



FEDERACIÓN INTERNACIONAL DE PELOTA VASCA Therapeutic Use Exemption (TUE) Application Form

Please complete all sections in capital letters or typing. Athlete to complete sections 1, 2, 3 and 7; Physician to complete sections 4, 5 and 6. Illegible or incomplete applications will be returned and will need to be re-submitted in legible and complete form.

1. Athlete Information

Last Name: <u>Click or tap here to enter text.</u>	First Name(s): <u>Click or tap here to enter text.</u>
Female: <input type="checkbox"/>	Male: <input type="checkbox"/>
	Date of Birth: <u>Click or tap here to enter text.</u> (dd/mm/yyyy)
Address: <u>Click or tap here to enter text.</u>	
City: <u>Click or tap here to enter text.</u>	Country: <u>Click or tap here to enter text.</u>
Postcode: <u>Click or tap here to enter text.</u>	Telephone: <u>Click or tap here to enter text.</u> (with International code)
E-mail: <u>Click or tap here to enter text.</u>	
Sport: <u>Click or tap here to enter text.</u>	Discipline: <u>Click or tap here to enter text.</u>

2. Previous Applications

Have you submitted any previous TUE application(s) to any Anti-Doping Organization for the same condition?

Yes No

For which substance(s) or method(s)? Click or tap here to enter text.

To whom? Click or tap here to enter text. When? Click or tap here to enter text.

Decision: Approved Not approved



3. Retroactive Applications

Is this a retroactive application?

Yes No

If yes, on what date was the treatment started? [Click or tap here to enter text.](#)

Do any of the following exceptions apply? (Article 4.1 of the ISTUE):

- 4.1 (a)** - You required emergency or urgent treatment of a medical condition.
- 4.1 (b)** - There was insufficient time, opportunity or other exceptional circumstances that prevented you from submitting the TUE application, or having it evaluated, before getting tested.
- 4.1 (c)** - You were not permitted or required to apply in advance for a TUE as per **Federación Internacional de Pelota Vasca** anti-doping rules.
- 4.1 (d)** - You are a lower-level athlete who is not under the jurisdiction of an International Federation or National Anti-Doping Organization and were tested.
- 4.1 (e)** - You tested positive after using a substance Out-of-Competition that was only prohibited In-Competition, e.g., S9 glucocorticoids (See [Prohibited List](#))

Please explain (if necessary, attach further documents)

[Click or tap here to enter text.](#)

Other Retroactive Applications (ISTUE Article 4.3)

In rare and exceptional circumstances notwithstanding any other provision in the ISTUE, an Athlete may apply for and be granted retroactive approval for their TUE if, considering the purpose of the Code, it would be manifestly unfair not to grant a retroactive TUE.

In order to apply under Article 4.3, please include a full reasoning and attach all necessary supporting documentation.

[Click or tap here to enter text.](#)



Physician to complete sections 4, 5 and 6.

4. Medical Information (please attach relevant medical documentation)

Diagnosis (Please use the WHO ICD 11 classification if possible):

[Click or tap here to enter text.](#)

5. Medication Details

Prohibited Substance(s)/Method(s) <u>Generic name(s)</u>	Dosage	Route of Administration	Frequency	Duration of Treatment
1.				
2.				
3.				
4.				
5.				

Evidence confirming the diagnosis must be attached and forwarded with this application. The medical information must include a comprehensive medical history and the results of all relevant examinations, laboratory investigations and imaging studies. Copies of the original reports or letters should be included when possible. In addition, a short summary that includes the diagnosis, key elements of the clinical exams, medical tests and the treatment plan would be helpful.

If a permitted medication can be used to treat the medical condition, please provide justification for the therapeutic use exemption for the prohibited medication.

WADA maintains a series of TUE Checklists to assist athletes and physicians in the preparation of complete and thorough TUE applications. These can be accessed by entering the search term "Checklist" on the WADA website: <https://www.wada-ama.org>.



6. Medical Practitioner's Declaration

I certify that the information in sections 4, 5 and 6 is accurate. I acknowledge and agree that my personal information may be used by Anti-Doping Organization(s) (ADO) to contact me regarding this TUE application, to verify the professional assessment in connection with the TUE process, or in connection with Anti-Doping Rule Violation investigations or proceedings. I further acknowledge and agree that my personal information will be uploaded to the Anti-Doping Administration and Management System (ADAMS) for these purposes (see [the [Insert link/reference to ADO's privacy policy](#) and] the [ADAMS Privacy Policy](#) for more details).

Name: [Click or tap here to enter text.](#)

Medical specialty: [Click or tap here to enter text.](#)

License number: [Click or tap here to enter text.](#)

License body: [Click or tap here to enter text.](#)

Address: [Click or tap here to enter text.](#)

City: [Click or tap here to enter text.](#)

Country: [Click or tap here to enter text.](#)

Postcode: [Click or tap here to enter text.](#)

Telephone: [Click or tap here to enter text.](#)
(with International code)

Fax: [Click or tap here to enter text.](#)

E-mail: [Click or tap here to enter text.](#)

Signature of Medical Practitioner: [Click or tap here to enter text.](#)

Date: [Click or tap to enter a date.](#)



7. Athlete's Declaration

I, [Click or tap here to enter text.](#), certify that the information set out at sections 1, 2, 3 and 7 is accurate and complete.

