International Standard for Classification Data Protection

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Introduction

The fundamental purpose of the IPC Athlete Classification Code (the Code) is to uphold confidence in Classification and advance participation by a wide range of Athletes. To achieve this purpose, the Code details policies and procedures common across all sports and sets principles to be applied by all Para-sports.

The Code is complemented by five International Standards that provide technical and operational standards for specific aspects of Classification to be carried out by all Signatories in a manner which Athletes and other Paralympic stakeholders understand and have confidence in.

Compliance with these International Standards is mandatory. This International Standard for Classification Data Protection should be read in conjunction with the Code and the other International Standards.

Purpose

The Code requires Athletes to supply Classification Data to Classification Organisations. Athletes also supply certain further data voluntarily to help Classification Organisations develop Classification. Athletes must be confident that data will be used appropriately. The purpose of the International Standard for Classification Data Protection is to ensure that Classification Organisations use Classification Data properly.

Definitions

This International Standard uses the defined terms from the Code. Further defined terms specific to this International Standard are:

Classification Data: Personal Information and/or Sensitive Personal Information provided by an Athlete and/or a National Body and/or a Third Party to a Classification Organisation in connection with Classification.

Classification Organisation: Any organisation that conducts the process of Athlete Evaluation allocates Sport Classes and/or holds Classification Data.

National Laws: All data protection, privacy laws and related regulations applicable to a Classification Organisation at any time.

Personal Information: Any information that refers to or relates directly to an Athlete or an Athlete Support Personnel.

Process/Processing: The collection, recording, storage, use or disclosure of Personal Information and/or Sensitive Personal Information. The terms ‘process’ and ‘processed’ should be read in a manner that is consistent with this Definition.
**Research Purposes:** Research into matters pertaining to the development of sports within the Paralympic Movement, including the impact of Impairment on the fundamental activities in each specific sport and the impact of assistive technology on such activities.

**Sensitive Personal Information:** Any data concerning Health Conditions, Impairment and/or the impact on the fundamental activities in each specific sport.

**Third Party:** Any natural person or legal entity other than the person to whom relevant Personal Information or Sensitive Personal Information relates.
1  General Provisions

1.1 All Classification Organisations must comply with this International Standard.

1.2 If a Classification Organisation is subject to National Laws that impose obligations that are less than those imposed by this International Standard, the Classification Organisation must still comply with this International Standard.

1.3 If a Classification Organisation is subject to National Laws that impose obligations greater than those imposed by this International Standard, the Classification Organisation must comply with this International Standard and all such National Laws.

[Comment to Article 1: the International Standard imposes a minimum standard of data protection that all Athletes can expect when being classified regardless of where the Athlete concerned is classified. If a Classification Organisation operates in a country that has data protection laws that include requirements that exceed those set out in this Standard the Classification Organisation must comply with both this Standard and those higher domestic obligations.]

2  Which Classification Data can be Processed

2.1 Classification Organisations may Process Classification Data in order to conduct Classification if such Processing is fair and necessary.

2.2 All Classification Data Processed by Classification Organisations must be accurate, complete and kept up-to-date.

2.3 Classification Organisations must Process Classification Data only if it is relevant or necessary in relation to Classification.

[Comment to Article 2: Classification Organisations must be cautious when using data provided by Athletes. Much of this data will be of a sensitive and personal nature and Athletes will place a great deal of trust in Classification Organisations when it comes to the care of their data. If a Classification Organisation is not sure that the data is required in order to conduct Classification, it should not Process the data.

Classification Organisations must Process only Classification Data that is appropriate and relevant for Classification purposes. In most instances Classification Data will be processed in connection with Athlete Evaluation. In some circumstances though, Processing will need to take place in connection with investigations into allegations of misconduct and associated disciplinary hearings.]
3  Consent and Processing

3.1 Classification Organisations must wherever possible Process Classification Data with the consent of the Athlete to whom the Classification Data relates.

3.2 If an Athlete cannot provide informed consent (for example, because of age or mental capacity) the Athlete’s legal representative, guardian or other competent representative may give consent on the Athlete’s behalf.

3.3 If for any reason an Athlete is unable to provide consent the Classification Organisation may Process Classification Data if that Processing complies with any National Laws to which the Classification Organisation is subject.

3.4 A Classification Organisation may wish to Process Classification Data without an Athlete’s consent in certain circumstances. If so it must ensure that any such Processing complies with any National Laws to which the Classification Organisation is subject.

[Comment to Article 3: an Athlete will usually give specific consent that allows a Classification Organisation to use information that is either data provided and/or created in connection with Athlete Evaluation, so that a Sport Class can be allocated. This consent is usually provided either by or on behalf of an Athlete by the signing of an Athlete Evaluation consent form. An Athlete who does not consent in this way cannot be evaluated or allocated a Sport Class. It will be helpful for Classification Organisations to make this clear to Athletes and National Bodies.

There may be instances where the Processing of Classification Data without consent is necessary: one example will be in the context of an investigation into potential misconduct by an Athlete. In such situations, Classification Organisations should take care to make sure that the Processing of Classification Data without consent is consistent with the National Laws that apply to that Classification Organisation. For example, if a Classification Organisation is resident in Country 1, and processes data in relation to an Athlete from Country 2, that Classification Organisation will usually process that data in accordance with this Standard and the National Laws in Country 1.]

4  Provisions that Apply to Classification Research

4.1 Classification Organisations may request that Athletes and/or Athlete Support Personnel provide them with Personal Information and/or Sensitive Personal Information from time to time for Research Purposes.

