

Forum on Sport and Human Rights

Topic: Privacy

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Data Protection & Sports Sector

- Organized sport and data protection highly interconnected and complex field
- Personal data processing occurs in multiple contexts in sports today
- Data relating to athletes, coaches/trainers, managers, officials, medical professionals, parents/guardians, spectators, bettors
- Processed by public authorities, law enforcement, sports bodies, event organizers, anti-doping organizations, betting authorities, third-party agents

Data Protection & Sports Sector

- Data privacy legal frameworks are still maturing to take into account sports-related processing
- Omnibus data protection statutes – CoE Convention 108+ & EU GDPR – contain no or limited references to sport-related processing
- Topical CoE instruments – Anti-Doping Convention & Macolin Convention -- often do not reference data protection much or at all
- National sports, anti-doping or sports integrity laws gradually accounting for data processing

Data Protection & Anti-Doping

- Anti-doping regimes implicate a host of data protection issues
 - Whereabouts, TUEs, testing and analysis, ABPs, results management, publication
 - Athletes, coaches/trainers, DCOs, whistleblowers
- Closed global ecosystem governed by World Anti-Doping Code, overseen by WADA, and privacy standard establishes a high baseline for ADOs
- Standard aligned with European standards, and has evolved over time to reflect emerging laws
- National laws beginning to reflect anti-doping as a substantial public interest, creating a legal basis for processing and transfer

Data Protection & Sports Manipulation

- Alignment of data protection standards with anti-sports manipulation programmes at earlier stage of development
- National platforms comprised of public authorities, law enforcement, sports organizations, betting agents, each variously regulated
 - More private/public sector sharing, no regional or global framework
- Group of Copenhagen established (draft) Data Protection Principles to guide conduct of National Platforms, including commitments to transparency, legal basis, and other norms in CoE Convention 108+

Data Protection & Sports Violence

- CoE Conventions on Spectator Violence and Safety, Security and Service Approach creates yet another sports and data protection nexus
- Requires measures relating to crowd management, spectator monitoring, exclusion arrangements, policing strategies (e.g., CCTV/facial recognition), exchanges of information with competent authorities, and spectator bans
- Raises a host of data protection issues requiring further consideration

Future Steps

- Balancing data protection norms and public policy objectives of ensuring sport is clean, safe and free from influence will pose challenges for policy makers, sports sector and regulators
- Necessary to set the right balance to ensure fundamental privacy rights v. policy goals relating to sport are respected
- The global nature of sport calls often for coordinated action at the regional or global level to keep practices consistent

Thank you!