I authorize my physician(s) to release the medical information and records that they deem necessary to evaluate the merits of my TUE application to the following recipients: the Anti-Doping Organization(s) (ADO) responsible for making a decision to grant, reject, or recognize my TUE; the World Anti-Doping Agency (WADA), who is responsible for ensuring determinations made by ADOs respect the ISTUE; the physicians who are members of relevant ADO(s) and WADA TUE Committees (TUECs) who may need to review my application in accordance with the World Anti-Doping Code and International Standards; and, if needed to assess my application, other independent medical, scientific or legal experts.

I further authorize Federación Internacional de Pelota Vasca to release my complete TUE application, including supporting medical information and records, to other ADO(s) and WADA for the reasons described above, and I understand that these recipients may also need to provide my complete application to their TUEC members and relevant experts to assess my application.

I have read and understood the TUE Privacy Notice (below) explaining how my personal information will be processed in connection with my TUE application, and I accept its terms.

Athlete's signature: [Click or tap here to enter text.](#)

Date: [Click or tap to enter a date.](#)

Parent's/Guardian's signature: [Click or tap here to enter text.](#)

Date: [Click or tap to enter a date.](#)

(If the Athlete is a Minor or has an impairment preventing them from signing this form, a parent or guardian shall sign on behalf of the Athlete)



TUE Privacy Notice

This Notice describes the personal information processing that will occur in connection with your submission of a TUE Application.

TYPES OF PERSONAL INFORMATION (PI)

- The information provided by you or your physician(s) on the TUE Application Form (including your name, date of birth, contact details, sport and discipline, the diagnosis, medication, and treatment relevant to your application);
- Supporting medical information and records provided by you or your physician(s); and
- Assessments and decisions on your TUE application by ADOs (including WADA) and their TUE Committees and other TUE experts, including communications with you and your physician(s), relevant ADOs or support personnel regarding your application.

PURPOSES & USE

Your PI will be used in order to process and evaluate the merits of your TUE application in accordance with the International Standard for Therapeutic Use Exemptions. In some instances, it could be used for other purposes in accordance with the World Anti-Doping Code (Code), the International Standards, and the anti-doping rules of ADOs with authority to test you. This includes:

- Results management, in the event of an adverse or atypical finding based on your sample(s) or the Athlete Biological Passport; and
- In rare cases, investigations, or related procedures in the context of a suspected Anti-Doping Rule Violation (ADRV).

TYPES OF RECIPIENTS

Your PI, including your medical or health information and records, may be shared with the following:

- ADO(s) responsible for making a decision to grant, reject, or recognize your TUE, as well as their delegated third parties (if any). The decision to grant or deny your TUE application will also be made available to ADOs with testing authority and/or results management authority over you;
- WADA authorized staff;
- Members of the TUE Committees (TUECs) of each relevant ADO and WADA; and
- Other independent medical, scientific or legal experts, if needed.

Note that due to the sensitivity of TUE information, only a limited number of ADO and WADA staff will receive access to your application. ADOs (including WADA) must handle your PI in accordance with the International Standard for the Protection of Privacy and Personal Information (ISPPPI). You may also consult the ADO to which you submit your TUE application to obtain more details about the processing of your PI.



Your PI will also be uploaded to ADAMS by the ADO who receives your application so that it may be accessed by other ADOs and WADA as necessary for the purposes described above. ADAMS is hosted in Canada and is operated and managed by WADA. For details about ADAMS, and how WADA will process your PI, consult the ADAMS Privacy Policy ([ADAMS Privacy Policy](#)).

FAIR & LAWFUL PROCESSING

The GDPR came into force on 25 May 2016 and has been mandatory since May 2018. The LOPDGDD came into force on 7 December 2018.

The GDPR is a directly applicable regulation, which does not require internal transposition rules. However, the current LOPDGDD specifies certain provisions in areas where the GDPR allows it.

Two elements constitute the major innovation of the GDPR for the RDTs and are projected on all the obligations of organisations: the principle of proactive responsibility and the risk approach.

Principle of proactive responsibility

The GDPR describes this principle as the need for the DPO to implement appropriate technical and organisational measures in order to ensure that the processing is compliant with the GDPR.

In other words, this principle requires organisations to analyse what data they process, for what purposes and what kind of operations they carry out.

Based on this knowledge, they must explicitly determine how they will implement the measures provided for in the GDPR, ensuring that they are appropriate to comply with the GDPR and that they can demonstrate this to the competent authorities.

Thus, this principle includes a conscious and diligent attitude on the part of the organisations themselves with regard to any processing of personal data that they carry out.

This is established in **art. 24** RGPD and **art. 28** LOPDGDD:

Article 24.1, Responsibility of the controller.

