

International Standard for Classification Data Protection

Contents

| | | |
|-----|--|---|
| 1. | Purpose..... | 1 |
| 2. | Definitions..... | 1 |
| 3. | General provision | 2 |
| 4. | Principles for Processing Classification Data | 3 |
| 5. | Lawful grounds for Processing Classification Data..... | 4 |
| 6. | Processing for Classification Research | 4 |
| 7. | Notification to Athletes and others..... | 5 |
| 8. | Classification data security | 7 |
| 9. | Disclosure of Classification Data | 8 |
| 10. | Retaining Classification Data..... | 8 |
| 11. | Rights relating to Classification Data | 9 |

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 Data Protection Laws, and reflects the fact that personal information protection increasingly is regarded as a fundamental human right entitled to protection under legal frameworks around the world.

2. Definitions

- 2.1 Defined terms (denoted by initial capital letters) in the Classification Code and the IPC Constitution, 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 Personnel, Classification Personnel, and others involved in Para sport Processed in connection with Classification.

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

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 Person, 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 research relating to the impact of Impairment on the fundamental activities in each specific sport and the impact of assistive technology on such activities, and not intended to give rise to measures or make decisions with respect to a particular Athlete or other individual.

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.

3. General provision

- 3.1 Classification Organisations must (at a minimum) comply with this International Standard, as well as any additional requirements arising under Data Protection Laws.

[Comment to Article 3.1: This International Standard imposes a minimum standard of data protection and privacy that applies whenever a Classification Organisation Processes Classification Data. If a Classification Organisation operates in a country that has Data Protection Laws with

requirements or obligations that exceed those set out in this International Standard, the Classification Organisation must comply with both this International Standard and those more restrictive obligations.]

4. Principles for Processing Classification Data

- 4.1 Classification Organisations may only Process Classification Data where it is relevant to satisfying their obligations arising under the Classification Code or otherwise directly relevant to Classification.

[Comment to Article 4.1: Classification Organisations Processing Classification Data may only do so for purposes relating to the Classification Code and Classification, including Underlying Health Condition Assessments, Eligible Impairment Assessments, Evaluation Sessions, conducting disciplinary procedures, resolving Protests and Appeals, using Classification Intelligence, and for education and awareness. 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.]

- 4.2 Classification Organisations must apply reasonable efforts to ensure Classification Data is:

- 4.2.1 accurate, complete, and up-to-date;
- 4.2.2 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;
- 4.2.3 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
- 4.2.4 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 4.2: 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.]

5. Lawful grounds for Processing Classification Data

5.1 Classification Organisations may only Process Classification Data where they can ensure that there is a valid legal basis for doing so and that the Processing is otherwise permitted under Data Protection Law.

5.2 Lawful grounds for Processing Classification 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; or (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.

[Comment to Article 5.2: 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 whether the Classification Data includes Sensitive Personal Information, whether data protection, sport or other local laws expressly set forth such grounds, and other circumstances relating to the Processing, which may favour reliance upon certain grounds, like consent. Classification Organisations need to ensure that each Processing operation that they perform upon Classification Data has a proper legal basis to support it.]

5.3 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 5.3: 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.]

6. Processing for Classification Research

6.1 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 Data Protection Law.

[Comment to Article 6.1: 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.]

- 6.2 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 or Athletes.

[Comment to Article 6.2: 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. Consistent with the definition of Research Purpose, 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.]

- 6.3 In the event the Classification Organisation seeks to publish any Classification Data Processed for Research Purposes, it should seek to ensure that the publication will only contain Anonymised Data and does not identify Athletes. If the publication will contain any Personal Information, Classification Organisations must obtain the relevant Athlete or Athletes' informed and voluntary written consent *prior* to such publication.

7. Notification to Athletes and others

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

- 7.1.1 the identity of the Classification Organisation collecting the Classification Data, and an appropriate contact point within the Classification Organisation for handling any enquiries;
- 7.1.2 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 Classification Code-related purposes;
- 7.1.3 the types of third parties, such as other Classification Organisations, and national or international sports federations, to whom Classification Data may be disclosed;
- 7.1.4 the individual's rights with respect to the Classification Data under Article 11; and
- 7.1.5 the expected period of time that the Classification Data will be retained by the Classification Organisation, as documented in accordance with Article 10.2.

[Comment to Article 7.1: 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 Data Protection Law.]

- 7.2 Classification Organisations must furnish the information listed in Article 7.1 at the time they collect Classification Data from an individual, in a format and manner that the individual can reasonably comprehend, using clear and plain language that can be readily understood.

[Comment to Article 7.2: 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 notice.]

- 7.3 Classification Organisations receiving Classification Data from third parties must communicate the information in Article 7.1 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.

8. Classification data security

8.1 Classification Organisations must:

- 8.1.1 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 8.1.1: 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 exist to safeguard data held in hard-copy format, and to report security vulnerabilities and breaches promptly within the Classification Organisation.]

- 8.1.2 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 8.1.2: 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.]

9. Disclosure of Classification Data

- 9.1 Classification Organisations must not disclose Classification Data to other Classification Organisations except where such disclosure reasonably relates to Processing activities contemplated under the Classification Code and/or the disclosure is in accordance with Data Protection Law.

[Comment to Article 9.1: A Classification Organisation may wish to exchange Classification Data with another Classification Organisation, such as in connection with Competitions, to ensure the integrity of the Classification process, and to otherwise assist in the process of Classification. Such exchanges may only take place if the Classification Organisation receiving the information complies with this International Standard and Processes the Classification Data for Code-related purposes.]

- 9.2 Classification Organisations may disclose Classification Data to other parties only if such disclosure is permitted by Data Protection Law and directly serves purposes related to the Classification Code. Notwithstanding the foregoing, Classification Organisations may share Classification Data with law enforcement or other government authorities were required to do so under applicable law.

[Comment to Article 9.2: If a Classification Organisation shares Personal Information with another party, it may only do so if that disclosure is allowed under Data Protection Law and fulfils Code-related purposes. In cases where Classification Organisations are compelled by law to disclose Classification Data, they may do so consistent with this International Standard.]

10. Retaining Classification Data

- 10.1 Classification Organisations must ensure that Classification Data is only retained for as long as it is reasonably required by the Classification Organisation to fulfil Classification Code-related purposes 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.

- 10.2 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 10.2: Classification Organisations may retain Classification Data as long as it is still useful or necessary to fulfil a Classification Code-related purpose, and should 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 where the Classification Organisation reasonably believes the Athlete may return to active competition. In relation to individual Classifiers, Classification Organisation 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., personal laptops or other storage devices), generated or compiled by Classifiers during Classification.]

11. Rights relating to Classification Data

11.1 Individuals may request from a Classification Organisation:

- 11.1.1 confirmation of whether or not that Classification Organisation Processes Classification Data relating to them and the informational disclosures set forth in Article 7.1;
- 11.1.2 a copy of the Classification Data held by the Classification Organisation relating to them in an accessible format; and/or
- 11.1.3 correction or deletion of the Classification Data relating to them held by the Classification Organisation.

[Comment to Article 11.1: 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. A Classification Organisation should respond to such a request within a reasonable period of time, taking into account the effort required to comply with the request, and in accordance with Data Protection Law, which may set forth specific timeframes for responding. Data Protection Laws may provide for additional individual rights, besides those arising under Article 11.1, and Classification Organisations will need to honour such rights where they exist in law.]

- 11.2 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 Code or refusing the request is otherwise permitted under Data Protection Law.

[Comment to Article 11.2: 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.]