

International Standard for Classification Data Protection

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1. Purpose

- 1.1 The Classification Code requires Classification Organisations to Process Classification Data relating to Athletes, Athlete Support Personnel, Classification Personnel, and other individuals involved in Para sport. The purpose of the International Standard for Classification Data Protection (this **International Standard**) is to support Classification Organisations to use Classification Data consistently in accordance with the Classification Code and their legal obligations under applicable Data Protection Laws.

2. General provision

- 2.1 This International Standard imposes a minimum standard of data protection and privacy that applies whenever a Classification Organisation Processes Classification Data. Classification Organisations must at a minimum comply with this International Standard, as well as any additional requirements arising under applicable Data Protection Laws.

3. Principles for Processing Classification Data

- 3.1 Classification Organisations Processing Classification Data may only do so for purposes relating to the Classification Code and International Standards and Classification, including (without limitation) UHC Assessments, Eligible Impairment Assessments, MIC Assessments, Sport Class Assessments, Evaluation Sessions, conducting disciplinary procedures, resolving Protests and Appeals, using or sharing Classification-related intelligence, and for education and awareness.
- 3.2 Classification Organisations should only collect Classification Data that they reasonably require to achieve the above purposes, and must take steps to delete, destroy, or anonymise Classification Data once it is no longer required for such purposes.
- 3.3 Classification Organisations must apply reasonable efforts to ensure Classification Data is:
- 3.3.1 accurate, complete, and up-to-date;
 - 3.3.2 Processed fairly and lawfully, and in a manner that is clear to the relevant individual, such as through the use of written or oral notices;
 - 3.3.3 Processed for specified and legitimate purposes related to Classification, and not further Processed for unrelated or incompatible purposes unless those purposes are expressly permitted by law; and

- 3.3.4 adequate, relevant, and limited to what the Classification Organisation reasonably requires to meet obligations under the Classification Code and to conduct Classification.

[Comment to Article 3.3: Classification Organisations need to ensure that they abide by certain common principles of data protection when Processing Classification Data. This includes taking reasonable and appropriate steps to ensure that Classification Data remains correct and accurate, is not Processed for additional, unrelated purposes except where applicable laws expressly permit, and is promptly deleted, destroyed, or permanently anonymised as soon as possible. It also includes taking reasonable and appropriate steps to ensure that relevant individuals are informed, for instance through the use of specific or general informational notices, regarding the Processing of their Classification Data.]

4. Lawful grounds for Processing Classification Data

- 4.1 Classification Organisations need to ensure that each Processing operation they perform upon Classification Data has a valid legal basis to support it, and that the Processing is otherwise permitted under applicable Data Protection Laws.
- 4.2 Lawful grounds for Processing Classification Data include where the relevant Processing (i) furthers the legitimate interests of the Classification Organisation, and those interests outweigh the interests of the relevant individual; (ii) takes place with the individual's informed and voluntary consent; (iii) is required or necessary under applicable law to fulfil contractual obligations owed to the individual or to perform tasks carried out in the public interest; or (iv) complies with other legal grounds available to the Classification Organisation under applicable Data Protection Laws.

[Comment to Article 4.2: Classification Organisations are likely to rely on more than one legal basis to perform the various Processing operations required under the Classification Code and relating to Classification. The appropriate ground may depend on a range of factors, such as whether the Classification Data includes Sensitive Personal Information; whether data protection, sport, or other local laws expressly set forth such grounds (in which case, the data may be considered necessary to comply with such laws or necessary to fulfil legitimate interests related to sport); and other circumstances relating to the Processing.]

- 4.3 Where a Classification Organisation relies upon consent to justify its Processing of certain Classification Data, and the relevant individual is not competent by virtue of their age or other factors to provide informed and

voluntary consent, a duly authorised representative may provide consent on the individual's behalf.

