

CONFIDENTIALITY POLICY

Purpose

This Policy is intended to explain the confidentiality expectations that UK Anti-Doping Limited ("UK Anti-Doping") has in respect of all persons who engage with UK Anti-Doping.

Scope

This Policy applies to all employees of UK Anti-Doping Limited, to all UK Anti-Doping contractors, agency workers and other persons providing services to UK Anti-Doping, and to all third parties who engage with UK Anti-Doping and have this Policy and its terms drawn to their attention.

Background

This Policy is intended to provide:

- guidance as to the confidentiality obligations contained in UK Anti-Doping employee contracts of employment (be they express or implied). The Policy does not itself have contractual effect and may be amended by UK Anti-Doping at any time UK Anti-Doping considers appropriate.
- guidance to non-employee third parties with whom UK Anti-Doping interacts, in order that such third parties may understand the confidentiality obligations that UK Anti-Doping expects them to abide by.

Training regarding this Policy has and will be provided to all current and future UK Anti-Doping employees. Attendance at such training will be mandatory for UK Anti-Doping employees.

This Policy should be read in conjunction with the Government Security Classification ("GSC"). GSC is a document labelling protocol, and may be used as an indication as to whether information is to be treated as confidential. However, the absence of GSC labelling bears no relevance whatsoever as to the confidential nature or otherwise of the subject matter of the relevant document.

Definitions

Athlete, Athlete Support Personnel, Anti-Doping Rule Violation, Samples

Defined terms have the meanings given to them under the World Anti-Doping Code

Policy Adherents

Persons to whom this Policy applies (see “Scope” above and description below)

Confidential Information

In the context of UK Anti-Doping operations, Confidential Information includes (in whatever medium this information is stored), but is not limited to:

- the names, addresses, contact details, terms of engagement relating to Athletes, Athlete Support Personnel, contractors, advisers, agents and other business partners;
- the whereabouts information, details of Samples or any test results concerning Athletes or Athlete Support Personnel;
- the identity of an Athlete or Person charged with an Anti-Doping Rule Violation;
- details of any investigations and hearings or appeals in relation to any Anti-Doping Rule Violation, including any sanctions and penalties imposed;
- any information concerning an Athlete or Person which is collected in accordance with the World Anti-Doping Code;
- any information held on the Anti-Doping Administration and Management System (“ADAMS”) or on any Doping Intelligence Database (for example, Jade);
- agreements with sporting bodies;
- non-public operational methodology, including techniques employed in the testing of athletes, and the processing of resulting data;
- research, designs, processes, techniques, technical data and know-how relating to the operations of UK Anti-Doping;
- non-public educational programmes or training presentations;
- corporate strategies and plans;
- budgets, management accounts, bank account details and other confidential financial data;
- details of the salaries, remuneration, fees, bonuses, commissions and other employment terms applicable to employees, officers and consultants;
- existing, pending or threatened litigation;
- any information that is marked “confidential” or that might reasonably be understood to be non-public and proprietary to UK Anti-Doping, or which is the subject of an obligation (express or implied) of confidence owed to a third party; and
- any information that is marked “Protect” and/or “Restricted” pursuant to the GPMS.

Policy Adherents

This Policy applies and will be communicated to the following classes of personnel:

Staff

Employees of UK Anti-Doping are required to abide by the terms of this Policy according to the general confidentiality obligations within their contract of employment (be they express or implied). Specific training will be provided to all members of staff.

Board

All Board Members are required to abide by the terms of this Policy according to the general confidentiality obligations within their contract of service (be they express or implied).

Contractors

Where appropriate, third parties with whom UK Anti-Doping enters into any form of contractual agreement will be required to enter into confidentiality obligations which are consistent with the terms of this Policy.

Non-Contracting Third Parties

Where appropriate, third parties with whom UK Anti-Doping enters into any form of voluntary or non-binding agreement will be required to enter into confidentiality obligations that are consistent with the terms of this Policy, or alternatively acknowledge that they are bound by the terms of this Policy for the duration of their engagement with UK Anti-Doping.

Purpose

In the course of employment or engagement by UK Anti-Doping, Policy Adherents may be provided with or have access to Confidential Information. Unauthorised disclosure of such Confidential Information could result in irreparable damage to UK Anti-Doping's reputation, and to the reputation of athletes and others outside the UK Anti-Doping to whom UK Anti-Doping owes a duty of care. It may also constitute a breach of the World Anti-Doping Code, the UK Anti-Doping Rules, the UK Anti-Doping Policy and any other governing rules and guidance in any other applicable jurisdiction, and/or an actionable legal wrong. It is therefore critical that Policy Adherents read the Policy carefully and comply with its terms.

Operation

Duty Not to Disclose

The overriding principle of this Policy is that Policy Adherents are under a duty not to use or disclose Confidential Information.

Confidential Information must only be used for the purposes set out in the World Anti-Doping Code, the relevant International Standards, and applicable law. It must at all

times be handled, stored and processed in accordance with the requirements of the World Anti-Doping Code, the relevant International Standards, and applicable law.

Except in the proper performance of UK Anti-Doping mandated duties or services, Policy Adherents must not during their employment and/or engagement or at any time after their employment and/or engagement has ended: i) use for their own purposes, or for the purposes of any other person or organisation; or ii) disclose (directly or indirectly) to any person, company or other organisation any Confidential Information relating to UK Anti-Doping, or its operations, received or obtained in the course of employment with or engagement by UK Anti-Doping.

