

APPENDIX 1

# ATHLETE AND TEAM STAFF INFORMATION NOTICE - DATA

## DEFINITIONS

"Anti-Corruption Data" means any and all of your personal data which in the reasonable opinion of the IBU may relate to a matter(s) falling under Chapter C of the IBU Integrity Code, including without limitation, telephone records, bank account, credit card and transaction details, betting account records, internet and email records, social media accounts including all private and public communications sent thereon, computers and hard drives and other electronic information storage devices and documents, correspondence, addresses and contact details.

"Anti-Doping Data" means any and all data with respect to the Doping Control process related to you (including test distribution planning, Sample collection and handling, laboratory analysis, results management, hearings, appeals and sanctions), Therapeutic Use Exemptions and whereabouts.

"Personal Data" means Anti-Corruption Data and/or Anti-Doping Data and/or any other personal data referred to in this Information Notice.

All other capitalized terms used in this IBU Declaration of Obligations for Athletes and Team Staff Members shall have the meaning as set out in the IBU Integrity Code.

## BACKGROUND

In the context of Doping Control and Anti-Corruption activities, you are being asked to sign the IBU Declaration of Obligations for Athletes and Team Staff Members which this Appendix 1 is an integral part of. The IBU Declaration of Obligations for Athletes and Team Staff Members **incorporates your specific consent for the processing of your Personal Data**. This Information Notice explains in more detail how your Personal Data will be used and processed to ensure harmonised, coordinated and effective anti-doping and anti-corruption programmes for detection, deterrence and prevention of doping and corruption in biathlon. The IBU Declaration of Obligations for Athletes and Team Staff Members should be read in conjunction with this Information Notice.

a. The IBU is the entity that acts as the controller of your Personal Data. The Data Protection Officer of the IBU is Margit Eidenhammer who may be contacted by emailing [margit.eidenhammer@ibu.at] and marking correspondence as being for the attention of the Data Protection Officer.

### b. Anti-Doping Data

- i. Your Anti-Doping Data will be collected and processed for the purposes of the IBU Anti-Doping Rules and/or the World Anti-Doping Code or equivalent anti-doping regulations and for the purposes of ensuring compliance with the same.
- ii. The laboratory analysis results may include, without limitation: detection of a Prohibited Substance, its metabolites or markers or any evidence of use of a Prohibited Method identified on the Prohibited List; detection of the presence of other substances not included on the Prohibited List as may be directed by WADA pursuant to a mon-

itoring programme described in Article 4.5 of the World Anti-Doping Code; longitudinal profiling of haematological parameters such as haemoglobin and red blood count over a specified period of time as well as testosterone/epitestosterone ratio; and/or results from other tests that may be developed in the future to identify the presence of Prohibited Substances or Prohibited Methods.

- iii. Some of your Anti-Doping Data constitutes personal data under applicable national data protection or privacy laws.

### Responsibility for Anti-Doping Data

- i. Your Anti-Doping Data will be collected by an Anti-Doping Organisation (which may include, without limitation, the IBU which includes any delegated third party operating under a delegated authority agreement on behalf of the IBU) acting pursuant to the IBU Anti-Doping Rules and/or the World Anti-Doping Code or equivalent anti-doping regulations ("the Testing Authority"), or through an authorised collection authority and/or results management authority. The Testing Authority will be responsible for protecting your information in accordance with its local laws and regulations, the WADA International Standard on the Protection of Privacy and Personal Information and the IBU Anti-Doping Rules and/or the World Anti-Doping Code or equivalent anti-doping regulations.
- ii. The Testing Authority will use a data-management system (which may be in electronic form including but not limited to the ADAMS ) to process and manage, including disclose to authorised recipients, your Anti-Doping Data.
- iii. You will be responsible for ensuring that all information which you provide or that is provided on your behalf by other parties, such as your National Federation, is accurate and up to date, including with respect to your whereabouts. Please note that failure to provide and/or update accurate whereabouts information is likely to constitute a breach of the IBU Anti-Doping Rules, whether the failure is intentional or negligent. If you are provided with a password to access the data-management system you will be responsible for keeping this password confidential at all times. Should you inadvertently or otherwise disclose such password you should contact the IBU immediately.

