



## **IOC Needle Policy & Rules**

### **applicable to NOCs for the Games of the XXXII Olympiad Tokyo 2020 to be held in 2021**

The Olympic Games are “needle-free” for all participating athletes to the Games of the XXXII Olympiad Tokyo 2020 (respectively the “**Athletes**” and the “**Games**”). Needles must not be used except by: (i) medically qualified practitioners for the clinically justified treatment of injury, illness or other medical conditions (for which a valid therapeutic use exemption (“**TUE**”) may be required); or (ii) those requiring auto-injection therapy for an established medical condition with a valid TUE, e.g. for insulin dependent diabetes.

It is the responsibility of each Athlete, his/her entourage and each National Olympic Committee (“**NOC**”) to ensure compliance with this IOC Needle Policy. In particular, each NOC must ensure that:

- (i) any needles, and associated clinical materials, intended for use by members of its delegation are stored in a central secured location, access to which is restricted to authorized medical personnel of the NOC delegation. Athletes with a valid TUE for the use of insulin, and non-athletes requiring other forms of auto-injection may keep appropriate materials with them if safely stored and disposed of in accordance with point (ii) below;
- (ii) all used needles and associated materials (vials, syringes, and swabs) are safely disposed of in an appropriate bio-hazards container (e.g. “sharps bin”). If necessary, these may be procured from the Olympic Village Polyclinic;
- (iii) whenever an Athlete receives an injection during the period of the Games (i.e. from the date of the opening of the Olympic Village(s) on 13 July 2021 to and including the date of the Closing Ceremony on 8 August 2021), a formal declaration using the attached “Injection Declaration Form” (“**Injection Declaration Form**”) shall be duly completed either on-line here : <https://ioc-needleform.integrityline.org/> or delivered to the Olympic Village Polyclinic for processing by the IOC, in particular its Medical and Scientific Commission, no later than noon the day following such injection. This applies to all injections administered to Athletes in Tokyo;
- (iv) Injection Declaration Forms shall be completed legibly in English or French and include any additional evidence attesting to the need for injection therapy (e.g. imaging, laboratory results). The completed Injection Declaration Form may be submitted after completion either on-line or on paper and placed into the Injection Declaration Form box at the Olympic Village Polyclinic.

No Injection Declaration Form is required if the injection has been administered by a medically qualified practitioner from the Tokyo Organising Committee of the Olympic and Paralympic Games, and the injection has been recorded in the medical encounter system. Acupuncture or the use of dry needling techniques are not considered to be a medical injection and thus an Injection Declaration Form is not required for these treatments.

**Privacy:**

In the event an Injection Declaration Form is not required, the practitioner shall bring the Information Notice (attached to this Policy) to the attention of the Athlete and:

- (i) ensure that the Athlete has read and understood the content of this Information Notice;
- (ii) if deemed necessary by the IOC, collect any further proof that the Athlete has provided the necessary authorizations to the processing of his/her personal data.

**Justification of injections:**

There is, as a matter of principle, no justification for any Athlete, coach or other non-medically qualified person to administer an injection. The only exception is auto-injection, by those Athletes with an established clinical condition requiring auto-injection and a valid corresponding TUE.

Injections by medically qualified person are only permitted when there is a clinically justified reason for such an intervention as determined by the IOC, in particular its Medical and Scientific Commission. All completed Injection Declaration Forms will be reviewed by the IOC and in particular its Medical and Scientific Commission.

Any concerns identified as a result will prompt a review of the rationale and justification for the treatment by a panel of physicians convened by the IOC. Ordinarily this review will include a meeting with the practitioner(s) involved in the administration of the injection.

Based on the above review, the IOC and in particular its Medical and Scientific Commission shall decide whether an injection shall be considered as justified. Such decision shall be final and binding in respect of the Games and is not subject to a challenge.

Failure to respect this IOC Needle Policy, including failure to submit a completed Injection Declaration Form to the IOC and the performance of injections without sufficient justification, may expose the Athlete(s), the entourage of the Athlete(s), the NOC and members of its delegation as well as the person(s) having administered the injection to disciplinary action in application of article 59 of the Olympic Charter. Such disciplinary action is without prejudice to proceedings in accordance with the applicable Anti-Doping Regulations, in particular the IOC Anti-Doping Rules applicable on the occasion of the Games, in the event the circumstances at stake may constitute anti-doping rule violations. In this case, consequences shall be determined in application of the applicable Anti-Doping Regulations applying as *lex specialis*.



