



## **Privacy Notice pursuant to art. 13 and art. 14 EU Regulation 2016/679 for the Processing of Personal Data and art.13 of the Swiss Federal Constitution and the data protection regulations of the Federal Government (Data Protection Act)**

### **Principles and Applicable Law**

This privacy policy is based, in particular, on the EU's General Data Protection Regulation (GDPR). Although the GDPR is a regulation of the European Union, it is of significant relevance to WAKO. The Swiss Federal Act on Data Protection (FADP) is heavily influenced by EU law, and companies outside the European Union and the European Economic Area must comply with the GDPR under certain circumstances.

### **Data Controller and Data Processors**

We inform you that, under EU Regulation 2016/679 (hereinafter the "**Regulation**"), the World Association of Kickboxing Organizations ("WAKO") will be the data controller ("**Data Controller**") with registered office in Bahnhofstrasse 23, 6300 Zug CH, Switzerland. The legal representative is the President of the Association Mr. Roy Baker.

The updated list of internal and external **Data Processors** can be consulted at the headquarters of the Data Controller.

### **Types of personal data processed**

The Data Controller will process personal data, falling under the definitions in Arts. 4(1) and 9(1) of the Regulation, which is collected during the events organized by the Data Controller, including:

- a) Common Data: name, surname, address, telephone number, your pictures and videos that will be transmitted during live streaming events.
- b) Sensitive Data: in relation to specific purposes and activities, listed below, WAKO can process particular categories of Personal Data ( e.g. medical certificates, sensitive data related to Anti-Doping activities – see below for additional details regarding WAKO's anti-doping processing of personal data);
- c) Judicial Data: only in the case of collaboration with sports disciplinary bodies;

All of this information, and other personal data which may be collected and processed by the Data Controller, hereinafter, will be collectively referred to as "**Personal Data**".

We remind you that Processing of Personal Data means each and every operation, or set of operations, carried out with or without the aid of automated processes and applied to Personal Data; these activities could include the collection, registration, organization, structuring, retention, adaptation or modification, extraction, consultation, use, communication by transmission, dissemination or any other form of provision, comparison or interconnection, limitation, deletion or destruction ( Article 4 GDPR).

### **Data Processing Procedures**

The Processing of your Personal Data will include all the activities referred to in art.4(2) of the Regulation and it will be carried out pursuant to Chapter 2 GDPR. The Processing of your Personal Data will be carried out (in paper, computer or telematic mode) adopting specific security measures to prevent loss, incorrect use or unauthorized access.

Your personal data will not be processed for longer than is strictly necessary for the purposes for which they have been collected and in compliance with the administrative and tax obligations in force.

Certain types of data (for example, those related to Events, Championships or Competitions and / or the membership in Special Registers) will remain in WAKO archives for historical-statistical purposes and documentation of sports activities.

### **Collecting of your Personal Data**

Your Personal Data are collected by WAKO upon registration through you Team, Club or National Delegation and as a result of the medical and anti-doping controls.



### Provision of Data and Processing Authorization

The provision of your Personal Data and their processing according to the purposes listed below is strictly functional for the institutional purposes of WAKO and for the organization of WAKO events.

Where the Data Subject is under the age of 16, the processing of her/his personal data is lawful only to the extent that consent has been given by the holder of the parental responsibility; WAKO will require the data and a copy of the ID of the holder of the parental responsibility.

Shall you refuse to provide such Data, WAKO will not be able to carry out its activity and to enrol you in its Events.

### Purposes

WAKO will process your Personal Data for the following purposes:

1. Institutional purposes ( as described in WAKO Statute and Bylaw) such as:
  - a) Organisation of Championships, Tournaments and Events;
  - b) Management of relations with Teams, Clubs or National Federations related to their participation to WAKO Events, included the acquisition of the needed documentation;
  - c) Communication, by any means, of the Data related to the participation and the results of WAKO Events, charts and rankings;
  - d) Communication and dissemination of photos and videos related to WAKO events, which may contain the picture of athletes, technical stuff and referees. This also include the live-streaming of WAKO Events on the WAKO YouTube Channel;
  - e) Studies, researches and statistical purposes;
2. Medical controls and assessments in order to verify the truthfulness of the athletes' given documentation. Furthermore, WAKO Medical Committee can directly ask the athletes the medical documentation;
3. Application of the legislation in force on health protection and on the anti-doping rules in implementation of the World Anti-Doping Code ("Code") and International Standards (as specified in the next section of this Notice);
4. Sport Justice purposes and according to the provisions contained in WAKO Dispute Resolution and Disciplinary Code ( disciplinary proceedings, actions and decisions);
5. Purposes related to the fulfilment of legal obligations;
6. Administrative and accounting procedures;
7. Purposes related to insurance coverage.