Policy Adherents must be vigilant as to the use and disclosure of Confidential Information by colleagues and third parties, and use their best efforts to prevent the unauthorised publication or disclosure of Confidential Information, where appropriate.

Policy Adherents may not (other than in the proper performance of their duties or with the prior written consent of UK Anti-Doping) remove any Confidential Information or property relating or belonging to UK Anti-Doping from UK Anti-Doping premises, or make any copies of such information.

Confidential Information must at all times be retained securely in accordance with applicable UK Anti-Doping privacy and document retention policies.

These confidentiality obligations do not apply to:

- use or disclosure authorised or required by:
 - a Director or the Chief Executive Officer of UK Anti-Doping; or
 - the World Anti-Doping Code, the UK National Anti-Doping Policy or any applicable Anti-Doping Rules
- use or disclosure required by law, for example pursuant to the Freedom of Information Act (provided that notification is first provided to UK Anti-Doping, and that UK Anti-Doping has an opportunity to make representations to the relevant court or arbitrator);
- any information which becomes available to the public generally (other than by reason of an unauthorised disclosure); and
- any protected disclosure within the meaning of Section 43A Employment Rights Act 1996 that a Policy Adherent is lawfully entitled to make outside UK Anti-Doping, after the Policy Adherent has first exhausted any applicable grievance procedures.

Return of UK Anti-Doping Property

Upon UK Anti-Doping's request at any time, and in any event on the termination of employment or engagement, Policy Adherents must:

- return all Confidential Information (including copies) to UK Anti-Doping; and

- irretrievably delete any Confidential Information stored on any magnetic or optical disk or memory, including personal computer networks, personal e-mail accounts or personal accounts on websites, and all matter derived from such sources which is in Policy Adherents' possession or under their control outside UK Anti-Doping's premises.

Electronic Communications

This part of this Policy applies to employees of UK Anti-Doping only.

UK Anti-Doping may intercept, monitor and record, without further notice, any use that employees make of UK Anti-Doping's electronic communications systems for the purpose of ensuring compliance with this Policy and other applicable UK Anti-Doping policies and for any other legitimate business purposes.

UK Anti-Doping's 'electronic communications systems' include all communications, whether by telephone, email, fax, or any other means, which are transmitted, undertaken or received using UK Anti-Doping's communications and information technology hardware, software, systems and networks. Employees should not regard any such communications or use as private and matters that are private should be conducted outside of working hours, away from UK Anti-Doping's premises and without use of UK Anti-Doping electronic communications systems.

Any communications intercepted in accordance with this policy or any electronic communication systems policy may be used as evidence in disciplinary or legal proceedings.

Employees must comply with any electronic communication systems policies that UK Anti-Doping may issue from time to time.

Breach of Confidentiality Obligations

Employees should take care to avoid inadvertently breaching the terms of this Policy, by (for example):

- providing too much information about their working environment, or particular projects on which they are engaged, to family or friends;
- speaking with colleagues about work in public places where the discussion may be overheard by others (for example, in lifts, or on public transport);
- leaving documents containing Confidential Information unattended both within and outside UK Anti-Doping's premises;
- using their mobile device in a public place for UK Anti-Doping business;
- displaying too much familiarity with the affairs of particular athletes or support personnel;

- responding to enquiries from apparently legitimate sources, without verifying the identity of the person(s) making the enquiries;
- sharing information inappropriately with external law enforcement agencies;
- forwarding or copying Confidential Information onto non-UK Anti-Doping computers or systems.

A breach of this Policy will be treated as a breach of employee confidentiality obligations, and may result in disciplinary action, up to and including termination.

All Policy Adherents should take care to avoid inadvertently breaching the terms of this Policy, by (for example):

- leaving documents containing Confidential Information unattended both within and outside UK Anti-Doping's premises;
- responding to enquiries from apparently legitimate sources, without verifying the identity of the person(s) making the enquiries;
- sharing information inappropriately with external law enforcement agencies;
- forwarding or copying Confidential Information onto non-UK Anti-Doping computers or systems.

A breach of this Policy by a non-employee party may lead to a suspension and/or termination of UK Anti-Doping's relationship with that non-employee party.

All Policy Adherents should immediately inform the Director of Legal on becoming aware, or suspecting, that any colleague or third party has used or disclosed Confidential Information without authority.

The Director of Legal, in conjunction with the Chief Executive Officer, will investigate all reports regarding the misuse of Confidential Information, and if appropriate, instigate appropriate remedial action.

I have read and understood UK Anti-Doping's Confidentiality Policy and I agree to comply with its terms.

Signature:

Name:

Date:

Responsibilities

Chief Executive

To monitor compliance with the Policy

Board Members

To comply with the Policy

Director of Legal

The Director of Legal is responsible for the maintenance, regular review and updating of this Policy. Revisions, amendments or alterations to the policy must only be implemented following consideration and approval by the Director.

All Staff

To comply with the Policy

Related Documents

Doping Control Personnel Agreements

Staff Employment Contract

QAP04 01 GSC Guideline

International Standard for Protection of Privacy and Personal Information

Approval and Review

Author: Director of Legal

Approver: Chief Executive

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