## Information Notice

This Information Notice complements the Information Notice on the processing of personal data of participants and other accredited persons for the Games of the XXXII Olympiad Tokyo 2020 provided as part of their accreditation, and contains important information about the processing of the personal information contained in this Injection Declaration Form related to the Games of the XXXII Olympiad Tokyo 2020 to be held in 2021, including information about:

1. Information collected about the Athlete and the Practitioner
2. Entities involved in the process
3. Use of the collected Information
4. Rights of the Athlete and the Practitioners

Please read this Information Notice carefully and make sure you understand what it says.

### 1. Information collected about the Athlete and the Practitioner

In accordance with the IOC Needle Policy and Rules for the Games of the XXXII Olympiad Tokyo 2020 to be held in 2021 (respectively the “**Needle Policy**” and the “**Games**”), information shall be collected whenever an Athlete receives an injection during the period of the Games, either through the Injection Declaration Form or recorded in the electronic medical record system.

Information collected and otherwise processed in connection with the Needle Policy (the “**Information**”), includes the following:

- Athlete’s personal information related to his/her identity (name, date of birth, gender, national Olympic committee’s membership, sport);
- Athlete’s medical information, including clinical history and diagnosis;
- Personal information of the person having administered the injection (the “**Practitioner**”) related to his/her identity (name, mobile number, e-mail address).

Information may constitute “personal data” and, in certain instances “sensitive data” or “special categories of personal data” as such terms are defined under applicable data protection or privacy laws.

### 2. Entities involved in the process

The Needle Policy is managed and carried out under the responsibility of the International Olympic Committee (the “**IOC**”), in accordance with the Needle Policy. The IOC will use the services of service providers working on its behalf and providing information technology services or other services that are necessary to implement the Needle Policy, including in particular the online Injection Declaration Form provided by EQS Group AG, or the electronic medical record system provided by General Electric Company.

In accordance with the Authorised Purposes (as defined hereunder), this Injection Declaration Form may also be used for the purposes of ensuring the compliance with the IOC Anti-Doping Rules applicable to the Games (the “**Rules**”). Doping controls on the occasion of the Games are carried out under the responsibility of the IOC acting as an Anti-Doping Organization, in accordance with the Rules and the World Anti-Doping Code including the related international standards (the “**Code**”).

For the effective operation of doping controls on the occasion of the Games, the IOC has delegated some of its responsibilities related to the implementation of the anti-doping programme in relation to the Games to the International Testing Agency (“**ITA**”), as set out in the Rules. The ITA will in particular initiate and undertake testing activities on the occasion of the Games, determine whether or not a potential anti-doping rule violation has occurred pursuant to the Rules, and if so, file the case with the Court of Arbitration for Sport (“**CAS**”) for decision. The ITA will be assisted by the Tokyo Organising Committee of the Olympic and Paralympic Games (“**Tokyo 2020**”) and, where required, law enforcement authorities. The IOC, the ITA and/or these above-mentioned entities will also cooperate with the World Anti-Doping Agency (“**WADA**”), whose mission is to monitor the implementation of the Code and will use the ADAMS data-management system developed by WADA to process and manage doping controls related information (“**ADAMS**”). For more information on ADAMS, consult the WADA website at [www.wada-ama.org](http://www.wada-ama.org). The IOC, the ITA and the above-mentioned entities will use the services of laboratories and other service providers (such as Professional Worldwide Controls - PWC GmbH), working on their behalf and providing them certain anti-doping services, information technology services or other services that are necessary to perform doping controls.



### 3. Use of the collected Information

#### a) Purposes of processing Information

Information will be processed by:

- i. the IOC for the purposes of ensuring the compliance with the Needle Policy;
  - ii. the IOC, the ITA and the above-mentioned entities for the purposes of ensuring the integrity of the competitions at the Games, carrying out doping controls, investigating and prosecuting breaches of the Rules and the Code or for otherwise establishing, exercising or defending legal rights or complying with legal obligations related thereto
- (collectively referred to as the “**Authorised Purposes**”).

#### b) Grounds for processing Information

Doping controls and the processing of Information for the Authorised Purposes are necessary to safeguard the health and well-being of athletes and to ensure the integrity of sports competitions at the Games, and are further based on:

- i. Necessity in view of allowing the participation of athletes and other participants to the Games in compliance with the obligations of the IOC as Anti-Doping Organization and major event organisations under the Code;
- ii. The substantial public interest and the interest of the IOC, the ITA and Tokyo 2020 to guarantee doping-free sports competitions at the Games, to safeguard the health and well-being of athletes and to protect clean athletes;
- iii. The legitimate interests of the IOC, the ITA and Tokyo 2020 to ensure that athletes respect their covenant to comply with the provisions applicable to them (including the Olympic Charter, the Rules and the Code as referred to in the Conditions of Participation form);
- iv. Applicable legal provisions authorising the processing of athletes’ and Practitioners’ personal information for the purposes of fighting against doping.

