



ATHLETES DO NOT LEAVE THEIR RIGHTS AT THE LOCKER ROOM DOOR

WHY ATHLETE DATA RIGHTS ARE SO COMPLEX

REAL WORLD SOLUTIONS

New Data Uses Raise Questions

Athletes are generating millions of data points from personal health information that will be used to improve their game-time performance and optimize team gameplay. Their data is a valuable commodity that is being monetized for products and services beyond broadcast games: virtual and augmented reality, mobile apps, fantasy sports, betting, in-stadium fan engagement experiences and more. These new data uses pose challenges to privacy and property rights in the data.

New Territory for the Sports Industry: Athlete Data Rights

Leagues, teams, unions and other data collectors have a valid reason to collect and disclose private health information belonging to athletes. Athletes have a valid reason to protect their information from disclosure.

Athletes have the right to protect their player tracking data (PTD) and athlete biometric data (ABD). Plus, athletes have the right to derive revenue from it. They have the right to control who uses it and how it is used. Currently PTD and ABD are protected by a patchwork of privacy laws and the level of protection can vary greatly. State statutes governing rights in biometric data are limited. Only the State of Illinois currently regulates the use of biometrics.

Laws governing publicity rights and other intellectual property rights in PTD and ABD

have not yet been tested in courts. This means that a new class of commoditized data is emerging without a regulatory framework to protect the interests of data contributors and users. Plus, this is occurring at a time when big data capabilities and technological innovations increase capabilities to capitalize on and misuse the data. Lost privacy rights, property rights and revenue will result. The problem is complex and there are no perfect, one-size-fits-all solutions.



Data Categories Matter

When data is collected and used, it may fall into one or more categories including:

- Employment record
- Personal health information
- Medical record/ injury report
- Performance and athlete/team development records
- Genetic pre-disposition for athleticism

- Business metrics
- Product for generating revenue
- Publicity right
- Trade secret/trademark/copyright
- Proprietary or confidential information
- Protected speech under the First Amendment

These categories determine, in part, which legal rights apply. When data collected for one purpose is used for a new purpose, the legal treatment of the data may change. This impacts, and may restrict, how the data may be used and disclosed. This, in turn, affects the cost to use the data and the value that may be derived from the data.

Data Rights Management Solutions

Systematically tackling privacy and property rights to find solutions that fit and serve the needs of each player in the sports data ecosystem is imperative. We offer data rights management strategies and solutions to help you protect and control your data while you optimize it for revenue generation.

Contact Us for More Information
For strategies to protect and capitalize on your data, contact Kristy@SportsDataStrategies.com