



Data protection notices in accordance with Art. 13 EU-GDPR

Therapeutic Use Exemptions USPE

In accordance with Articles 13 and 14 of the EU General Data Protection Regulation (GDPR), a controller of a person concerned, whose data he is processing, must provide information mentioned in the articles. This leaflet deals with obligation of providing information.

1. Names and contact details of a person in charge or his/her deputy:

Responsible body in the meaning of data protection regulations, in particular Art. 4 No. 7 EU GDPR, is:

Union Sportive des Polices d'Europe (USPE)
Friedenssiedlung 6
98617 Meiningen
Tel.: 03693-850101
E-Mail: office@uspe.org

2. Contact details of the data protection officer:

With regards to the processing activities of the controller listed below, there is no obligation to appoint a data protection officer in the absence of the requirements specified in Art. 37 EU GDPR and § 38 BDSG. With regards to questions related to data protection law or exercising the rights listed under section 7 of this Declaration, the general contact details of the USPE (see section 1 of this Declaration) must be used.

3. Purposes of personal data processing:

Doping cannot be agreed with the basic values of sports, in particular with the principle of equal opportunities, it endangers athletes' health and has a negative impact on sports reputation in public opinion. For this reason, doping must be antagonised with all available means, to preserve its pedagogical model function and to guarantee the basic right of athletes to participate in doping-free sports.

In this respect, so far as athletes take substances in connection with their health complaints and as part of therapeutic measures, which are prohibited substances within the meaning of the Anti-Doping Regulations, they must indicate this prior to the sporting event and apply for an exception from the prohibition on the use of substances or methods from the Prohibited List for therapeutic purposes (TUE).

An approval of such an exception is the responsibility of the USPE Medical Commission. This board must process extensive medical data of athletes as part of an individual case examination to be able to decide whether an exception can be made or denied.

4. Legal basis on which the processing takes place:

The processing of the data in question is based on the consent given by the participants to the processing of their personal data in accordance with Art. 6 para. 1 let. a) in conjunction with Article 7 EU GDPR, which has been obtained before the start of the processing process as part of the application form for exemptions from the prohibition of taking substances or the use of methods from the Prohibited List for therapeutic purposes (TUE).

The processing operations in question are based on the Rules and Regulations and the Anti-Doping Regulations of the USPE as well as the international Anti-Doping Rules (World Anti-Doping Code).

5. The recipients or categories of recipients of the personal data:

- Members of the Medical Commission of the USPE in the context of making a decision about an application for exception from prohibition of taking substances or using methods for therapeutic purposes from the Prohibition List (TUE).
- Members of the responsible Anti-Doping Organisation (ADO) as well as WADA and WADA TEC.
- All other organisations authorised for test and/ or results management (regarding a decision about an application for an exception to the ban on use of substances or methods for therapeutic purposes from the Prohibition List (TUE).

6. The duration for which the personal data is stored or, if this is not possible, the criteria for determining the duration:

Appropriate TUE application forms are kept until the results of all doping controls carried out during a championship are available. If the result is negative, the data from the TUE application form will be disposed of immediately. If the result is positive, the TUE application form will be kept until the end of the procedure and, if applicable, the end of an appeal procedure.

7. A person concerned disposes of the rights specified in the articles as follows:Right of access by the data subject acc. to Article 15 EU GDPR

The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning them has been processed, and, where that is the case, access to the personal data and the information listed in Article 15, paragraph 1, letters a) to h).

Right to correction acc. to Article 16 EU-DS-GVO

Any person concerned has the right to request that the controller immediately corrects any incorrect personal data concerning them. Considering the purposes of data processing, a person concerned has the right to request completion of incomplete personal data - also by means of a supplementary declaration.

Right to erasure/dispose of acc. to Article 17 EU GDPR

Any person concerned has the right to request that their personal data will be immediately erased/disposed of by a controller. A person responsible is obliged to erase/dispose of personal data immediately, if one of the reasons specified in Art. 17, paragraph 1 a) to f) is applied.

