



THERAPEUTIC USE EXEMPTION POLICY

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INTRODUCTION

According to the World Anti-Doping Agency's (WADA) International Standard for Therapeutic Use Exemptions (ISTUE), Athletes with a documented medical condition requiring the use of a Prohibited Substance or a Prohibited Method must first obtain a TUE. A TUE may, under certain well-defined and restricted conditions, enable Athletes to take the necessary medication whilst competing in sporting events without resulting in a doping offence. An independent Therapeutic Use Exemption Committee (TUEC) shall review applications for TUEs according to the requirements of the Standard.

This policy should be read in conjunction with the principles set out in Article 4.4 of the World Anti-Doping Code (Code) and the ISTUE established through the Code. The Introduction, the Terms and Definitions (Appendix 1) and the other appendices shall also be considered integral parts of this policy.

1 APPLICATION OF THE ADS TUE POLICY

1.1 Depending on the status of an Athlete or the level of competition the Athlete is participating in, a TUE application must be made by the Athlete to the relevant body (ADS, International Federation or other relevant Anti-Doping Organizations).

1.2 All Athletes listed below shall submit their TUE applications to ADS:

- (a) Athletes in the ADS Registered ("ADS RTP") and Domestic Testing Pool ("ADS DTP");
- (b) Athletes carded under Sport Singapore's spexCarding programme;
- (c) Singapore Athletes participating in a National Sports Association's (NSA) National Championship for which a TUE granted pursuant to the ADS Anti-Doping Rules is required; and
- (d) Any other Singapore Athlete not mentioned above where a TUE is required.

1.3 The following Athletes shall obtain a TUE from their International Federation (IF):

- (a) Athletes in the International Federation's Registered Testing Pool ("IF RTP"); and
- (b) Athletes participating in an International Event for which a TUE granted pursuant to the International Federation's (IF) rules are required. This applies whether or not the Athletes already have a TUE on a national level.

Athletes must abide by their respective IF's TUE policies and procedures for their TUE applications.

1.4 The following Athletes shall obtain a TUE from their respective countries' National Anti-Doping Organizations (NADO):

- (a) Non-Singapore Athletes participating in a National Sports Association's (NSA) National Championship for which a TUE granted pursuant to the ADS Anti-Doping Rules is required. Athletes must abide by their respective NADO's TUE policies and procedures for their TUE applications.

Note: TUE applications may be submitted to ADS if an Athlete's NADO does not have the capacity to review and grant TUEs.

- 1.5 Depending on the applicable anti-doping rules, Athletes who are participating in a Major Event, for eg, the Olympic or Paralympic Games, Asian Games, Commonwealth and Southeast Asian Games, may be required to apply for a TUE to the respective Major Event Organizer (MEO). The TUE granted by the MEO is effective for the period of the event only. Athletes must abide by the respective MEO's TUE policies and procedures for their TUE applications.
- 1.6 A TUE application shall be submitted to only one Anti-Doping Organization at a time. Further, Athletes may not have more than one TUE for the same medical condition at the same time.
- 1.7 If an Athlete changes level from national to international, it is the Athlete's responsibility to alert or notify the IF if he/she already have a TUE approved by ADS. This is to confirm if there is a need to apply for a new TUE to the IF or to request for recognition of an existing ADS TUE.

2 CRITERIA FOR GRANTING A TUE

An Athlete may be granted a TUE if (and only if) he/she can show, on the balance of probabilities, that each of the following conditions is met:

- 2.1 The Prohibited Substance or Prohibited Method in question is needed to treat a diagnosed medical condition supported by relevant clinical evidence;
- 2.2 The Therapeutic Use of the Prohibited Substance or Prohibited Method will not, on the balance of probabilities, produce any additional enhancement of performance beyond what might be anticipated by a return to the Athlete's normal state of health following the treatment of the medical condition;
- 2.3 The Prohibited Substance or Prohibited Method is an indicated treatment for the medical condition, and there is no reasonable permitted Therapeutic alternative; and
- 2.4 The necessity for the Use of the Prohibited Substance or Prohibited Method is not a consequence, wholly or in part, of the prior Use (without a TUE) of a substance or method which was prohibited at the time of such Use.