#### c) Data recipients and international transfer

The IOC and/or the ITA may disclose Information to the entities mentioned in section 2 above where necessary for the Authorised Purposes. In accordance with the Rules and the Code, Information may also be shared with other authorised recipients such as designated national anti-doping organizations, international federations, CAS, law enforcement authorities.

The IOC and the ITA will process Information mainly in Japan, where the Games take place, and in Switzerland, where the IOC and ITA’s headquarters are located. However, they shall be entitled to make Information available to entities referred to above located in other countries, including outside the European Union / European Economic Area, where data protection and privacy laws may not be equivalent to those applicable in athletes’ country of residence. In such case, the IOC and the ITA shall take technical and organisational measures to protect the Information.

#### d) Public disclosure

In accordance with the Rules and while Information will normally be processed in a confidential manner, athletes’ identity and some other Information may be publicly disclosed in cases where the ITA asserts that an athlete has committed an anti-doping rule violation, after appropriate notice has been provided to the concerned athlete. Information may also be disclosed to third parties in any event where such disclosure (a) is required by law, regulation or compulsory legal process, (b) takes place with the informed, express and written consent of the athlete, or (c) is necessary to assist law enforcement or governmental or other authorities in the detection, investigation or prosecution of a criminal offence or breach of the Code, provided that the Doping Control Data is reasonably relevant to the offence in question and cannot otherwise reasonably be obtained by the authorities.

#### e) Data retention period

As a general rule, processing of Information described in this Information Notice will cease after a period of four years following the end of the Games. Information may be archived and kept for a longer period of time where necessary to fulfil the Authorised Purposes.

The different retention periods applicable to Information are specified in the Annex A of the International Standard on Protection of Privacy and Personal Information, forming part of the Code. According to this document, Information may be retained over time by the ITA, the IOC and WADA, including for some data, for a period up to 10 years or indefinitely.



f) Information security

The IOC and the ITA will use technical and organisational measures to protect the Information against the risks of damage, destruction, loss or unauthorised access, in accordance with applicable laws.

g) Withdrawal of the express consent

Insofar as consent is a basis for the processing of Information, athletes are informed of the following:

- i. A refusal or withdrawal of their authorisation to the processing of the Information in the manner defined in this Information Notice will be interpreted as a refusal to comply with the Needle Policy;
- ii. Insofar as the participation in the Games is further contingent upon athletes' participation in anti-doping procedures set forth in the Rules, a refusal or withdrawal of their authorisation will lead to the consequences foreseen in the Rules, including without limitation, disqualification of results and exclusion from further participation in the Games and ineligibility for participation of other sports events;
- iii. It may still be necessary to process Information related to them for the Authorised Purposes, even without the consent of athletes, or after such consent has been withdrawn, provided that such activity complies with applicable laws.

#### **4. Rights of the Athletes and Practitioners**

Both the IOC and the ITA have designated a person in charge of receiving Athletes and Practitioners' complaints or questions in relation to their processing of the Information, that can be contacted at the following addresses in to exercise their right to request access, rectification, erasure, restriction of processing, objection to the processing or to the adoption of automated decisions and, be it the case, data portability, as well as the remaining privacy rights and digital rights:

- i. In the case of the IOC, through IOC's dedicated portal as indicated in IOC's privacy policy (<https://www.olympic.org/privacy-policy>) or by mail at the following address : International Olympic Committee, Data Protection Officer, Legal Affairs Department, Château de Vidy, 1007 Lausanne, Switzerland;
- ii. In the case of the ITA at the following address: [privacy@ita.sport](mailto:privacy@ita.sport).

EU residents may also contact the IOC's EU representative, Olympic Broadcasting Services S.L., at the following address: Calle de Torrelaguna, 75, 28027 Madrid, Spain.

Any complaint in relation to the processing of the Information that has not been addressed within a reasonable timeline and/or that is not complying with the Code or other provisions applicable thereto, may be:

- i. Addressed to the Swiss Federal Data Protection Commissioner, Feldeggweg 1, CH – 3003 Bern, Switzerland, <https://www.edoeb.admin.ch>; and/or
- ii. In the context of the Rules, notified to WADA and/or submitted to CAS, which will determine whether a violation occurred.

For EU residents, to the Agencia Española de Protección de Datos, c/ Jorge Juan 6, 28001 Madrid, Spain, <https://www.aepd.es/>.