### Disclosures of your Anti-Doping Data

- i. Your Anti-Doping Data will, where appropriate, be made available to authorised Anti-Doping Organisations and/or delegated third parties under a delegated authority agreement on behalf of the IBU, IBU disciplinary tribunals and/or the Court of Arbitration for Sport, in accordance with the IBU Anti-Doping Rules and/or the World Anti-Doping Code or equivalent Anti-Doping regulations, to enable them to assist the IBU to administer the IBU Anti-Doping programme and/or, in the case of Anti-Doping Organisations only, their own Anti-Doping programmes. These Anti-Doping Organisations may include, without limitation, National Anti-Doping Organisations, international or national sporting federations including without limitation the IBU and National Federations, Major Event Organisations and

National Olympic Committees. Where this occurs, such Anti-Doping Organisations will be responsible for protecting your information in accordance with their local laws and regulations, the WADA International Standard on the Protection of Privacy and Personal Information and/or the IBU Anti-Doping Rules and/or the World Anti-Doping Code or equivalent Anti-Doping regulations.

- ii. Your Anti-Doping Data will also be made available, in part, to WADA, which will need to process certain information in order to fulfil its obligations and responsibilities under the World Anti-Doping Code. In such case WADA will be responsible for protecting your information in accordance with its local laws and regulations, the WADA International Standard on the Protection of Privacy and Personal Information and the World Anti-Doping Code.
- iii. WADA-accredited laboratories will need to receive your Samples and possibly other data relating to you; however, such laboratories will only be provided with de-identified, key-coded data and Samples that will not enable the laboratories to identify you.
- iv. The IBU, other Anti-Doping Organisations, WADA and WADA-accredited laboratories will process your Anti-Doping Data only for the purpose of ensuring harmonised, coordinated and effective Anti-Doping programmes.
- v. The IBU, other Anti-Doping Organisations, WADA, and WADA-accredited laboratories will not disclose any of your Anti-Doping Data other than to those persons within their organisation who require it for Doping Control purposes (which may include a delegated third party operating under a delegated authority agreement on behalf of the IBU or another Anti-Doping Organisation). Each of the organisations accessing and using any of your Anti-Doping Data may only do so in order to fulfil their responsibilities and obligations arising under the IBU Anti-Doping Rules and/or the World Anti-Doping Code or equivalent anti-doping regulations, which primarily involve the establishment and maintenance of Anti-Doping programmes and ensuring appropriate information sharing as provided for under the IBU Anti-Doping Rules and/or the World Anti-Doping Code and/or WADA International Standards and/or equivalent anti-doping regulations.
- vi. Relevant excerpts from your Anti-Doping Data may be publicly disclosed in accordance with the requirements of, and subject to satisfaction of the conditions set out in the IBU Anti-Doping Rules, the World Anti-Doping Code and the WADA International Standard on the Protection of Privacy and Personal Information, where a final determination has been reached, after the exhaustion of all processes set out in the IBU Anti-Doping Rules that you have committed a violation of the IBU Anti-Doping Rules and/or World Anti-Doping Code or equivalent anti-doping regulations.

#### **Legal basis for processing Anti-Doping Data**

- vii. Our legal basis for processing your Anti-Doping Data is the consent you provide in the IBU Declaration of Obligations for Athletes and Team Staff and/or applicable law which provides for such processing. We may also need to process your Anti-Doping Data, regardless of whether you withdraw or refuse to grant consent, where necessary to establish, exercise or defend legal claims (including in relation to investigations and/or proceedings with respect to suspected violations of the IBU Anti-Doping Rules and/or the World

Anti-Doping Code or equivalent Anti-Doping regulations).

#### **c. Anti-Corruption Data**

- i. Anti-Corruption Data may be collected (including on request pursuant to my undertakings above) and processed (for example recorded, retained, transmitted, and used) by and amongst the IBU, the International Olympic Committee, National Federations and law enforcement authorities, for the purposes of Chapter C of the IBU Integrity Code and/or applicable laws;
- ii. The IBU may (including on request pursuant to my undertakings above) take, receive, collate, process, store and use Anti-Corruption Data in any manner it deems appropriate in accordance with and for the purposes of Chapter C of the IBU Integrity Code (including in connection with any investigation or proceedings under the IBU Integrity Code involving me or any other person);

#### **Disclosures of Anti-Corruption Data**

- iii. The IBU may share any Anti-Corruption Data relating to me with the International Olympic Committee, any National Federation, law enforcement authority(ies), investigator and/or disciplinary tribunal appointed by the Biathlon Integrity Unit, betting company and/or betting monitoring agency and/or any competent authority and/or the Court of Arbitration for Sport for the purposes of Chapter C of the IBU Integrity Code and/or in accordance with applicable laws or the request of any law enforcement authority or other competent authority.

