.1 of the World Anti-Doping Code, the rule violated and the basis of the asserted violation.

6.2 Notice of Anti-Doping Rule Violations to WADA, International Federations, as necessary other Anti-Doping Organizations (ADOs) and Further Investigation Authorities (e.g. Federal Police; Federal General Attorney and Food and Medicine Control authority): ETH-NADO would notify WADA, International Federations, as necessary other Anti-Doping Organizations (ADOs) of the assertion of an anti-doping rule violation simultaneously with the notice to the Athlete or other Person. It may also report the Anti-Doping Rule Violations for external Stakeholders (Federal Police, Federal General Attorney and Food and Medicine Control authority) for further investigation. ETH-NADO will regularly update on the status and findings of any review or proceedings conducted and the decisions made on a particular case.

6.3. Public Disclosure: According to article 12/1 of the Freedom of the Mass Media and Access to Information Proclamation No 590/2008, all persons have the right to seek, obtain and communicate any information held by public bodies. Therefore, ETH-NADO may disclose all required information for the general public as follows.

- 1.The identity of any Athlete or other Person, who is asserted by ETH-NADO to have committed an anti-doping rule violation, may be Publicly Disclosed by the ETH-NADO only after notice has been provided to the Athlete or other Person in accordance with Article 7.3, 7.4, 7.5, 7.6 or 7.7 of the Ethiopian National Anti-Doping Rule.
- 2.No later than twenty days after it has been determined in a final appellate decision under Article 13.1.1 or 13.2.2 of Ethiopian National Anti-Doping Rule, or such appeal has been waived, or a hearing in accordance with Article 8 of Ethiopian National Anti-Doping Rule has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, ETH-NADO must Publicly Report the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the Athlete or other Person

committing the violation, the Prohibited Substance or Prohibited Method involved and the Consequences imposed. It must also Publicly Report within twenty days the results of final appeal decisions concerning anti-doping rule violations, including the information described above.

3. In any case where it is determined, after a hearing or appeal, that the Athlete or other Person did not commit an anti-doping rule violation, the decision may be Publicly Disclosed only with the consent of the Athlete or other Person who is the subject of the decision. ETH-NADO shall use reasonable efforts to obtain such consent, and if consent is obtained, shall Publicly Disclose the decision in its entirety or in such redacted form as the Athlete or other Person may approve.
4. Publication shall be accomplished at a minimum by placing the required information on the ETH-NADO's website and leaving the information up for the longer of one month or the duration of any period of Ineligibility.
5. ETH-NADO Should not publicly comments on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the Athlete, other Person or their representatives.
6. Where the Athlete or other Person who has been found to have committed an anti-doping rule violation is a Minor, ETH-NADO should not be required to report the case publicly. Any optional Public Reporting in a case involving a Minor shall be proportionate to the facts and circumstances of the case.
7. ETH-NADO shall, at least annually, publish publicly a general statistical report of its Doping Control activities, with a copy provided to WADA as per article 14.4 of the World Anti-Doping Code.

7. ETH-NADO ROLES ON THE PROCESS OF DOPING CONTROL INFORMATION CLEARING HOUSE

To facilitate coordinated test distribution planning and to avoid unnecessary duplication in Testing by various Anti-Doping Organizations, ETH-NADO shall report all In-

Competition and Out-of Competition tests on such Athletes to the WADA clearinghouse, using ADAMS or another system approved by WADA, as soon as possible after such tests have been conducted. This information will be made accessible, where appropriate and in accordance with the applicable rules, to the Athlete and International Federation, and any other Anti-Doping Organizations with Testing authority over the Athlete.