3 TUE PROCEDURE

A TUE is required for all medical treatments involving the use of a Prohibited Substance or Prohibited Method detailed in the Prohibited List. Athletes in the IF's RTP shall abide by their respective IF's TUE rules and procedures.

3.1 Submission Deadline

For Athletes in the ADS RTP and ADS DTP and those carded under Sport Singapore's spexCarding programme,

- (a) To ensure that the TUE is granted to the Athlete prior to participation in a competition, all Athletes who require the use of substances or methods prohibited *In-Competition* are to submit their applications **at least thirty (30) days** prior to his/her next Competition, unless it is an emergency or exceptional situation.
- (b) For substances prohibited *at all times*, the TUE application must be submitted as soon as the medical condition requiring the use of prohibited substances or methods is diagnosed.

3.2 Forms and Documents

- (a) TUE applications must be submitted to ADS using the ADS TUE Application Form. The application form can be obtained from the ADS website at ads.gov.sg or the respective NSA. The IF's RTP Athletes can obtain the forms from their respective IF.
- (b) The TUE application must be signed by the treating physician and accompanied by a comprehensive medical history, including documentation from the original diagnosing physician(s) (where possible) and the results of all examinations, laboratory investigations and imaging studies relevant to the application.
- (c) The physician shall provide justification for the therapeutic use exemption for the prohibited medication if the permitted medication can be used to treat the medical condition.
- (d) The substance in question must be given its generic name. Brand names will not be accepted and will lead to the application being returned. The dose, frequency, route and duration of administration of the prohibited substance or method in question must be specified. If any of these changes, a new application should be submitted.
- (e) Any additional relevant investigations, examinations or imaging studies may be requested for consideration to grant a TUE. For conditions that cannot be demonstrated, independent medical justification must be attached to the application.
- (f) Any costs incurred by the Athlete in making the TUE application and in supplementing it as required by the TUE Committee are the sole responsibility of the Athlete.

3.3 Approval Procedure

- (a) According to Articles 5.1 to 5.4 of the ISTUE, the relevant Anti-Doping Organization shall appoint an independent Therapeutic Use Exemption Committee (TUEC) to review and grant TUEs to Athletes. ADS shall appoint an independent TUEC to review and grant TUEs to Athletes.
- (b) In normal circumstances, decisions of the TUEC shall be completed within twenty-one (21) days upon receipt of a complete application form and all relevant documentation, and will be conveyed in writing to the Athlete by ADS.
- (c) If a TUE application to an event is made outside of the stipulated submission timeline, the TUEC shall use its best endeavors to complete the TUE process before the start of the Event and cannot guarantee the process of the application before the start of the Event.

- (d) Should the Athlete wish to revoke the right of the TUEC to obtain any health information on his/her behalf, the Athlete shall notify his/her medical practitioner in writing of the fact. As a consequence of such a decision, the Athlete will not receive approval for a TUE or renewal of an existing TUE.
- (e) ADS will notify the relevant IF and WADA of the TUEs granted to Athletes.
- (f) Any TUE that an Athlete has obtained from ADS shall not be valid if the Athlete becomes an International-Level Athlete or competes in an International Event unless and until the relevant IF recognizes that TUE in accordance with Article 7.0 of the ISTUE. Any TUE that an Athlete has obtained from an IF shall not be valid if the Athlete competes in an International Event organized by a Major Event Organization (MEO), unless and until the relevant MEO recognizes that TUE in accordance with Article 7.0 of the ISTUE. As a result, if the IF or MEO (as applicable) declines to recognize that TUE, then (subject to the Athlete's rights of review and appeal) that TUE may not be relied upon to excuse the presence, Use, Possession or Administration of the Prohibited Substance or Prohibited Method mentioned in the TUE vis-à-vis that IF or MEO.

