



FÉDÉRATION  
INTERNATIONALE  
DE NATATION

# ATHLETE INFORMATION NOTICE

## *USE OF PERSONAL INFORMATION*

This Notice provides information which complements information provided on the Doping Control Form that athletes will be asked to sign in the course of any Sample collection initiated by FINA, about how athletes doping control related data will be used and processed for the purpose of facilitating the implementation of an effective anti-doping programme.

This Notice is drafted in accordance with the International Standard on the Protection of Privacy and Personal Information, ISPPPI (available at: <https://www.wada-ama.org/sites/default/files/resources/files/WADA-2015-ISPPPI-Final-EN.pdf>) which sets minimum standards that each anti-doping organisation must comply with when processing personal doping control related data. Definitions used in this Notice are taken from the WAD Code and ISPPPI unless otherwise defined in this Notice.

### **1. Categories of Personal Information**

Athlete's Personal Information for anti-doping purposes includes, but is not limited to, information relating to:

- Athlete's identity (name, nationality, date of birth, gender, event, level of competition: national or international, organisations to which athlete belongs, names and details of other persons, such as medical professionals, working with, treating or assisting athletes in the anti-doping context);
- Whereabouts Filings;
- Therapeutic Use Exemptions (TUEs);
- Doping Controls (including Test Distribution Planning, Sample collection and handling, anti-doping test results, Laboratory analysis, results management, hearings, sanctions and appeals);
- Medical or biological information derived from anti-doping activities, including information derived from analyzing of samples or specimens (Sensitive Personal Information).

### **2. Collecting Entity**

Personal Information will be collected by FINA and by any other organisation or body to which FINA has delegated authority in accordance with the FINA Doping Control Rules or

which otherwise has competent authority to conduct Testing on athletes.

### **3. Purpose of processing Personal Information**

FINA and its third party agents shall only process Personal Information where necessary and appropriate to conduct their anti-doping activities under the FINA Doping Control Rules and WADA International Standards or where otherwise required by applicable law, regulation or compulsory legal process and where such processing does not conflict with applicable privacy and data protection laws. This includes, but is not limited to, processing Personal Information:

- to determine eligibility for a TUE;
- to conduct Testing, including Target Testing, and to record the results from such Testing;
- to conduct investigations to determine breaches of the Anti-Doping Rules;
- to carry out results management under the Anti-Doping Rules, including associated disciplinary hearings, appeals and adjudications, and to publish outcomes.

### **4. Disclosures**

Personal Information may be disclosed by FINA to third party agents, including authorised service providers, in connection with the fulfilment of their anti-doping activities under the FINA Doping Control Rules.

Personal Information may be made available to authorized Anti-Doping Organisation – for instance, designated National Anti-Doping Organisations of athlete’s home or residence country, national sporting federations, major games organisers and WADA – in accordance with the WAD Code, and processed in accordance with the anti-doping provisions of the WAD Code in order to allow those authorized Anti-Doping Organisations to fulfil their obligations and responsibilities under the WAD Code.

Personal Information shall not be disclosed to third parties other than as set out above, except where such disclosures:

- are required by law;
- take place with athlete’s informed, express and written consent; or
- are necessary to assist law enforcement or governmental authorities in the detection, investigation or prosecution of a criminal offence or breach of the WAD Code, provided that the Personal Information is reasonably relevant to the offence or breach in question and cannot otherwise be obtained by the authorities.

Personal Information may be Publicly Disclosed by FINA in certain limited situations as further specified in the FINA Doping Control Rules (such as disclosure of test results and judicial panels’ decisions, DC 14.3).

### **5. International Transfers**

Personal Information may be made available by FINA to third persons or parties, including authorised service providers, WADA and Anti-Doping Organisations that are located outside of Switzerland.