The legal basis for the processing of personal data indicated in 1) and 7) is art. 6.1(b) and 6.1 (f); the legal basis for the purposes indicated in 4), 5) and 6) is art. 6.1(c); the legal basis for the purposes indicated in 2) is art.9.2 (c). The legal bases for the purposes indicated in 3) are described below.

### Antidoping

WAKO wants to give its contribution to the creation of a clean sport environment and to prevent the use of any kind of performance-enhancing drugs: to achieve this goal, WAKO is a signatory to the *Code* and the relevant International Standards and is committed to its implementation. You can find the list of prohibited substances and exemptions for therapeutic use on the World Anti-Doping Agency ("**WADA**") [website](#) ; more information on this subject can be found in WAKO Anti-Doping Rules and available on WAKO website.

WAKO, together with the National Anti-Doping Organizations (NADOs), has the authority to conduct anti-doping tests, pursuant to Article 20.7.8 of the *Code*; in Swiss legislation, this authority is provided by Art. 21.2 of the Federal Act on the Promotion of Sport and Exercise (Sport Promotion Act, SpoPA) of June 17, 2011. The tests will be conducted respecting principles of necessity, proportionality and subsidiarity,



especially in the whereabouts system.

The Personal Data collected through anti-doping tests will include all the activities referred to in art.4(2) of the Regulation and it will be carried out pursuant to Chapter 2 GDPR; the Processing is based on art. 6.1(e) of the Regulation (processing is necessary for the performance of a task carried out in the **public interest** or in the exercise of official authority vested in the controller) and art. 9.2 (g) (processing is necessary for reasons of **substantial public interest**). The processing activities will be carried out in compliance with the principles of the [WADA International Standard for the Protection of Privacy and Personal Information](#) (ISPPPI) and with the principle set out in art. 4.1 FADP.

For antidoping purposes, WAKO will process the following categories of Personal Data:

- a) Contact details;
- b) Age, sex and gender information;
- c) Address and domicile;
- d) Biological samples;
- e) Where applicable and on the base of a specific authorization of the competent judicial authority, DNA matching activities can be carried out;
- f) Information about past anti-doping results;
- g) Sample code and sample number assigned internally by the Laboratory (or WADA approved laboratory for Passport);
- h) Biological data and results obtained;
- i) TUE information;
- j) Laboratory results;
- k) Sanction – related information.

Be aware that, to carry out *Out of Competition* tests, WAKO could use the services of external agencies or companies (e.g. testing agencies, external laboratories and research centers): these agencies/companies will be appointed as Data Processors. An updated list of the Data Processors and subjects to whom your data will be communicated, is available on request.

- Registered Testing Pool (RTP) and any other Testing Pool (TP): some athletes may be included in the RTP/TP; the parameters for such inclusion are determined by WAKO. If you have been included in the RTP/TP, you will have to comply with specific obligations like whereabouts information. Athletes included in the RTP/TP will have to give accurate information in order to allow Out of Competition tests. If you have been included in the RTP you will communicate:
  - a) contact details;
  - b) permanent address and domicile;
  - c) name and address of each and every place where you will reside (such as home, hotel, temporary accommodation, etc.)
  - d) name and address of each and every place where you will train, work or perform regular activities (for instance school) and the time framework during which such activities will take place;
  - e) sport events to which you have planned to participate; other specific information required by WAKO;
  - f) a 60 minutes time frame (included between 6am and 11pm) during which you will be available for Out of Competition tests;
  - g) other specific information required by WAKO.

You also have the obligation to communicate every change related to the above listed information.

You should be aware that some Personal Data related to you will be used and processed by the WAKO through the Anti-Doping Administration and Management System (“ADAMS”), a web-based data management system developed and administered by WADA. This Information Notice is intended to provide you with more information on ADAMS and how your Personal Data will be used in connection with ADAMS. For more details about ADAMS and about how WADA will process your Personal Data,



review the [ADAMS Privacy Policy](#). For a general description of ADAMS and how it may be used by anti-doping organizations and other entities, see the [ADAMS Privacy and Security FAQs](#).