3.4 Commencement of Medical Treatment

The Athlete may commence treatment and/or sporting practice only upon receipt of official notification of the approved TUE. Otherwise, they would be using a Prohibited Substance or Prohibited Method without authorization. This would constitute an anti-doping rule violation in the event of denial of the TUE by the TUEC. However, in situations of a medical emergency or need for urgent treatment, an Athlete should not jeopardize or risk their health and should be aware that they will, in such circumstances, be able to apply retroactively for a TUE. Such a TUE is still subject to the criteria listed in ISTUE Article 4.2 (unless ISTUE Article 4.3 applies).

4 RETROACTIVE TUE

- 4.1 There are situations for which TUEs may be granted retroactively. Nevertheless, even if a potential retroactive TUE case is examined, under no circumstances does this provide any guarantee that the TUE will be granted. The evaluation procedure is the same as that for the standard TUE application. The application will be considered by the relevant TUEC, which will issue its decision.
- 4.2 An Athlete may apply retroactively for a TUE (but must still meet the conditions in ISTUE Article 4.2) if one of any of the following exceptions applies:
 - (a) Emergency or urgent treatment of a medical condition was necessary;
 - (b) There was insufficient time, opportunity or other exceptional circumstances that prevented the Athlete from submitting (or the TUEC to consider) an application for the TUE prior to sample collection;
 - (c) All other Singapore Athletes who are not in the ADS RTP and ADS DTP, as well as those not carded under Sport Singapore's spexCarding programme, will be allowed to submit a TUE

retroactively if selected for testing by ADS or a NSA according to the ADS Anti-Doping Rules;
or

- (d) The Athlete Used a Prohibited Substance that is only prohibited In-Competition for Therapeutic reasons during Out-of-Competition

4.3 Full and clear documentation of the medical incident is required, and the TUE application process must be initiated at the first opportunity.

5 CANCELLATION OF A TUE

The TUE will be cancelled, if:

- 5.1 The Athlete does not promptly comply with any requirements or conditions of the ADS TUE Policy; and/or
- 5.2 The term for which the TUE was granted has expired; and/or
- 5.3 The Athlete is advised that the TUE has been withdrawn by ADS; and/or
- 5.4 A decision granting a TUE has been reversed by WADA or on appeal.

6 RENEWAL OF TUE

- 6.1 There are no automatic extensions to a TUE. A new application is required when the previous TUE expires. Even for chronic Use of medication, a TUE can be granted only for a limited period.
- 6.2 The Athlete must obtain and submit the TUE Application Form and medical documentation in the usual manner, and the TUE will be renewed in accordance with the same procedure. All application forms must be duly completed, signed and dated by the physician and the Athlete. The physician should attach a recommendation for the TUEC concerning the duration of validity of the TUE, based on the next appointment scheduled with his/her patient in order to monitor the specific medical condition.

7 DURATION OF VALIDITY

- 7.1 A TUE will be granted for a limited period of time, even if use of the substance is chronic. The Use of the substance will be regularly monitored by a physician, and the TUE will be renewed accordingly.
- 7.2 In the event that, after TUE is granted, the Athlete requires a materially different dosage, frequency, route or duration of Administration of the Prohibited Substance or Prohibited Method to that specified in the TUE, the Athlete must contact ADS, who will then determine whether the Athlete needs to apply for a new TUE. If the presence, Use, Possession or Administration of the Prohibited Substance or Prohibited Method is not consistent with the terms of the TUE granted, the fact that the Athlete has the TUE will not prevent the finding of an anti-doping rule violation.