Athlete's Personal Information for anti-doping purposes will be held in ADAMS, a web-based database management tool hosted in data centres located in Canada and maintained by WADA on behalf of Anti-Doping Organisations using ADAMS. Strong technological, organizational and other security measures have been applied to maintain the security of the data it contains.<sup>1</sup>

## **6. Rights with respect to Personal Information**

### **Right of access to Personal Information**

Athletes have the right to seek information from FINA about their Personal Information (the categories of information, the purpose for which it is collected and the third parties or categories of third parties to which it is transferred), to obtain confirmation of whether or not their Personal Information is being processed and to receive a copy of the relevant Personal Information in a readily intelligible format within a reasonable timeframe, unless to do so in a particular case plainly conflicts with FINA's ability to plan or conduct Testing under the FINA Doping Control Rules (including Target Testing) or to investigate and establish anti-doping rule violations.

FINA may not be required to respond to requests seeking access to Personal Information if the requests are excessive in terms of their scope or frequency or if they impose a disproportionate burden on FINA in terms of cost or effort given the nature of the Personal Information in question. If FINA refuses to allow athlete access to Personal Information, it shall inform this athlete and explain in writing the grounds for refusing the request as soon as practicable.

### **Right to amend Personal Information**

Personal Information processed by FINA shall be accurate, complete and kept up to date. Where FINA affirmatively knows that the Personal Information that it is processing is inaccurate or incomplete, FINA shall, as appropriate, rectify, amend, complete, update or delete the relevant Personal Information as soon as possible. Where appropriate, if the Personal Information in question has been disclosed to a third party that is known or believed to continue to process the Personal Information, the third party shall be informed of the change as soon as possible.

### **Right to object to the processing of Personal Information**

Athletes have the right to object to the processing of their Personal Information, although, in such event, it may still be necessary for FINA and/or third parties to continue to process (including retain) certain of their Personal Information in order to fulfil obligations and responsibilities arising under the FINA Doping Control Rules or applicable laws.

Athletes' objection to disclose their Personal Information or objection to the processing of their Personal Information will be construed as a refusal to participate in the anti-doping procedures mandated by the FINA Doping Control Rules. This could exclude athletes from further participation in Aquatics, and may result in disciplinary or other sanctions being imposed upon them, such as ineligibility from competitions in which they are scheduled to

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<sup>1</sup> For more information on ADAMS and how it operates, athletes are advised to consult the WADA website at [www.wada-ama.org](http://www.wada-ama.org)



participate or the invalidation of results arising from prior competitions.

### **Right to initiate a complaint**

Athletes are entitled to initiate a complaint where they have a reasonable good faith belief that FINA is not complying with the International Standard or with applicable law. The complaint shall be made respectively to FINA:

By courrier: Fédération Internationale de Natation  
Chemin de Bellevue 24a/24b  
CH - 1005 Lausanne  
SWITZERLAND

By fax: (+41-21) 312 66 10

In the event that a complaint is not satisfactorily resolved, athletes may notify WADA which will determine whether FINA is adhering to the International Standard. Where the decision is that the International Standard is not being adhered to, FINA will take the necessary steps to rectify the position.

## **7. Retention**

FINA shall ensure that Personal Information is only retained for as long as is necessary to fulfil its obligations under the Anti-Doping Rules or where otherwise required by applicable law, regulation or compulsory legal process. FINA will respect the retention times for different types of Personal Information as may be determined by WADA<sup>2</sup> from time to time unless such retention times are in breach of applicable law.

Once Personal Information no longer serves the above purposes, it will be deleted, destroyed or permanently anonymised.

## **8. Security Measures**

FINA shall at all times protect athlete's Personal Information by applying all necessary security safeguards, including physical, organisational, technical, environmental and other measures to prevent the loss, theft or unauthorised access, destruction, use, modification or disclosure (including disclosure made via electronic network) of the Personal Information.

*For any further information, please contact the FINA Office at: [antidoping@fina.org](mailto:antidoping@fina.org)*

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<sup>2</sup> More on currently applicable retention period in Annex A, ISPPPI: <https://www.wada-ama.org/en/resources/data-protection/international-standard-for-the-protection-of-privacy-and-personal>