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HANDY GUIDE

# Data protection in sport

## Data protection in sport

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The UK General Data Protection Regulation (GDPR) and UK Data Protection Act 2018 apply to any organisation that collects and stores personal data in the UK – this includes all sports organisations, irrespective of size. The EU GDPR and further regional legislation may also be applicable, depending on the nature of the data processing.

Increased regulation has coincided with an exponential increase in data collection and analysis at every level of sport. From grass roots through to the elite level, athletes, clubs, and event organisers have access to a wide range of health and other personal data.

In this guide we look at five key issues that should be considered when handling personal data in sport.

## Meeting your transparency obligations

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A privacy notice sets out a data controller's policies in relation to the collection and processing of personal data. Organisations must have a lawful reason to process data and individuals have a right to know exactly what data about them is held and how this data is kept secure.

Privacy notices should be made publicly available, such as on a club or association's website, so that fans and members have the opportunity to understand how their data is being used. Privacy notices should be clear, kept up-to-date, and explain to individuals why their data is being collected, for example, to record details of their club membership or to keep them informed about future events. If personal data will be shared with a third party, this should also be made clear.

Privacy notices are often an organisation's main point of contact with individuals, so it is important to be clear and concise to ensure you're being transparent and building trust with how you process personal data.

## Performance data

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As a result of the significantly increased use of technology in sports, clubs can now gather vast amounts of performance data on athletes through the use of wearable devices, such as heart rate, body temperature, blood pressure, and oxygen levels. The GDPR principle of "data minimisation" means that organisations should hold only the minimum amount of personal data necessary to fulfil their purpose. In other words, clubs must ensure that they collect and retain only the data they require. This is of particular importance where the data is "special category" data, which includes health data.

Generally speaking, data relating to health must not be released to anyone without the specific consent of the athlete. There are, however, exceptions to this general rule, such as medical records being disclosed for insurance or anti-doping purposes. Organisations must ensure that they are aware of their obligations and adhere to the legal requirements when handling special category data.

## Data subject access requests

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Individuals have a right to obtain all personal data concerning them held by a data controller. In a sports context, this means that athletes, employees, and fans have a right to request records of their personal data held by organisations such as clubs, governing bodies, and event organisers.

Individuals may use Article 15 of the UK GDPR to gain more transparency about their data being processed by an organisation. These requests can often be time consuming and organisations must respond to requests within one month. It is key that organisations have a proper process and trained individuals to deal with any such requests.

## Balancing the “right to be forgotten”

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Individuals have a right to personal data erasure in certain circumstances, such as when that personal data is no longer necessary for the purpose it was originally collected, including when an athlete retires or transfers to another club.

Organisations must ensure that they maintain compliance with data protection legislation when dealing with these rights and understand the circumstances in which data can be retained in order to meet compliance obligations, for example to allow governing bodies to carry out regulatory investigations.

## Artificial Intelligence (AI) and automated decision making

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AI technology is used in a number of ways in the modern world of sports, including ticketing, performance analysis, injury prevention, scouting, and recruitment. AI technology uses vast amounts of personal data gathered through wearable technology and computer vision to analyse performance, identify patterns, and benchmark prospective athletes' performance. Additional to the general rules on special category data, further consideration must be given to profiling and automated decision making.

If athletes or attendees at events are subject to solely automated decisions or profiling, Article 22 sets out that they must be given information about the automated decisions and regular checks must be carried out on these systems to ensure they are working as intended.

## Find out more

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Our data protection experts are well-equipped to advise sports clubs, sports organisations, and sportspeople. Whether it's long-term strategy or just a one-off data protection issue, our team can help.

We offer advice to a number of groups, including:

- national and international governing and regulatory bodies;
- individual sportspeople;
- professional and amateur clubs;
- event organisers; and
- sports agencies.

For advice on implementing best practices in relation to and the use of data in sport, please contact [Joanna Boag-Thomson](#) or [Joe Fitzgibbon](#).

## Key contacts

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