8 RECOGNITION OF TUE

8.1 Article 4.4 of the Code requires Anti-Doping Organizations to recognize the TUE granted by other Anti-Doping Organizations that satisfy the conditions of Article 4.2 of the ISTUE. Therefore, if an Athlete who becomes subject to the TUE requirements of an IF or Major Event Organization (MEO) and already has a TUE, he/she should not submit an application for a new TUE to the IF or MEO. Instead:

- (a) The IF or MEO may publish notice that it will automatically recognize TUE decisions made pursuant to Article 4.4 of the Code (or certain categories of such decisions, e.g., those made by specified Anti-Doping Organizations, or those relating to particular Prohibited Substances), provided that such TUE decisions have been reported in accordance with Article 5.5 of the ISTUE. If the Athlete's TUE falls into a category of TUEs that are automatically recognized in this way at the time the TUE is granted, he/she does not need to take any further action.
- (b) In the absence of such automatic recognition, the Athlete shall submit a request for recognition of the TUE to the IF or MEO in question, either via ADAMS or as otherwise specified by that IF or MEO. The request should be accompanied by a copy of the TUE and the original TUE application form and all required supporting materials referenced at Article 6.4 of the ISTUE (unless the Anti-Doping Organization that granted the TUE has already made the TUE and supporting materials available via ADAMS in accordance with Article 5.5 of ISTUE).

8.2 Accordingly, ADS shall recognize TUEs granted by the TUECs of other IFs or NADOs that satisfy the conditions of Article 4.2 of the ISTUE.

9 LANGUAGES USED

All copies of applications and appropriate medical information necessary for the decision must be submitted in English or translated to English prior to submission to ADS.

10 CONFIDENTIALITY OF INFORMATION

10.1 The Processing of Personal Information during the TUE process by ADS shall comply with the International Standard for the Protection of Privacy and Personal Information (ISPPPI).

10.2 In accordance with Article 7.1 of the ISPPPI in connection with an Athlete's application for the grant or recognition of a TUE:

- (a) All information pertaining to the application will be transmitted to members of all TUECs with authority under this International Standard to review the file and, as required, other independent medical or scientific experts, and to all necessary staff (including WADA staff) involved in the management, review or appeal of TUE applications;
- (b) The Athlete must authorize his/her physician(s) to release to any relevant TUEC upon request any health information that any such TUEC deems necessary in order to consider and determine the Athlete's application; and

- (c) The decision on the application will be made available to all anti-Doping Organizations with Testing authority and/or Results Management authority over the Athlete.
- 10.3 The TUE application shall be dealt with in accordance with the principles of strict medical confidentiality. The members of all relevant TUECs, any consulted independent experts and the relevant staff of ADS shall conduct all of their activities relating to the process in strict confidence and shall sign appropriate confidentiality agreements. In particular, to keep the following information confidential:
- (a) All medical information provided by the Athlete and physician(s) involved in the Athlete's care; and
 - (b) All details of the application, including the name of the physician(s) involved in the process.
- 10.4 Should the Athlete wish to revoke the right of a TUEC to obtain any health information on his/her behalf, the Athlete shall notify his/her physician in writing of such revocation; provided that, as a result of that revocation, the Athlete's application for a TUE or for recognition of an existing TUE will be deemed withdrawn without approval/recognition having been granted.
- 10.5 ADS shall only use information submitted by an Athlete in connection with a TUE application to evaluate the application and in the context of potential anti-doping rule violation investigations and proceedings.

11 RESULTS MANAGEMENT

In the event of an Adverse Analytical Finding, the following procedure applies:

11.1 Review by ADS

ADS shall conduct a review to determine if:

- (a) Any TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions (Article 5.1.1.1 of the International Standard for Results Management);
- (b) There is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Adverse Analytical Finding (Article 5.1.1.1 of the International Standard for Results Management); and/or
- (c) It is apparent that the Adverse Analytical Finding was caused by an ingestion of the relevant Prohibited Substance through a permitted route (Article 5.1.1.1 of the International Standard for Results Management).

11.2 Existing TUEs and corresponding level of prohibited substance

Where a TUE is granted, no action is required as long as the reported level corresponds to the prescribed treatment plan and authorized dose.