4.2 The use by Classification Organisations of Personal Information and/or Sensitive Personal Information for Research Purposes must be consistent with this International Standard and all applicable ethical use requirements, including but not limited to those that apply to the Classification Organisation.
4.3 Personal Information and/or Sensitive Personal Information that has been provided by an Athlete and/or Athlete Support Personnel to a Classification Organisation solely and exclusively for Research Purposes must not be used by that Classification Organisation for any other purpose.

4.4 Classification Organisations may only use Classification Data for Research Purposes with the express consent of the relevant Athlete and/or Athlete Support Personnel. An Athlete and/or Athlete Support Personnel must consent to any publication (for example, as part of an academic or scientific publication) of any Personal Information and/or Sensitive Personal Information they have provided for Research Purposes. This restriction does not apply to any information which as a result of anonymisation or aggregation ceases to be Personal Information and/or Sensitive Personal Information.

[Comment to Article 4: Classification Organisations will need to undertake varying degrees of research from time to time in order to improve Classification. This research is vital for the development of Para-sport and both Athletes and Athlete Support Personnel will be asked to provide data to Classification Organisations. Any such use must comply with this International Standard and in particular, any Personal and/or Sensitive Personal Information provided in connection with Research Purposes should not be used in relation to Athlete Evaluation and the allocation of a Sport Class.]

5 Notification to Athletes

5.1 Classification Organisations must notify Athletes and/or Athlete Support Personnel who provide Classification Data as to:

5.1.1 the identity of the Classification Organisation collecting the Classification Data;
5.1.2 the Classification Data to be Processed;
5.1.3 how Classification Data will be used and how long it may be retained.

5.2 The notification to Athletes and/or Athlete Support Personnel of the information referred to in Article 5.1 may be withheld if providing the information might compromise an ongoing or imminent investigation into an act of misconduct associated with Classification.

5.3 Classification Organisations must provide the above information in an easily comprehensible and accessible manner.

[Comment to Article 5.3: Classification Organisations can decide on what is the most effective way of providing the information referred to in Article 5.1, which can include notices communicated to Athletes via websites or social media, and via standard forms and templates used in Classification. Individual or personalised notification is not required.]

6 Classification Data Security
6.1 Classification Organisations must:

6.1.1 protect Classification Data by applying appropriate security safeguards, including physical, organisational, technical and other measures to prevent the loss, theft or unauthorised access, destruction, use, modification or disclosure of Classification Data; and

6.1.2 take reasonable steps to ensure that any Third Party provided with Classification Data uses that Classification Data in a manner consistent with this International Standard.

7 Disclosures of Classification Data

7.1 Classification Organisations must not disclose Classification Data to other Classification Organisations except where such disclosures are related to Classification conducted by other such Classification Organisations and the disclosure is consistent with all applicable National Laws.

[Comment to Article 7.1: Classification Organisations may wish to exchange Classification related information with each other, especially in connection with Competitions. This may only take place if the Classification Organisation receiving the information complies with this Standard. Most International Sport Federations consent forms include the possibility of such an exchange when signing the International Sport Federation Athlete consent form. If not, it is recommended that the consent form is revised to include the consent for exchange of Classification information.]

7.2 Classification Organisations may disclose Classification Data to Third Parties other than Classification Organisations only if the disclosure is in accordance with this International Standard and permitted by National Laws.

[Comment to Article 7.2: If a Classification Organisation shares Personal Information with a Third Party such as a Major Event Organiser it may only do so if either the Athlete has consented in advance (for example by agreeing to this as part of Competition entry conditions) or if the Processing is permitted by applicable National Laws.]

8 Retaining Classification Data

8.1 Classification Organisations must ensure that Classification Data is only retained for as long as it is needed in relation to Classification. If the retention of Classification Data is no longer necessary, it must be deleted, destroyed or permanently anonymised.

8.2 Classification Organisations must develop and publish guidelines regarding retention times in relation to Classification Data.
8.2 Classification Organisations may retain Classification Data as long as there is a Classification need for that data. For example, if an Athlete has an Impairment that will not change over time – such as an amputation – there may be no need for a Classification Organisation to retain all medical records supplied to it by the Athlete. Conversely, if an Athlete has a fluctuating Impairment, then a Classification Organisation may retain Classification Data for as long as the Athlete wishes to compete. Classification Organisations should develop guidelines and practices in respect of data retention that are clear and comprehensible. These should include clear policies as regards the retention of Classification Data in respect of Athletes who retire from a Para-sport.

8.3 Classification Organisations must implement policies and procedures that ensure that Classifiers and Classification Personnel retain Classification Data for only as long as is necessary in order for them to carry out their Classification duties in relation to any individual Athlete.

9 Access Rights to Classification Data

9.1 Athletes may request from a Classification Organisation:

9.1.1 confirmation of whether or not that Classification Organisation Processes Classification Data relating to them and a description of the Classification Data that is held;

9.1.2 a copy of the relevant Classification Data held by the Classification Organisation (if such a copy is requested it should be provided within a reasonable timeframe).

9.2 A request made pursuant to Article 9.1 may be made by an Athlete or a National Body on an Athlete’s behalf.

[Comment to Article 9.1: Classification Organisations should be able to provide Athletes with details of the Classification Data they have used as part of Classification. There are no prescribed means for such provision, the information can be provided in any reasonable format. Generally a Classification Organisation should respond to such an 'access request' as soon as is practicable depending on the circumstances, although in all instances this should be within 8 weeks.]