[Comment to Article 4.3 In situations where an Athlete is a Minor, as determined under applicable law, and so incapable of furnishing consent, their authorised representative, which may include a parent, guardian, or other representative, such as a member of the Athlete's delegation where the Athlete's parent or guardian has expressly agreed to this, may provide consent on the Athlete's behalf.]

5. Processing for Classification Research

5.1 Classification Organisations may Process Classification Data to engage in Classification Research, and in these circumstances the Classification Organisation must ensure that a valid legal basis exists to permit such Processing, which may be the Athlete's informed and voluntary consent or other legal grounds available to the Classification Organisation under applicable Data Protection Laws.

[Comment to Article 5.1: Classification Research is vital for the development of Classification in sport and Athletes are often asked to provide Classification Data to Classification Organisations for this purpose. Classification Organisations that engage in Classification Research will need to consider the appropriate legal basis for conducting such research. In addition to reliance upon consent, Data Protection Laws applicable to the Classification Organisation may permit the Processing of Personal Information, including Sensitive Personal Information, on grounds other than consent, provided certain conditions related to the Classification Research are satisfied. In all of these circumstances, Classification Organisations need to ensure that their Classification Research is transparent to the relevant Athletes.]

5.2 Classification Organisations that Process Classification Data for Research Purposes additionally must comply with all applicable ethical use and research requirements. Whenever possible, Classification Organisations must conduct Classification Research using Anonymised Data in lieu of Personal Information, in order to best protect the privacy of the relevant Athlete(s).

5.3 Consistent with the definition of Research Purposes, any Personal Information (including Sensitive Personal Information) provided for Research Purposes must not be used to engage in individual Classification and the allocation of a Sport Class to that individual.

5.4 In the event the Classification Organisation seeks to publish any Classification Data Processed for Research Purposes, it should seek to ensure that the publication contains only Anonymised Data and does not identify Athletes. If

the publication will contain any Personal Information, Classification Organisations must obtain the informed and voluntary written consent of the relevant Athlete(s) prior to such publication.

6. Notification to Athletes and others

6.1 Classification Organisations must notify Athletes and others whose Classification Data they Process about the following, along with any other disclosures required by applicable Data Protection Laws:

6.1.1 the identity of the Classification Organisation collecting the Classification Data, and an appropriate contact point within the Classification Organisation for handling any enquiries;

6.1.2 the types of Classification Data collected and Processed, and the purpose(s) for which the Classification Data may be Processed, which must be sufficiently comprehensive in scope to cover all purposes relating to the Classification Code and/or International Standards;

6.1.3 the types of third parties, such as other Classification Organisations, and national or international sports federations, to whom Classification Data may be disclosed;

6.1.4 the individual's rights with respect to the Classification Data under Article 10; and

6.1.5 the expected period of time that the Classification Data will be retained by the Classification Organisation, as documented in accordance with Article 9.2.

[Comment to Article 6.1: Classification Organisations should ensure that Athletes and other individuals whose Classification Data they Process are adequately informed regarding the Processing of their Personal Information. The above disclosures represent a minimum standard, and Classification Organisations may be required to furnish information going beyond the categories listed above under applicable Data Protection Laws.]

6.2 Classification Organisations must furnish the information listed in Article 6.1 at the time that they collect Classification Data from an individual or at an otherwise appropriate time in accordance with applicable Data Protection Laws, in a format and manner that the individual can reasonably comprehend, using clear and plain language that can be readily understood.

[Comment to Article 6.2: Classification Organisations can decide the most effective way of notifying Athletes and others, either individually or as part of a larger group. This may take the form of notices communicated via websites]

or social media or language contained in forms and templates commonly used in Classification. Classification Organisations should provide notice in writing, unless circumstances do not permit it to do so. Classification Organisations should take into account, where possible, the relevant age and mental capacity of the individuals receiving such notice.]

- 6.3 Classification Organisations receiving Classification Data from third parties must communicate the information in Article 6.1 as soon as reasonably practicable, unless the Athlete or other individual is already in possession of it, such as where it has been furnished by another Classification Organisation.