11.3 Existing TUEs whereby the level of the prohibited substance does not correspond to the TUE

ADS will continue to follow the results management procedure for Adverse Analytical Findings if the level of the prohibited substance in the sample reported by the laboratory does not correspond to the authorized dose for the granted TUE.

11.4 Absence of a TUE

If the Athlete does not have a TUE or if the TUE is not valid, ADS shall follow its rules regarding results management applicable to adverse analytical findings based on Article 7.2 of the Code.

12 WADA TUEC REVIEWS AND APPEALS

The WADA TUEC is established to review, whether upon request by those affected or on its own initiative, TUE decisions granted by Anti-Doping Organizations. The WADA TUEC, upon request by Athletes who have been denied TUEs by an Anti-Doping Organization, may review such decisions with the power to reverse them.

Appendix 1: TERMS AND DEFINITIONS

Defined Terms from the Code

ADAMS: The Anti-Doping Administration and Management System is a Web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and WADA in their anti-doping operations in conjunction with data protection legislation.

Administration: Providing, supplying, supervising, facilitating, or otherwise participating in the Use or Attempted Use by another Person of a Prohibited Substance or Prohibited Method. However, this definition shall not include the actions of bona fide medical personnel involving a Prohibited Substance or Prohibited Method used for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving Prohibited Substances which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate that such Prohibited Substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

Adverse Analytical Finding: A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the International Standard for Laboratories, establishes in a Sample the presence of a Prohibited Substance or its Metabolites or Markers or evidence of the Use of a Prohibited Method.

Anti-Doping Organization: WADA or a Signatory that is responsible for adopting rules for initiating, implementing or enforcing any part of the Doping Control process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other Major Event Organizations that conduct Testing at their Events, International Federations, and National Anti-Doping Organizations.

Athlete: Any Person who competes in sport at the international level (as defined by each International Federation) or the national level (as defined by each National Anti-Doping Organization). An Anti-Doping Organization has discretion to apply anti-doping rules to an Athlete who is neither an International-Level Athlete nor a National-Level Athlete, and thus to bring them within the definition of "Athlete". In relation to Athletes who are neither International-Level nor National-Level Athletes, an Anti-Doping Organization may elect to: conduct limited Testing or no Testing at all; analyze Samples for less than the full menu of Prohibited Substances; require limited or no whereabouts information; or not require advance TUEs. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any Athlete over whom an Anti-Doping Organization has elected to exercise its authority to test and who competes below the international or national level, then the Consequences set forth in the Code must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and Education, any Person who participates in sport under the authority of any Signatory, government, or other sports organization accepting the Code is an Athlete.

Attempt: Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an Attempt to commit a violation if the Person renounces the Attempt prior to it being discovered by a third party not involved in the Attempt.

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping Code.

Competition: A single race, match, game or singular athletic contest. For example, a basketball game or the finals of the Olympic 100-meter race in athletics. For stage races and other sport contests where prizes are awarded on a daily or other interim basis the distinction between a Competition and an Event will be as provided in the rules of the applicable International Federation.

Domestic Testing Pool: The pool of National-level Athletes, other than an International-Level or National-Level Athlete in ADS' Registered Testing Pool, established by ADS who are subject to both In-Competition and Out-of-Competition Testing as part of ADS' test distribution plan.

Event: A series of individual Competitions conducted together under one ruling body (e.g., National Championships, the Olympic Games, World Championships of an International Federation, or Pan American Games).

In-Competition: The period commencing at 11.59 p.m. on the day before a Competition in which the Athlete is scheduled to participate through the end of such Competition and the Sample collection process related to such Competition. Provided, however, WADA may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport; upon such approval by WADA, the alternative definition shall be followed by all Major Event Organizations for that particular sport.

International Event: An Event or Competition where the International Olympic Committee, the International Paralympic Committee, an International Federation, a Major Event Organization, or another international sport organization is the ruling body for the Event or appoints the technical officials for the Event.

International-Level Athlete: Athletes who compete in sport at the international level, as defined by each International Federation, consistent with the International Standard for Testing and Investigations.