Right to restriction of processing of personal data acc. to Article 18 EU GDPR

Any person concerned has the right to request the controller to limit their personal data if one of the conditions listed in Art. 18, paragraph 1 letters a) to d) has been met.

Right to data transferability acc. to Article 20 EU GDPR

Any person concerned, among others, has the right to receive their personal data which they have provided to a responsible person, in a structured, common and typed format, provided that data processing is based on a consent in accordance with Art. 6, paragraph 1, letter a).

Right to withdraw consent provided acc. to Article 7, paragraph 3 of EU GDPR

Any person concerned has at any time the right to withdraw their consent to personal data processing. The withdrawal of the consent does not affect the legitimacy of data processing which has taken place before the withdrawal.

Right to file a complaint with a supervisory authority under Article 77 EU GDPR

Any person concerned shall without prejudice to any other administrative or judicial remedy have the right to complain to a supervisory authority, in particular in their member country or their habitual place of residence, their place of work or location of the alleged violation, if a person concerned is of the opinion that their personal data processing violates this regulation.

The contact details of the data protection officer in the federal states, the supervisory authorities for the non-public sector, broadcasting, churches, in Europe and in other foreign countries as well as the virtual data protection offices can be found in overviews of the following link:

www.bfdi.bund.de/DE/Infothek/Anschriften_Links/anschriften_links-node.html

8. The source of origin of the person related data

The personal data of participants are exclusively submitted within their application for exemption from the prohibition of taking substances or the use of methods from the List of Prohibitions for therapeutic purposes (TUE) directly from the person concerned as well as with an issued exemption from confidentiality given by a treating doctor and, in accordance with point 5 of this Declaration, submitted to the authorities responsible for making a decision – here, in particular, the Medical Commission of the USPE.



Meiningen, July 17th, 2020

TEMPLATE OF TUE APPLICATION FORM

Therapeutic Use Exemptions (TUE)

APPLICATION FORM

Please complete all sections in capital letters or typing. Athlete to complete sections 1, 5, 6 and 7; physician to complete sections 2, 3 and 4. Illegible or incomplete applications will be returned and will need to be re- submitted in legible and complete form.

1. Athlete Information

Surname: _____ Given Names: _____

Female Male Date of Birth (d/m/y): _____

Address:

City: _____ Country: _____
Postcode: _____

Tel.: _____ E-mail: _____
(with International code)

Sport: _____
Discipline/Position: _____

National Police Sport Organisation:

If you are an Athlete with an impairment, please indicate the impairment:



2. Medical information (continue on separate sheet if necessary)

Diagnosis:

If a permitted medication can be used to treat the medical condition, please provide clinical justification for the requested use of the prohibited medication

Comment:

Evidence confirming the diagnosis shall be attached and forwarded with this application. The medical information must include a comprehensive medical history and the results of all relevant examinations, laboratory investigations and imaging studies. Copies of the original reports or letters should be included when possible. Evidence should be as objective as possible in the clinical circumstances. In the case of non-demonstrable conditions, independent supporting medical opinion will assist this application.

WADA maintains a series of guidelines to assist physicians in the preparation of complete and thorough TUE applications. These TUE Physician Guidelines can be accessed by entering the search term "Medical Information" on the WADA website: <https://www.wada-ama.org>. The guidelines address the diagnosis and treatment of a number of medical conditions commonly affecting athletes, and requiring treatment with prohibited substances.

3. Medication details

Prohibited Substance(s): <u>Generic name</u>	Dose	Route of Administration	Frequency	Duration of Treatment
1.				
2.				
3.				



4. Medical Practitioner's Declaration

I certify that the information at sections 2 and 3 above is accurate, and that the above-mentioned treatment is medically appropriate.

Name: _____

Medical specialty: _____

Address: _____

Tel.: _____

Fax: _____

E-mail: _____

Signature of Medical Practitioner: _____ Date: _____

5. Retroactive applications

Is this a retroactive application?

