

## **ASDMAC PRIVACY POLICY**

### **INTRODUCTION**

This privacy policy describes how the Australian Sports Drug Medical Advisory Committee (ASDMAC) protects and manages personal information, including sensitive information, consistent with our legal obligations.

ASDMAC is subject to the provisions of the *Privacy Act 1988* (Privacy Act), the *Sport Integrity Australia Act 2020* (Cth) (Sport Integrity Australia Act) and the *Sport Integrity Australia Regulations 2020* (Cth) (including the National Anti-Doping scheme) (Regulations).

We also have regard to the World Anti-Doping Code (Code), the International Standard for Therapeutic Use Exemptions (ISTUE), and the International Standard for the Protection of Privacy and Personal Information (ISPPPI) as published by the World Anti-Doping Agency (WADA).

In this policy, personal information and sensitive information have the meaning given to these terms in the Privacy Act, which is available on the Comlaw website at: [www.comlaw.gov.au](http://www.comlaw.gov.au).

### **PROTECTION OF PERSONAL INFORMATION**

Much of the information collected and held by us is highly sensitive and personal in nature and we place great emphasis on maintaining and enhancing the privacy and security of personal information we hold.

All individuals who have dealings with us, including athletes and medical practitioners, are entitled to the protection of their privacy. Penalties apply to those who fail to observe ASDMAC's privacy obligations. The penalty under the Sport Integrity Australia Act for an unauthorised disclosure of personal information can be imprisonment for two years.

### **WHY WE COLLECT PERSONAL INFORMATION**

We only collect your personal information for the purpose of our functions and activities as set out at section 52(1) of the Sport Integrity Australia Act and Part 5 of the National Anti-Doping scheme in Schedule 1 to the Regulations (NAD scheme).

Our primary role is to assess and, if appropriate, provide approval for the therapeutic use of Code prohibited substances and methods for athletes in Australia in accordance with the Sport Integrity Australia Act and Regulations and the ISTUE.

We primarily achieve this aim through the consideration and approval of therapeutic use exemption (TUE) applications made by individuals.

### **PERSONAL INFORMATION COLLECTED BY ASDMAC**

In order to undertake our functions, we necessarily collect information about you if you make an application for a TUE. This may include your name, address, age, private telephone number, email address, sport and competition level, medical

conditions, details of treatments, details of treating practitioners, medications used and drug test and TUE application histories.

We also collect information about individual medical practitioners supporting any particular TUE application, including their name, qualifications and contact details.

If you are a member of ASDMAC, we collect and hold personal information about you in relation to your appointment to, and membership of ASDMAC, including your name, qualifications, contact details and details of relationships with sporting administration bodies.

We also receive secretarial and administrative support from Sport Integrity Australia, and therefore collect and hold personal information in relation to the Sport Integrity Australia employees who provide these services including their name and contact details.

Where the above kinds of personal information include sensitive information, such as health information, we may collect sensitive information with your consent, or if:

- reasonably necessary for, or directly related to our functions
- required or authorised by or under the Sport Integrity Australia Act, Sport Integrity Australia Regulations or another Australian law
- the collection is otherwise permitted under the Privacy Act, for example, where a permitted general situation exists (e.g. to lessen or prevent a serious threat to life, health or safety).

## **USE AND DISCLOSURE OF PERSONAL INFORMATION**

We may use or disclose your personal information for the particular purpose for which it was collected or for a directly related secondary purpose.

For example, personal information collected in the course of a TUE application will be used to determine the application (and any appeal), and may be disclosed to other parties, such as consultant medical practitioners, WADA and other TUE Committees. The outcome of an application may be disclosed to sporting administration bodies, Sport Integrity Australia and other national anti-doping organisations, WADA, or other TUE Committees.

We will also use and disclose your personal information as permitted or required by or under law. In particular, we may give advice and information on sports doping and safety matters to Sport Integrity Australia, the Australian Sports Commission (Sport Australia) and sporting administration bodies. For example, we may disclose information to Sport Integrity Australia regarding potential anti-doping rule violations. Sport Integrity Australia will only use or disclose information in accordance with its functions under the Sport Integrity Australia Act and Regulations.

We may also disclose your personal information if a permitted general situation exists as defined in the Privacy Act (eg to lessen or prevent a serious threat to life, health or safety).

We will not otherwise use or disclose your personal information for another purpose unless it is directly related to our functions.

### **SPORT INTEGRITY AUSTRALIA SPECIFIC LEGISLATION**

The Sport Integrity Australia Act and Regulations impose strict legal obligations on entrusted persons in relation to the disclosure of protected information.