International Standard: A standard adopted by WADA in support of the Code. Compliance with an International Standard (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the International Standard were performed properly. International Standards shall include any Technical Documents issued pursuant to the International Standard.

Major Event Organizations: The continental associations of National Olympic Committees and other international multi-sport organizations that function as the ruling body for any continental, regional or other International Event.

National Anti-Doping Organization: The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of Samples, the management of test results, and the conduct of hearings at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's National Olympic Committee or its designee.

National Event: A sport Event or Competition involving International- or National-Level Athletes that is not an International Event.

National-Level Athlete: Athletes who compete in sport at the national level, as defined by each National Anti-Doping Organization, consistent with the International Standard for Testing and Investigations. In Singapore, National-Level Athletes are defined as set out in the Introduction to the ADS Anti-Doping Rules (Section “Scope of these Anti-Doping Rules”).

National Sports Association: Any national, provincial or territorial Person governing sport in Singapore or part thereof and its affiliated members, clubs, teams, associations and leagues.

Out-of-Competition: Any period which is not In-Competition.

Possession: The actual, physical Possession, or the constructive Possession (which shall be found only if the Person has exclusive control or intends to exercise control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists); provided, however, that if the Person does not have exclusive control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists, constructive Possession shall only be found if the Person knew about the presence of the Prohibited Substance or Prohibited Method and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on Possession if, prior to receiving notification of any kind that the Person has committed an anti-doping rule violation, the Person has taken concrete action demonstrating that the Person never intended to have Possession and has renounced Possession by explicitly declaring it to an Anti-Doping Organization. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a Prohibited Substance or Prohibited Method constitutes Possession by the Person who makes the purchase.

Prohibited List: The List identifying the Prohibited Substances and Prohibited Methods.

Prohibited Method: Any method so described on the Prohibited List.

Prohibited Substance: Any substance, or class of substances, so described on the Prohibited List.

Registered Testing Pool: The pool of top-level Athletes established separately by each International Federation and National Anti-Doping Organization who are subject to both In-Competition and Out-of-Competition Testing as part of that International Federation’s or National Anti-Doping Organization’s test distribution plan. Each International Federation shall publish a list which identifies those Athletes included in its Registered Testing Pool either by name or by clearly defined, specific criteria.

Results Management: The process encompassing the timeframe between notification as per Article 5 of the International Standard for Results Management, or in certain cases (e.g. Atypical Finding, Athlete Biological Passport, Whereabouts Failure), such pre-notification steps expressly provided for in Article 5 of the International Standard for Results Management, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

Sample or Specimen: Any biological material collected for the purposes of Doping Control.

Testing: The parts of the Doping Control process involving test distribution planning, Sample collection, Sample handling, and Sample transport to the laboratory.

Therapeutic Use Exemption (TUE): A Therapeutic Use Exemption allows an Athlete with a medical condition to use a Prohibited Substance or Prohibited Method, but only if the conditions set out in Article 4.4 and the International Standard for Therapeutic Use Exemptions are met.

Use: The utilization, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance or Prohibited Method.

WADA: The World Anti-Doping Agency.

Defined terms from the International Standard for the Protection of Privacy and Personal Information

Personal Information: Information, including without limitation Sensitive Personal Information, relating to an identified or identifiable Participant or other Person whose information is Processed solely in the context of an Anti-Doping Organization's Anti-Doping Activities.

Processing (and its cognates, **Process** and **Processed**): Collecting, accessing retaining, storing, disclosing, transferring, transmitting, amending, deleting or otherwise making use of Personal Information.

Defined terms specific to the International Standard for Therapeutic Use Exemptions

Therapeutic: Of or relating to the treatment of a medical condition by remedial agents or methods; or providing or assisting in a cure.

Therapeutic Use Exemption Committee (or "TUEC"): The panel established by an relevant Anti-Doping Organization to consider applications for TUEs.

WADA TUEC: The panel established by WADA to review the TUE decisions of other Anti-Doping Organizations.