#### **Legal basis for processing Anti-Corruption Data**

- iv. Our legal basis for processing your Anti-Corruption Data is the consent you provide in the IBU Declaration of Obligations for Athletes and Team Staff and/or applicable law which provides for such processing. We may also need to process your Anti-Corruption Data, regardless of whether you withdraw or refuse to grant consent, where necessary to establish, exercise or defend legal claims (including in relation to investigations and/or proceedings with respect to suspected violations of Chapter C of the IBU Integrity Code and/or applicable law).

#### **d. International Transfers**

- i. Your Personal Data may be made available to persons or parties located outside of the country where you reside, including, in respect of Anti-Doping Data, WADA and Anti-Doping Organisations, and, in respect of other categories of Personal Data, where data is hosted overseas or where our IT maintenance/service providers are located overseas or where data is shared as set out in this Information Notice. In some other countries, data protection and privacy laws may not be equivalent to those in your own country. If we transfer personal data to such locations, we will ensure that appropriate measures are in place to comply with our obligations under applicable law governing such transfers. Such measures may include entering into 'standard contractual clauses' in the form approved by the European Commission. If you would like to receive further details of the measures that we have taken in this regard, please contact us using the contact details set out below.

#### **e. Your Rights**

- i. In relation to your Anti-Doping Data, you have certain rights under

applicable laws and/or the WADA International Standard on the Protection of Privacy and Personal Information in relation to your Anti-Doping Data, including rights to access and/or correct any inaccurate data, and remedies and rights of redress for any unlawful processing of your Anti-Doping Data.

- ii. You also have the following rights in relation to all categories of Personal Data listed above (including, for the avoidance of doubt, Anti-Doping Data), subject to certain exemptions: a) the right to access your Personal Data; b) the right to request the rectification and/or erasure of your Personal Data; c) the right to restrict the use of your Personal Data; d) the right to object to the processing of your Personal Data or withdraw your consent to the processing of Personal Data; e) where we are processing Personal Data based on your consent, the right to receive your Personal Data, which you provided to us, in a structured, commonly used and machine-readable format or to require us to transmit that data to another controller; f) if unsatisfied with a response from us, you have the right to lodge a complaint relating to the processing of your Personal Data to the Austrian Data Protection Commission by emailing: [dsb@dsb.gv.at](mailto:dsb@dsb.gv.at), or by email to another data protection supervisory authority.
- iii. To the extent that you have any concerns about the processing of your Anti-Doping Data you may consult with the Testing Authority, WADA ([www.wada-ama.org](http://www.wada-ama.org)), your National Federation and/or your National Anti-Doping Organisation, as appropriate.
- iv. Further, if you have any concerns about any category of Personal Data, you may contact us by sending an email to [[datenschutz@ibu.at](mailto:datenschutz@ibu.at)] or by writing to us at the following addresses: Biathlon Integrity Unit, Sonystrasse 20, 5081 Anif b. Salzburg, Austria.

**f. Security**

- i. We ensure the security and confidentiality of all categories of Personal Data.
- ii. Your Anti-Doping Data may be held in electronic form including but not limited to ADAMS. ADAMS is hosted in data centres located in Canada and maintained by WADA on behalf of Anti-Doping Organisations using ADAMS. Strong technological, organisational and other security measures have been applied to ADAMS to maintain the security of the data it contains. In addition, WADA and Anti-Doping Organisations have put in place internal and contractual provisions to protect the confidentiality of your data.

**g. Data Retention**

- i. Your Personal Data will be retained for as long as it is necessary in relation to the purposes for which the Personal Data were collected and processed (as described above) and for such longer period as may be necessary to comply with our obligations under the IBU Anti-Doping Rules, IBU Integrity Code and/or World Anti-Doping Code as amended from time to time and/or applicable laws, and if relevant, to deal with any claim or dispute that might arise in connection with our relationship with you.
- ii. It may be necessary to retain certain of your Anti-Doping Data in ADAMS (or other relevant administration/management system) for a minimum period of ten years. The period of ten years represents the time period within which an action may be commenced for an anti-doping rule violation under the World Anti-Doping Code, IBU

Anti-Doping Rules and/or equivalent anti-doping regulations. Your whereabouts information, however, will be retained for a much shorter period (approximately 18 months).