Taking into account the nature, scope, context and purposes of processing and the risks of varying likelihood and severity for the rights and freedoms of natural persons, the controller shall implement appropriate technical and organisational measures in order to ensure and be able to demonstrate that the processing is in compliance with this Regulation. Those measures shall be reviewed and updated where necessary.

Article 28.1 and .2, General obligations of the controller and processor.

RDTs and EDTs shall determine the appropriate technical and organisational measures to be implemented in order to ensure and demonstrate that the processing is in compliance with the above-mentioned regulation (...).

For the adoption of the measures referred to in the previous paragraph, the RDTs and EDTs of the processing shall take into account, in particular, the increased risks that could occur in the following scenarios:

- a) When the processing could lead to discrimination, identity theft or fraud, financial loss, damage to reputation, loss of confidentiality of data subject to professional secrecy, unauthorised reversal of pseudonymisation or any other significant economic, moral or social harm to the data subjects,*
- b) Where the processing is likely to deprive data subjects of their rights and freedoms or is likely to prevent them from exercising control over their personal data,*
- c) In the event of processing that is not merely incidental or ancillary to the special categories of data referred to in articles 9 and 10 of this Organic Law or of data relating to the commission of administrative offences, the data shall be processed in accordance with the provisions of articles 9 and 10 of this Organic Law. [10 del Reglamento \(UE\) 2016/679](#) 9 and 10 of this Organic Law or data related to the commission of administrative offences,*
- d) Where the processing involves an evaluation of personal aspects of data subjects for the purpose of creating or using personal profiles of data subjects, in particular by analysing or predicting aspects relating to their performance at work, their financial situation, their health, their personal preferences or interests, their reliability or behaviour, their financial solvency, their location or their movements,*
- e) When data processing is carried out on particularly vulnerable groups of data subjects and, in particular, minors and persons with disabilities,*
- f) Where there is mass processing involving a large number of data subjects or involving the collection of a large amount of personal data,*
- g) Where personal data are to be transferred on a routine basis to third states or international organisations for which an adequate level of protection has not been declared, and*
- h) Any others that in the opinion of the RDT or EDT may be relevant and in particular those provided for in codes and standards defined by certification schemes.*

In parallel, the GDPR, **Art. 32**, provides for a number of security measures to be adopted taking into account the state of the art, the costs of implementation, the scope, context and purposes of the processing, as well as the risks of varying likelihood and severity to the rights and freedoms of natural persons:

- Pseudonymisation and encryption of personal data,
- The ability to ensure the confidentiality, integrity and continued availability of processing systems and services,
- The ability to restore access to personal data quickly in the event of an incident, and
- Have a process of verification and evaluation of the technical and organisational measures implemented in order to ensure the security of the processing.

The risk approach

The GDPR states that the measures aimed at compliance must take into account the nature, scope, context and purposes of processing as well as the risk to the rights and freedoms of individuals.



Thus, the measures provided for in the GDPR will be applied according to the level and type of risk to these rights and freedoms.

RIGHTS

You have rights with respect to your PI under the ISPPPI, including the right to a copy of your PI and to have your PI corrected, blocked or deleted in certain circumstances. You may have additional rights under applicable laws, such as the right to lodge a complaint with a data privacy regulator in your country.

Where the processing of your PI is based on your consent, you can revoke your consent at any time, including the authorization to your physician to release medical information as described in the Athlete Declaration. To do so, you must notify your ADO and your physician(s) of your decision. If you withdraw your consent or object to the PI processing described in this Notice, your TUE will likely be rejected as ADOs will be unable to properly assess it in accordance with the Code and International Standards.

In rare cases, it may also be necessary for ADOs to continue to process your PI to fulfill obligations under the Code and the International Standards, despite your objection to such processing or withdrawal of consent (where applicable). This includes processing for investigations or proceedings related to ADRV, as well as processing to establish, exercise or defend against legal claims involving you, WADA and/or an ADO.

SAFEGUARDS

All the information contained in a TUE application, including the supporting medical information and records, and any other information related to the evaluation of a TUE request must be handled in accordance with the principles of strict medical confidentiality. Physicians who are members of a TUE Committee and any other experts consulted must be subject to confidentiality agreements.

Under the ISPPPI, ADO staff must also sign confidentiality agreements, and ADOs must implement strong privacy and security measures to protect your PI. The ISPPPI requires ADOs to apply higher levels of security to TUE information, because of the sensitivity of this information. You can find information about security in ADAMS by consulting the response to [How is your information protected in ADAMS?](#) in our [ADAMS Privacy and Security FAQs](#).

RETENTION

Your PI will be retained by ADOs (including WADA) for the retention periods described in Annex A of the ISPPPI. TUE certificates or rejection decisions will be retained for 10 years. TUE application forms and supplementary medical information will be retained for 12 months from the expiry of the TUE. Incomplete TUE applications will be retained for 12 months.

CONTACT

Consult Federación Internacional de Pelota Vasca/Basque Pelota International Federation at chelopaolarivera@gmail.com for questions or concerns about the processing of your PI. To contact WADA, use privacy@wada-ama.org.

Please submit the completed form to [beatriz@fipv.net via an encrypted email. Send it with a password to protect their document] (keeping a copy for your records).