

**TO THE MEMBERS OF FIFA**

Circular no. 1405

Zurich, 16 January 2014

SG/mav

**Transfer Matching System (TMS) – confidentiality and access**

Dear Sir or Madam,

As you are aware, since 1 October 2010, the Transfer Matching System (hereinafter "TMS") has been incorporated into the FIFA Regulations on the Status and Transfer of Players (hereinafter the "Regulations" – cf. circular no 1233).

The use of TMS is mandatory for all international transfers of professional male players within the scope of 11-a-side football. In particular, Annexe 3 of the Regulations sets out the obligations of associations and clubs in relation to the use of TMS when processing the international transfer of professional male players.

The use of TMS is also mandatory when a minor is being registered as a non-national for the first time or is involved in an international transfer. Annexe 2 of the Regulations sets out the process and procedure for the request for approval by a sub-committee appointed by the FIFA Players' Status Committee for these purposes.

FIFA is committed to ensuring that access to TMS is restricted to those users who are authorised to use TMS by FIFA TMS GmbH (cf. art. 7 of Annexe 3). In addition, FIFA is committed to ensuring that the data that resides in TMS is kept confidential. TMS is a safe and secure system, and the information it contains is kept confidential in accordance with Swiss data protection laws.

Over the past year, FIFA and FIFA TMS GmbH have received a number of enquiries from third parties, member associations and clubs asking for information from TMS or requesting to be allowed to disclose data in TMS to third parties (e.g. state authorities). In accordance with Swiss data protection laws, this information was either not provided or the requests were rejected. The purpose of this circular is to seek your assistance in ensuring that TMS remains safe and secure and that the information remains confidential.

To restrict access to TMS and to ensure the confidentiality of the data in TMS, each TMS user, whether using TMS on behalf of their association or their club, must sign a data protection agreement promising to take the necessary steps to keep access to TMS restricted to their own use and to ensure that the information contained in TMS is kept confidential. Each individual TMS user, club and association is bound by the terms of the data protection agreement and is given specific login details which they must keep confidential.

In addition to the data protection agreements, the obligation to safeguard the information in TMS is set out in the Regulations, in particular art. 3.4 pars 1 and 2 of Annexe 3, which clearly state:

*Art. 3.4 par. 1: "Associations and clubs will keep all data obtained based on access to TMS strictly confidential and take all reasonable measure and apply the highest degree of care in order to guarantee at all times complete confidentiality. Furthermore, associations and clubs will use the confidential information exclusively for the purpose of accomplishing player transactions in which they are directly involved."*

*Art. 3.4 par. 2: "Associations and clubs will ensure that only authorised users have access to TMS. Furthermore, associations and clubs will select, instruct and control the authorised users with the highest possible care."*

We wish to remind you that only authorised TMS users may have access to TMS. No third party, including any persons who may have been appointed by a court, may have access to TMS.

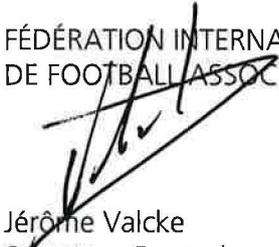
We also wish to remind you that any and all data in TMS must not be disclosed by your association or any of your affiliated clubs. Your association and affiliated clubs are not permitted to disclose data that you may be able to see but that you do not possess. Data that your association and your affiliated clubs can see in TMS because of their access to the system can only be used in accordance with art. 3.4 par. 1 of Annexe 3 of the Regulations as set out above and **for no other purpose**.

Where there is a concern regarding unauthorised access to TMS, for the protection of all parties, FIFA TMS GmbH will be authorised to take the required steps to change access to TMS for your association and the affiliated clubs affected.

We thank you for taking note of the above and for informing your affiliated clubs accordingly.

Yours faithfully,

FÉDÉRATION INTERNATIONALE  
DE FOOTBALL ASSOCIATION

  
Jérôme Valcke  
Secretary General

cc: - FIFA Executive Committee  
- Confederations