

Translated from original in French

April 3, 2009

Letter from the Privacy Commissioner of Canada

Re.: World Anti-Doping Code draft international standard on the protection of privacy - adopted on 1 January 2009

I am sending you this letter in response to your letter of 14 January 2009 regarding the draft standard on the protection of privacy that forms part of the World Anti-Doping Agency (WADA) Code. In your letter, you stated that the Canadian data protection authorities should be consulted in order to determine whether WADA and the ADAMS database are governed by Canadian legislation. Having consulted my Quebec counterpart, Mr Jacques Saint-Laurent, Chairman of the Quebec Commission on Access to Information, I am now able to send you my observations, which I hope will be of assistance to you in your work.

The WADA headquarters are in Montreal and the ADAMS tool, which is available to anti-doping organisations throughout the world, is operated by OSI Consulting under the management of WADA in Montreal. Any organisation carrying out an activity in accordance with Article 1525 of the Civil Code of Quebec is subject to the Quebec *Act respecting the protection of personal information in the private sector*. We are therefore able to inform you that WADA and the ADAMS database are governed by this Quebec act. The federal *Personal Information Protection and Electronic Documents Act* would apply to ADAMS, which is operated by OSI Consulting, when personal data are processed outside the province of Quebec.

We should point out that no complaint has yet been lodged before our commission against WADA or OSI Consulting in relation to ADAMS. Our commission would have to carry out a case-by-case analysis in the event of any complaints on this matter, given the variety of potential complaints that could be lodged and the extent of the IT infrastructures linked to ADAMS.

Please find attached a letter from Mr Saint-Laurent that clarifies these issues. Please do not hesitate to contact us should you require further information on the matter. Ms Lisa Campbell is in charge of this file (telephone: (613) 995-0504; e-mail: lcampbell@privcom.gc.ca).

Yours sincerely,

Jennifer Stoddart

Privacy Commissioner of Canada