It is an offence for the CEO of Sport Integrity Australia, a member of the Sport Integrity Australia staff or of the ASDMAC or certain other persons, to disclose protected information (see section 67 of the Sport Integrity Australia Act) to a person other than the person to whom the information relates.

However, it is not an offence if the disclosure is authorised by the Sport Integrity Australia Act or is in compliance with a requirement of certain other laws. The Sport Integrity Australia Act authorises the disclosure of protected information in certain circumstances, including:

- if the disclosure is for the purposes of the Sport Integrity Australia Act (section 68); or
- if the disclosure will enable or assist another body or person to perform or exercise any of the functions, duties or powers of the body or person (section 68B);
- if the disclosure is for the purpose of preventing or lessening a serious threat to the life or health of an individual (section 68C);
- the protected information has already been lawfully made available to the public (section 68D); or
- if the disclosure is by the CEO for the purposes of Sport Integrity Australia responding to certain public comments (section 68E).

### **OVERSEAS DISCLOSURE OF PERSONAL INFORMATION**

We may be required to disclose your personal information to parties or persons who are located overseas. For example, it may be necessary for us to disclose personal information to sporting bodies, TUE Committees or anti-doping organisations located overseas in the exercise of our functions under the Sport Integrity Australia Act.

International organisations which are likely to receive this type of information include the WADA (located in Canada), International Sporting Federations, and foreign national anti-doping organisations. We may also need to disclose personal information to other parties in relation to a TUE application (such as a supporting medical practitioner) who are located outside of Australia.

Where information is disclosed to WADA, for example by including information in the Anti-Doping Administration and Management System (ADAMS), this information is subject to protections under Canadian law, specifically the Personal Information Protection and Electronic Documents Act (PIPEDA).

Otherwise, we will only send your personal information overseas with your consent, or if required or permitted under the Code, International Standards or any other anti-doping rules or requirements.

#### **SECURITY OF PERSONAL INFORMATION**

Personal Information held by us is stored on secure media including an electronic document and records management system, databases and paper files. Sport Integrity Australia stores and disposes of personal information in accordance with the *Archives Act 1983* (Cth). Electronic and paper records containing personal information are protected in accordance with Australian Government security policies.

If Sport Integrity Australia becomes aware of a data breach or possible data breach, we will take action in accordance with our data breach response plan. We will notify the Information Commissioner and affected individuals of any data breaches which meet the criteria for an 'eligible data breach' as required by the Notifiable Data Breaches scheme (established under Part IIIC of the Act).

#### **ACCESS TO, AND CORRECTION OF, PERSONAL INFORMATION**

Under the Privacy Act, you have a right to request access to your personal information or to request its correction if it is inaccurate, out-of-date, incomplete, irrelevant or misleading. You also have similar rights under the *Freedom of Information Act 1982* (Cth).

You can request access to or correction of your personal information by writing to ASDMAC either by email ([asdmac@sportintegrity.gov.au](mailto:asdmac@sportintegrity.gov.au)) or by mail at: PO Box 1744, Fyshwick ACT 2609. The request must specify the information you seek to access or correct, as well as your contact details (an email or mailing address). Before providing access to or correcting your personal information, we may require you to verify your identity.

We will deal promptly with any access or correction request in accordance with the requirements of the APPs.

#### **COMPLAINTS PROCESS**

Any complaint about our privacy practices can be made in writing to the Sport Integrity Australia Privacy Officer using the contact details set out in this policy.

If you are dissatisfied with our response, you can complain to the Information Commissioner who is independent of ASDMAC. The Information Commissioner has the power to investigate complaints about possible breaches of the Privacy Act.

Further information can be obtained directly from the Office of the Australian Information Commissioner at [www.oaic.gov.au](http://www.oaic.gov.au) (<https://www.oaic.gov.au/>).

**FURTHER INFORMATION**

To find out more about how we manage personal information, contact the Sport Integrity Australia Privacy Officer via:

Email: [privacy@sportintegrity.gov.au](mailto:privacy@sportintegrity.gov.au)

Write to: Address: PO Box 1744 Fyshwick ACT 2609

Or phone 13 000 27232 and ask for the Privacy Officer.

From time to time, we will review and revise this Privacy Policy. We reserve the right to amend this policy at any time and any amendments will be notified by posting an updated version on our website at: [www.sportintegrity.gov.au](http://www.sportintegrity.gov.au).