



POLADA
Polska Agencja Antydopingowa

**ANTI-DOPING DATA COLLECTION POLICY GOVERNING INVESTIGATIONS CONDUCTED BY
THE POLISH ANTI-DOPING AGENCY**

Warsaw, September 2020

1. Definitions:
 - a. Informant – a person who makes notification to POLADA.
 - b. Reporting channels – a dedicated telephone number and the website through which the notification can be made.
 - c. Suspect – a person who is subject of notification.
 - d. Whistle Blower – an Informant who has been officially given the Whistle Blower Status by signing the agreement with POLADA that sets out his/her rights and obligations.
 - e. Notification – transfer by the Informant to POLADA of information on the potential anti-doping rules violation, using the available reporting channels.

2. The notification may be made by any person who has information on or a justified suspicion of the anti-doping rules violation. It may concern the violation that has already been committed or will be committed.

3. The notification may concern the following persons:
 - a. an athlete;
 - b. a member of athlete Support Personnel: a coach, physician, physiotherapist and others;
 - c. a doping control officer;
 - d. an employee of the Polish Anti-Doping Laboratory in Warsaw or another laboratory engaged in testing samples of urine, blood, hair and other biological material for the presence of the prohibited doping substances;
 - e. a POLADA employee;
 - f. other persons connected with sport such as staff of sport clubs and unions, sponsors, civil servants.

4. Reporting channels:
 - 4.1 Phone call to number 695 367 464. When your call is answered, please select the option: talk to an employee of the POLADA Investigation Section.
 - 4.2 A form available on POLADA website: <https://www.antydoping.pl/pogotowie/>
 - 4.3 In exceptional circumstances notification in another form is admissible.

5. Notification procedure.
 - 5.1 A person who has gained the knowledge of the anti-doping rules violation informs an employee of the POLADA Investigation Section thereof, using one of the two available

reporting channels. At that moment he/she becomes the Informant within the meaning of this Policy.

5.2 Access to the information thus provided have exclusively:

- a. the POLADA Director;
- b. employees of the POLADA Investigation Section;
- c. in special cases – the Manager of the Department of Anti-Doping Control and Results Management.

5.3 Each person that gains access to the information provided by the Informant undertakes to keep the source thereof as strictly confidential, including first and foremost Informant's personal data, if they were given. The principle of confidentiality may be waived solely by Informant's written consent and in the cases provided by the law.

5.4 If he/she uses as the reporting channel the form available on the POLADA website, the Informant receives to his/her e-mail address, if given, the message confirming receipt of the notification.

6. Granting the Whistle Blower Status

6.1 After receiving the notification, the POLADA Director takes a decision on granting the Informant the Whistle Blower Status. To this end, the following aspects, inter alia, are analysed:

- a. Whether the notified behaviour falls within the scope of prohibited actions, laid down in the POLADA Anti-Doping Rules;
- b. Whether the period of limitation is not over;
- c. Whether the information is transferred in good faith, and the information itself is reliable;
- d. Whether it will be possible to conduct proceedings and whether there are reasonable grounds that they will end in the ruling that the anti-doping rules violation has been committed;
- e. Whether the notification is precise enough;
- f. Whether the risk to the Informant and the people close to him/her, resulting from the possible proceedings, does not outweigh the importance of the information;
- g. Whether there is a real risk that it will be necessary, in the course of the proceedings, to reveal the identity of the person making the notification.

6.2 The decision on granting the Whistle Blower Status is taken without any undue delay.

6.3 Granting the Whistle Blower Status is voluntary and requires Informant's consent.

6.4 Prior to granting the Whistle Blower Status or in case the Informant refuses to accept this Status, POLADA has the right to ask the Informant questions supplementary to his/her notification. He/she is not obliged to give answers.

6.5 The Whistle Blower Status is granted on the basis of the written agreement concluded between the Informant and POLADA. It lays down in detail:

- a. Whistle Blower's rights and obligations.
- b. Protection measures.
- c. Additional forms of support.

In the course of the proceedings, the agreement may be renegotiated, by consent of the Parties.

The content of the agreement is protected by confidentiality.

7. Rights and obligations:

7.1 The Informant enjoys the right:

- a. to a talk to an employee of the POLADA Investigation Section prior to making the notification, in order to obtain advice and clear up doubts;
- b. to information about granting/refusing to grant the Whistle Blower Status, along with the justification;
- c. to his/her personal data being kept as strictly confidential, if given, regardless of further case handling. Confidentiality may only be waived in justified cases, by Informant's written consent.

7.2 The Informant has the following obligations:

- a. to make the notification in good faith and on justified grounds;
- b. to transfer to POLADA solely reliable information. In the event of doubts as to the truth of the data possessed, he/she informs the POLADA Investigation Section thereof;
- c. to refrain from any actions that may expose to risk him, his family or other persons. If such risk occurs, he/she informs immediately the POLADA Investigation Section thereof.

7.3 The Whistle Blower has the right:

- a. to obtain advice at each stage of the proceedings;
- b. to receive information about the findings made in the proceedings – only when the POLADA Investigation Section deems it appropriate, however, not earlier than before the termination of the proceedings;
- c. to have access to any information transferred to POLADA, at each stage of the proceedings;

- d. to obtain information in advance about POLADA's intention to make public the fact that the proceedings in question have been instituted based on the notification;
- e. to his personal data being kept as strictly confidential on the same basis as in the case of the Informant;
- f. to receive support from the psychologist named by POLADA. The costs of assistance are covered by POLADA. The decision on its dimension is taken by the POLADA Director at the Investigation Section's request.

