



THE COST OF DOING NOTHING

Lost revenue and legal rights result if data rights go unprotected

DATA IS A VALUABLE COMMODITY WITH CORRESPONDING PUBLICITY RIGHTS

The high stakes of ignoring how your data is used

By Kristy Gale

Monitoring athletes and using biometrics as a commodity is an economic purpose that raises legal and ethical issues.

Andre Iguodala & Wearables

Golden State Warriors player Andre Iguodala utilized wearable technology to improve his performance on the court during the 2013-14 NBA season. The data collected from the wearable identified ways Iguodala could improve his performance. While he acknowledged the benefits, Iguodala also said he hoped all the players don't become robots that are fed the same thing every day then a switch is flipped and they all go to sleep.¹ Other athletes have expressed concern about data leaks and other privacy concerns. Having their data used against them in contract negotiations is another concern.

Athletes Lose Rights & Dollars

Athlete biometric data (ABD) and some player tracking data (PTD) have attached privacy and property rights.

Even though there are some exceptions, athletes have the right to protect and control the use of their data. They can decide what data to contribute, who may use it, and how it may be used.

If athletes sign waivers, contracts or other documents that assign, license or otherwise grant rights to others to use all of their ABD or PTD without limitation (e.g., for any purpose ever developed), they risk losing their privacy and property rights. These authorizations should limit the use of ABD and PTD only for specific purposes for a specified time and for fair compensation to the athlete. Otherwise, athletes miss out on current and future dollars.

Athletes Can & Must Control the Use of Their Data

Taking no action has the same result as granting overly broad usage rights – loss or erosion of rights and revenue that athletes should receive from the use of their data.

Athletes can take steps now to protect their data, rights and revenue. Plus, they can use their voices to call for professional standards, ethics and laws to prevent dystopian uses of their data.

1. Pablo S. Torre and Tom Haberstroh, *New Biometric Tests Invade the NBA*, ESPN, Oct. 2, 2014.



Data Used to Generate Revenue
Monitoring athletes and using biometrics to improve or predict performance, engage fans, and generate revenue is an economic purpose that raises legal and ethical problems.



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