Yes:

No:

If yes, on what date was treatment started?

—

Please indicate reason:

Emergency treatment or treatment of an acute medical condition was necessary

Due to other exceptional circumstances, there was insufficient time or opportunity to submit an application prior to sample collection

Advance application not required under applicable rules

Fairness (WADA and [IF/NADO] approval required)

Please explain:



6. Previous applications

Have you submitted any previous TUE application(s) to any ADO ?

Yes No

For which substance or method?

To whom? _____ When _____

Decision: Approved

Not approved

7. Athlete's declaration

I, _____, certify that the information set out at sections 1, 5 and 6 is accurate. I authorize the release of personal medical information to the relevant Anti-Doping Organisation (ADO) as well as to WADA authorized staff, to the WADA TUEC (Therapeutic Use Exemption Committee) and to other ADO TUECs and authorized staff that may have a right to this information under the World Anti-Doping Code ("*Code*") and/or the International Standard for Therapeutic Use Exemptions. These people are subject to a professional or contractual confidentiality obligation.

I consent to my physician(s) releasing to the above persons any health information that they deem necessary in order to consider and determine my application.

I understand that my information will only be used for evaluating my TUE request and in the context of potential anti-doping rule violation investigations and procedures. I understand that if I ever wish to (1) obtain more information about the use of my health information; (2) exercise any rights I may have, such as my right of access, rectification, restriction, opposition, or deletion; or (3) revoke the right of these organisations to obtain my health information, I must notify my medical practitioner and my ADO in writing of that fact. I understand and agree that it may be necessary for TUE-related information submitted prior to revoking my consent to be retained for the purpose of investigations or proceedings related to a possible anti-doping rule violation, where this is required by the *Code*, *International Standards*, or national anti-doping laws; or to establish, exercise or defend a legal claim involving me, WADA, and/or an ADO.

I consent to the decision on this application being made available to all ADOs, or other organisations, with Testing authority and/or results management authority over me.



I understand and accept that the recipients of my information and of the decision on this application may be located outside the country where I reside. In some of these countries data protection and privacy laws may not be equivalent to those in my country of residence. I understand that my information may be stored in ADAMS, which is hosted by WADA on servers based in Canada, and will be retained for the duration as indicated in the WADA International Standard for the Protection of Privacy and Personal Information (ISPPPI).

I understand that if I believe that my Personal Information is not used in conformity with this consent and the ISPPPI, I can file a complaint to WADA (privacy@wada-ama.org), or my national regulator responsible for data protection in my country.

I understand that the entities mentioned above may rely on and be subject to national anti-doping laws that override my consent or other applicable laws that may require information to be disclosed to local courts, law enforcement, or other public authorities. I can obtain more information on national anti-doping laws from my International Federation or National Anti-Doping Agency.

Athlete's signature: _____ **Date:** _____

Parent's/Guardian's signature: _____ **Date:** _____

(If the Athlete is a Minor or has an impairment preventing him/her from signing this form, a parent or guardian shall sign on behalf of the Athlete)

Please submit the completed form to

Docteur Anne MOUILLARD 17 rue du rempart Saint Etienne
31000 TOULOUSE FRANCE

by the following means (keeping a copy for your records):
Fax: 05 61 12 83 44 / E-Mail: anne.mouillard@interieur.gouv.fr

For reasons of data protection and information safety, we would like to point out that you should send your application for exceptions from prohibition of taking substances or use of methods from the Prohibition List for therapeutic purposes (TUE) either by mail or in a secure electronic form (e.g. by an encrypted e-mail), since personal data protection included is not guaranteed by means of unencrypted e-mail communication. Since this is health data and therefore, in accordance with Art. 9 of the EU General Data Protection Regulation (GDPR), deals with special categories of personal data with an increased need in protection, we explicitly point out to the compliance with the above mentioned data transmission methods.