**h. Right to object or withdraw consent and failure to provide data**

- i. You understand that you may have rights to object and/or withdraw your consent to the processing of your Personal Data, although in that event, and as noted above, it still may be necessary for the IBU, and additionally in the context of Anti-Doping Data only, the Testing Authority and/or WADA to continue to process (including retain) certain parts of your Personal Data (including Anti-Doping Data and Anti-Corruption Data in particular as applicable) to fulfil obligations and responsibilities arising under, as relevant, the IBU Anti-Doping Rules and/or the World Anti-Doping Code or equivalent anti-doping regulations and/or the IBU Integrity Code and/or equivalent anti-corruption regulations and applicable laws.
  - ii. You understand that withdrawing your consent to, objecting to the disclosure of, or objecting to the processing of, your Anti-Doping Data and/or your Anti-Corruption Data, may make (i) Anti-Doping testing and procedures in accordance with the IBU Anti-Doping Rules and/or the World Anti-Doping Code or equivalent anti-doping regulations, as applicable, and the International Standards and/or (ii) anti-corruption compliance procedures in accordance with Chapter C of the IBU Integrity Code and/or equivalent anti-corruption regulations and/or applicable law, impossible. In such case your withdrawal of consent or objection could be equivalent to a violation of the IBU Integrity Code which may exclude you from further participation in the sport, and may result in disciplinary or other sanctions being imposed upon you, such as disqualification from competitions in which you are scheduled to participate or the invalidation of results arising from prior competitions.
  - iii. We require all of the Personal Data referenced in this form for the purposes of running the sport and complying with our obligations, in particular and without limitation, to WADA and the International Olympic Committee. If you do not provide us with this information, then we may not be in a position to continue dealing with you in compliance with our obligations and internal policies or to perform tasks for your benefit.
- i. Release**
- i. By signing the IBU Declaration of Obligations for Athletes and Team Staff Members, to the extent permitted by applicable law, you release the Testing Authority (and the IBU, where the IBU is not the Testing Authority), WADA, and relevant Anti-Doping Organisations, from all claims, demands, liabilities, damages, costs and expenses that you may have arising in connection with the processing of your Doping control related data through ADAMS, and/or any other relevant administration/management system.

*The IBU relies on the legal bases identified above and as set out under the Data Protection header of the IBU Declaration of Obligations for Athletes and Team Staff Members to carry out the above processing activities and will process your Personal Data in accordance with Data Protection laws. The IBU will retain your information for as long as it is required in relation to the purposes for which the Personal Data were collected and processed (as described above) and for such longer peri-*



od as may be necessary to comply with our obligations under the IBU Integrity Code, the World Anti-Doping Code or applicable laws, and if relevant, to deal with any claim or dispute that might arise in connection with our relationship with you. We ensure the security and confidentiality of all categories of data referred to in this Privacy Information Notice.

In connection with the above your Personal Data may be transferred to a location outside the European Economic Area ("EEA") where the level of protection afforded to personal data is not as high as that in the European Union. This could occur, for example, where data is hosted overseas or where our IT maintenance/service providers are located overseas or data is transferred to WADA, another Anti-Doping Organisation, a National Federation and/or law enforcement. If we transfer personal data to such locations, we will ensure that appropriate measures are in place to comply with our obligations under applicable law governing such transfers. Such measures may include entering into 'standard contractual clauses' in the form approved by the European Commission. If you would like to receive further details of the measures that we have taken in this regard, please contact us using the contact details set out below.

#### **Contact Details**

If you would like to exercise any of the rights set out above in relation to your personal information, you can do so by contacting the Company using the below contact details.

If you have questions or suggestions about your Personal Data you can contact the IBU by sending an email to [datenschutz@ibu.at] or by writing to us at: Biathlon Integrity Unit, Sonystrasse 20, 5081 Anif b. Salzburg, Austria.

The Data Protection Officer of the IBU is Margit Eidenhammer (IBU Head of Finance and Administration), who may be contacted by emailing [margit.eidenhammer@ibu.at](mailto:margit.eidenhammer@ibu.at) and marking correspondence as being for the attention of the Data Protection Officer.

Without prejudice to any other rights you may have, you also have the right to file a complaint against us with the Austrian Data Protection Commissioner, which is the IBU's supervisory authority, or another supervisory authority of your choice.

\* ADAMS is the Anti-Doping Administration and Management System which has been developed to enable Athletes and Anti-Doping Organisations to enter and share Anti-Doping Data. ADAMS is an on-line, web-based system, which allows restricted sharing of data only with those organisations with the right to access such data in accordance with the IBU Anti-Doping Rules and/or the World Anti-Doping Code or equivalent Anti-Doping regulations.