7.4 The Whistle Blower has the following obligations:

- a. the same as the Informant's obligations, provided for under point 7.2 (b)(c);
- b. to cooperate with POLADA in good faith and on justified grounds;
- c. to refrain from violating anti-doping rules;
- d. to avoid any activities that may hinder the ongoing proceedings;
- e. to obtain POLADA's consent to any activities that affect the course of the proceedings;
- f. to keep as confidential the whole knowledge of the proceedings, also after their completion, including his/her role in the proceedings, and to comply with the rule that it is only POLADA which authorized to transfer to the media information on the proceedings;
- g. to read this policy and to accept its principles.

8. The Whistle Blower is subject to the following protection measures:

- a. his/her identity is known solely to the POLADA Director, employees of the POLADA Investigation Section and – in special cases – to the Manager of the Department of Anti-Doping Control and Results Management. The Whistle Blower must give his/her written consent to the disclosure of such data to other persons or entities, whereas a possible refusal cannot be treated as a breach of the Whistle Blower's obligations and may not constitute grounds for the termination of the Agreement on granting the Whistle Blower Status. These provisions do not apply if the disclosure of the identity is required by separate provisions of the law;
- b. in the event of the revenge of the Suspect, POLADA shall take any steps, including the legal ones, to ensure that the culprit is punished and to prevent further deeds of a similar nature;
- c. in the event of a real threat, he/she may be provided with lawyer's support. It is given according to the rules set out under point 7.3(e).

9. The POLADA Director may decide to provide the Whistle Blower with additional support such as:

- a. suspension of part of the sanction imposed on him/her in the proceedings for the anti-doping rules violation – pursuant to the provisions of art. 10.6.1 of the Anti-Doping Rules of the Polish Anti-Doping Agency;
- b. financing vocational training or services of the vocational counsellor.

10. POLADA rights and obligations.

10.1 From the time of notification POLADA has the right:

- a. to transfer information about the anti-doping rules violation to another national anti-doping organization or the World Anti-Doping Organization, as appropriate,;
- b. to communicate the violation, which constitutes a criminal offence, to the competent judicial authorities;
- c. to transfer information about the anti-doping rules violation to the competent professional liability authority or to the professional disciplinary authority;
- d. to institute proceedings pursuant to art. 2.5 of the Anti-Doping Rules of the Polish Anti-Doping Agency, if the notification has turned out to be false and made in bad faith;
- e. to communicate regularly with the Whistle Blower, including to ask supplementary questions;
- f. to terminate the agreement in case its provisions are breached or the rules of this Policy are not complied with.

10.2 The following obligations are imposed on POLADA:

- a. to make this Policy public and to disseminate the knowledge thereof;
- b. to ensure the security of information and material received from the Informant or Whistle Blower;
- c. to maintain reporting channels and ensure their security;
- d. to verify in a reliable manner information provided by Informants and Whistle Blowers;
- e. to ensure protection of personal data of Informants or Whistle Blowers in accordance with the principles and exceptions set out in this Policy.

11. Communication between the POLADA Investigation Section and the Whistle Blower takes place in any way that ensures the security of the information transferred and the Whistle Blower's security. Non-written communication in the form of a telephone conversation, videoconference or direct meeting should be recorded. Short hand notes are taken of the recordings. If necessary, POLADA ensures an interpreter.

12. Any costs of communication between the Whistle Blower and POLADA are borne by POLADA.

13. The Whistle Blower has the right to refuse to provide explanations which could incriminate him, to refuse to answer a question put by a POLADA Investigation Section employee, to refuse to provide the requested document, as well as to terminate the interview at any time.
In such case, he/she does not enjoy the rights set forth in Article 10.6.1 and 10.6.2 of the Anti-Doping Rules of the Polish Anti-Doping Agency.

14. Bringing the charge against the suspect and the proceedings before the Disciplinary Panel.
 - 14.1 From the moment of the notification receipt, the POLADA Investigation Section makes every effort and uses all available sources of information to obtain evidence that confirms the anti-doping rules violation and permits to bring the charge against the suspect.
 - 14.2 If, in the course of the proceedings POLADA does not obtain additional evidence, and the materials provided by the Whistle Blower prove to be reliable, POLADA brings the charge of anti-doping rules violation against the suspect.
If this means that it is necessary to disclose the identity of the Whistle Blower, his/her written consent must be obtained. In the case of refusal, POLADA terminates the proceedings, without bringing the charge against the suspect.
 - 14.3 If the Whistle Blower agrees to disclose his/her identity in connection with the charge, the POLADA Investigation Section employee informs him of the consequences thereof, in particular of the potential need to testify before the Disciplinary Panel and to respond to the suspect's statements.
 - 14.4 POLADA shall make every effort to ensure that contact between the Whistle Blower and the suspect or his legal representative takes place indirectly, by means of written correspondence.

15. If, in the course of the proceedings, the notification made by the Whistle Blower in good faith proves to be wrong, he/she still remains the subject of protection and support laid down in this Policy.