

CCES Policy on Public Disclosure of Anti-Doping Rule Violations

BACKGROUND

As administrators of the Canadian Anti-Doping Program (CADP), the Canadian Centre for Ethics in Sport (CCES) has requirements under the Canadian Policy Against Doping in Sport, the World Anti-Doping Code, and the Canadian Anti-Doping Program that address the public disclosure of anti-doping rule violations.

As an organization that serves the public interest and protects the rights of athletes to fair and ethical competition by promoting and striving for fair and doping-free sport in Canada, the CCES strives for the highest levels of openness and transparency and maintains the highest levels of public confidence and accountability to our stakeholders. Public disclosure is good administrative practice that ensures suspended individuals cannot seek to switch sports and roles in an attempt to avoid suspensions. It also ensures transparency internationally.

The Canadian domestic anti-doping program has had provisions addressing public disclosure and transparency since the early 1990s. Prior to the implementation of the Canadian Anti-Doping Program, Canada's Doping Control Program was conducted according to the Canadian Doping Control Regulations (versions 2000, 2002) and the Standard Operating Procedures (versions 1990, 1992, 1994, 1997). The 2002 Canadian Doping Control Regulations stated that:

Doping Infractions are a matter of public record. However, information concerning a Doping Infraction shall not be disclosed by the CCES until the Athlete is notified. Notwithstanding the foregoing if after ten (10) days of reasonable attempts to notify the Athlete by the National Sport Governing Body are unsuccessful, the CCES may disclose information concerning a Doping Infraction if it deems such disclosure to be in the interest of drug-free sport. An Accredited Laboratory may forward a Positive Test Result to the International Olympic Committee (IOC) or the relevant international sport federation or organization. No disclosure by any party shall invalidate the findings of a Positive Test Result or the declaration of a Doping Infraction unless such breach can be shown to cast doubt on the validity of such findings.

Because of the international and domestic rules that govern sport, the CCES ensured that a press release was issued for every infraction committed, regardless of the substance or circumstance.

RULES AND REQUIREMENTS GOVERNING PUBLIC DISCLOSURE

In 2003, the Government of Canada and the Canadian sport community agreed to adopt the World Anti-Doping Code (Code) and its mandatory international standards. Canada's adoption of the Code was a requirement to maintain its place in international sporting competition. It also provides sport organizations with a common domestic Code-compliant program that meets the requirements of their international sport organizations.

The Government of Canada implemented the Canadian Policy Against Doping in Sport after adopting the Code to ensure Canada's compliance to the Code and mandatory international standards. National sport organizations and multi-sport organizations, including the CCES, are subject to this policy.

Article 14.2 of the World Anti-Doping Code states that:

The identity of Athletes whose Samples have resulted in Adverse Analytical Findings, or Athletes or other Persons who were alleged by an Anti-Doping Organization to have violated other anti-doping rules, may be publicly disclosed by the Anti-doping Organization with results management responsibility no earlier than completion of the administrative review described in Articles 7.1 and 7.2. No later than

*twenty days after it has been determined in a hearing in accordance with Article 8 that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, the Anti-Doping Organization responsible for results management **must** publicly report the disposition of the anti-doping matter. [emphasis added]*

This is a mandatory requirement for anti-doping organizations that specifies transparency requirements in the results management of anti-doping rule violations. This requirement ensures that no national program is tempted to hide positive doping results. Canada, through the Canadian Anti-Doping Program administered by the CCES, is in compliance with this mandatory requirement by virtue of Rule 7.15 of the Canadian Anti-Doping Program:

*7.15 Once the CCES has completed a review described in Rules 7.45, 7.46, 7.47 and/or 7.48, the CCES may publicly report the identity of the Athletes whose Samples have resulted in Adverse Analytical Findings, or Athletes or other Persons who were alleged by it to have violated other anti-doping rules. Within twenty (20) days after it has been determined by a hearing whether an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, the CCES **shall** publicly report the disposition of the anti-doping matter. [WADC Article 14.2]*

CADP Rule 7.15, along with all requirements of the CADP, has been adopted by national sport organizations without exception.

DISCLOSURE POLICY

1. All Olympic, Paralympic and other Canadian athletes and athlete support personnel who are subject to the domestic anti-doping program and who have committed an anti-doping rule violation are subject to public disclosure.
2. The CCES will issue a media release within 20 days of determination of a violation. The media release will:
 - Name the date of the violation, sport, prohibited substance, period of suspension or other consequence;
 - Name the individual whenever the suspension is two (2) years or more;
 - Normally name the individual whenever the suspension is less than two (2) years, unless there are compelling circumstances not to; and
 - Not name the individual in either the media or any other dealings with the public when there has been no suspension.
3. All media releases will be posted on the CCES website.
4. The CCES will maintain a website registry of current violations, treating individuals' names in the same manner they are dealt with in the CCES media releases.
5. Consistent with the rules and practices that require an individual's sport governing body to be advised of all adverse analytical findings, the CCES will provide to sport governing bodies full information concerning any violation, including the individual's name.
6. When there are compelling reasons to do so, the CCES may delay the public disclosure of information from the time limits established by the CADP.

PRIVACY ACT

The federal *Privacy Act* only applies to federal institutions listed in the schedule to the Act such as federal departments and agencies and government-owned corporations. The CCES is not one of these institutions and operates independently from federal institutions. The CCES is a private, not-for-profit organization incorporated under Part II of the *Canada Corporations Act*.

The *Personal Information Protection and Electronic Documents Act* (PIPEDA) applies to organizations engaged in a commercial activity. The CCES is a non-profit organization and this Act does not directly apply to the CCES.

The CCES respects the principles of these privacy statutes except in cases where our Code requirements or other rules governing sport supercede them.