7. Classification data security

- 7.1 Classification Organisations must:

- 7.1.1 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

[Comment to Article 7.1.1: Classification Organisations must take reasonable steps to protect the Classification Data they Process to keep the Classification Data secure at all times from external or internal privacy and security threats. When deciding what safeguards to apply, Classification Organisations should take account of the context in which they Process the Classification Data, as well as the damage that a security breach could cause to the relevant individuals. Classification Organisations should consider, among other things, access and authentication controls (e.g., complex passwords; password managers; role-based access); network firewalls; security software (e.g., anti-malware/anti-spyware); systems monitoring; and encryption techniques, for data residing on internal systems and portable devices as appropriate. Policies and procedures should also exist to safeguard data held in hard-copy format, and to report security vulnerabilities and breaches promptly within the Classification Organisation.]

- 7.1.2 take reasonable steps to ensure that any other party that it provides Classification Data to for Processing does so in a manner consistent with this International Standard. Where Classification Organisations engage third parties to Process Classification Data on behalf or under the instructions of the Classification Organisation, it must subject such third parties to appropriate contractual controls.

[Comment to Article 7.1.2: Classification Organisations bear ultimate responsibility when outsourcing any Processing to third parties and should only rely upon reputable parties to Process their Classification Data. It is important to ensure that these parties only Process on the Classification Organisation's instructions, apply appropriate security measures to the Classification Data, promptly provide notice of any security compromise impacting the Classification Data, and apply other suitable safeguards.]

8. Disclosure of Classification Data

- 8.1 Classification Organisations may disclose Classification Data to other Classification Organisations and the IPC, provided that such disclosure reasonably relates to Processing activities contemplated under the Classification Code or International Standards and/or the disclosure is in accordance with applicable Data Protection Laws. Such disclosure may only take place if the Classification Organisation receiving the information agrees to comply with this International Standard and to process the Classification Data for purposes relating to the Classification Code and/or International Standards.

[Comment to Article 8.1: A Classification Organisation may wish to disclose Classification Data to another Classification Organisation and/or the IPC, such as in connection with Competitions, to ensure the integrity of the Classification process (including in respect of instances or suspected instances of Intentional Misrepresentation, and any subsequent periods of ineligibility imposed on the Participants responsible), and to otherwise assist in the process of Classification.]

- 8.2 Classification Organisations may disclose Classification Data to other parties only if such disclosure is permitted by applicable Data Protection Laws and fulfils purposes relating to the Classification Code and/or International Standards. Such disclosure may only take place if the party receiving the information agrees to comply with this International Standard and to process the Classification Data for purposes related to the Classification Code and/or International Standards.

- 8.3 Notwithstanding the foregoing, Classification Organisations may share Classification Data with law enforcement or other government authorities if required to do so under applicable law.

[Comment to Article 8.3: In cases where Classification Organisations are compelled by law to disclose Classification Data, they may do so consistent with this International Standard.]

9. Retaining Classification Data

- 9.1 Classification Organisations must ensure that Classification Data is only retained for as long as it is reasonably required by the Classification Organisation to fulfil purposes relating to the Classification Code and/or International Standards or the retention of the Classification Data is otherwise required by applicable law. Where the above conditions are not met, Classification Data must be deleted, destroyed, or permanently anonymised.

[Comment to Article 9.1: Classification Organisations may retain Classification Data as long as it is still useful or necessary to fulfil a Classification Code-related purpose. By way of example only, in relation to Classification Data relating to instances of potential Intentional Misrepresentation, such data may be retained until the expiry of the statute of limitations set out in Article 6.7 of the International Standard for Intentional Misrepresentation.]

- 9.2 Classification Organisations must develop guidelines for establishing reasonable and appropriate retention times that reflect the different categories and purposes served of the Classification Data that they Process.