ADAMS enables WAKO, ADOs and WADA to conduct harmonized, coordinated and effective anti-doping programs and to fulfil their respective responsibilities arising under the Code.

ADAMS may be used by WAKO for scheduling In- and Out-of-Competition doping tests and managing related information, including Therapeutic Use Exemptions (“TUEs”), information related to athlete whereabouts, information about the results of anti-doping tests, managing the Athlete Biological Passport, and sanctions-related information relevant to individual athletes and other Persons.

WADA relies upon ADAMS to fulfil its responsibilities under the Code, including the performance of Out-of-Competition Testing, the review of TUEs, and its implication on anti-doping rule violation investigations and procedures.

ADAMS contains the following categories of data:

- Your unique ADAMS profile consisting of data relating to your identity (name, nationality, date of birth, gender, sport(s) and discipline(s) you compete in, organizations and/or sports federations to which you belong, an indication of whether you compete at an international or national level, and whether you are considered to be a National or International-Level Athlete in accordance with the Rules of your International Federation and/or National Anti-Doping Organization);
- Data relating to your whereabouts (e.g., training, competitions, travel, periods spent at home, on vacation, or other regular or exceptional activities), including, each time you elect to use the “auto-location” reporting button on the ADAMS app, information about your mobile device’s location;
- Data relating to test distribution planning (for the testing pools in which you are included);
- Data relating to your TUE, if any;
- Data relating to Doping Control (test distribution planning, Sample collection and handling, laboratory analysis, results management, hearings and appeals); and
- Data relating to the Athlete Biological Passport.

Some of the above data may constitute protected personal data under national data protection or privacy laws where you reside.

### Recipients of Personal Data

For the above-mentioned purposes, your Personal Data can be communicated and/or known only from the following categories:

- a) WAKO members and every other subject appointed as Authorized Person pursuant to art.29 GDPR
- b) Subjects who need to access your Personal Data for strictly necessary and ancillary activities (such as Insurance Agencies, doctors and Members of the Medical Committee etc.);
- c) Anti- Doping Organizations located in other countries where the Participant may compete, train or travel;
- d) External consultants, within the limits of their mandate and only after an Engagement Letters establishing the duty of confidentiality has been signed;
- e) Police, judicial authority or other public entity for the fulfilment of a legal obligation;
- f) Your Personal Data could be transferred to third countries, e.g. to Consulates where the Events take place;
- g) For institutional activities, in particular for the promotion of its activities, WAKO can communicate your Personal Data (pictures and videos taken during the Events) either by WAKO website, either by social media channels and YouTube;

In the above mentioned cases, the communication is limited to the Personal Data related to sport activities (name, category, weight, team, club or national delegation, results, date and place of the event).



If you are found to have committed an anti-doping rule violation and receive a sanction as a result, the respective sanctions, your name, sport, Prohibited Substance or Method, and/or tribunal decision may be publicly disclosed by WAKO and relevant ADOs, in accordance with the Code.

### **Rights of the Data Subject**

Subject to the conditions established by the Regulation, you can exercise the following rights:

- right to access your Data;
- right to rectification and integration of your Data;
- right to erasure (right to be forgotten) and anonymization of the provided Data;
- right to opposition and restriction of processing of your Personal Data;
- right to data portability

You should be aware that if you object the processing of your data, it still may be necessary for WAKO and WADA to continue to process (including retain) certain of your data to fulfil obligations and responsibilities under the Code, International Standards and/or national anti-doping laws, notwithstanding your request; including for the purpose of investigations or proceedings related to a possible anti-doping rule violation or to establish, exercise and defend against legal claims involving you, WADA and/or your ADO. You understand that objecting to the processing, including disclosure, of your data may prevent you or WAKO, WADA or other ADOs from complying with the Code and relevant WADA International Standards, which could have consequences for you, such as an anti-doping violation under the Code or the inability to participate in sporting events.

You can send your request without any particular formality:

- via e-mail address [privacy@wako.sport](mailto:privacy@wako.sport)

You have the right to lodge a complaint with the competent Supervisory Authority pursuant to art. 77 of the Regulation in any if you think that the processing of your Personal Data infringes the Regulation.