[Comment to Article 9.2: Classification Organisations must have guidelines, which could be reflected in internal policies or procedures, in place to enable them to allocate suitable retention times for the various types of Classification Data that they Process. In relation to retired or former Athletes, the continued retention of certain categories of Classification Data following an Athlete's retirement may be justified for a certain period of time (for example, where the Classification Organisation reasonably believes that the Athlete may return to active competition, or if the Classification Data may reasonably be needed for investigatory or disciplinary purposes). In relation to individual Classifiers, Classification Organisations must make sure that Classifiers do not retain any of the Classification Data that Classifiers Process in that capacity once the Classification Data is no longer necessary to Classification of the relevant Athlete. This includes any notes, comments, video recordings, or records written or captured electronically (e.g., on personal laptops or other storage devices), generated, or compiled by Classifiers during Classification.]

10. Rights relating to Classification Data

- 10.1 Individuals may request from a Classification Organisation:

10.1.1 confirmation of whether or not that Classification Organisation Processes Classification Data relating to them and the informational disclosures set forth in Article 6.1;

- 10.1.2 a copy of the Classification Data held by the Classification Organisation relating to them in an accessible format; and/or
- 10.1.3 correction or deletion of the Classification Data relating to them held by the Classification Organisation.

[Comment to Article 10.1: Classification Organisations must be able to provide Athletes with information about the Classification Data they Process, as well as respond to requests seeking access to correction or deletion of such Classification Data.]

- 10.2 A Classification Organisation must respond to such requests and should do so within a reasonable period of time, taking into account the effort required to comply with the request, and in accordance with applicable Data Protection Laws, which may set forth specific timeframes for responding.
- 10.3 Notwithstanding the above, Classification Organisations may refuse to grant such requests where it would interfere with efforts to maintain the integrity of the Classification process, prevent a Classification Organisation from complying with the Classification Code, or refusing the request is otherwise permitted under applicable Data Protection Laws.

[Comment to Article 10.3: In certain contexts, Classification Organisations may refuse a request seeking access to, or correction or deletion of, Classification Data, such as where the request would undermine efforts to ensure the integrity of Para sport, such as investigations and intelligence gathering relating to Intentional Misrepresentation by an Athlete or conducting disciplinary proceedings. Under certain data protection laws, it may be possible to refuse a request, such as where the request is manifestly unfounded, repetitive, or abusive in nature.]

- 10.4 Data Protection Laws may provide for additional individual rights, besides those arising under Article 10.1, and Classification Organisations will need to honour such rights where they exist in law.

ANNEX 1: DEFINITIONS AND INTERPRETATION

Defined terms (denoted by initial capital letters) in the Classification Code, and the rules of interpretation set out in Appendix 1 to the Constitution, apply to this International Standard. Additional defined terms specific to this International Standard are as follows:

Anonymised Data means data rendered in such a way that makes it impossible to identify the individual to whom the data relates, whether by the Classification Organisation Processing the data or by any other party.

Classification Data means Personal Information, including Sensitive Personal Information, relating to an Athlete, Athlete Support Person, other Participant, Classification Personnel, and others involved in Para sport or Classification Processed in connection with Classification, or other purposes related to the Classification Code and/or International Standards.

Classification Organisation means any organisation that is responsible for any aspect of Classification and/or holds Classification Data pursuant to the Classification Code or International Standards.

Data Protection Laws means data protection and privacy laws and regulations applicable to a Classification Organisation.

Personal Information means any information that relates to an identified or identifiable Athlete, Athlete Support Personnel, other Participant, Classification Personnel, or other individual involved in Para sport.

Process(ing) means the collection, recording, storage, use, or disclosure of Personal Information.

Research Purposes means the general development and integrity of sports within the Paralympic Movement, including but not limited to Classification Research.

Sensitive Personal Information means Personal Information that relates to health or is otherwise deemed to be a sensitive or special category of Personal Information under applicable Data Protection Laws.