



2020 | **PLAYER DATA**

A FUTURE ORIENTED PLAYER DATA POLICY FOR THE DIGITAL FOOTBALL INDUSTRY

THE COLLECTION, PROTECTION AND USE OF PLAYER DATA



CONTENTS

INTRODUCTION	3
1. A COMMON INTEREST IN PLAYER DATA	5
2. COLLECTIVE STANDARDS FOR THE COLLECTION, PROTECTION & USE OF PLAYER DATA.	6
3. MANAGEMENT REQUIREMENTS FOR SPECIFIC PURPOSES & TYPES OF PLAYER DATA.	7
4. PARTICIPATION IN COMMERCIAL ACTIVITIES & EXPLOITATION OF PLAYER DATA	8
5. AWARENESS & EDUCATION INITIATIVES	10



INTRODUCTION

The football industry is at a crossroads, and decision makers in the game face fundamental challenges linked to the digital transformation of the game. The technological disruption of the game affects not only broadcasting, marketing and competitions, but also impacts individual players. This impact includes the collection of large amounts of personal data on the performance and wellbeing of football players (player data). The future application and use of player data now, more than ever, calls for collectively agreed standards and guidelines – making it essential for the football industry to recognise the absolute necessity to protect the fundamental rights of the players in connection with their personal data. In order to allow players and the football industry to benefit from digitisation and technologies in this new era, we now need a forward-looking, effective action programme for the domestic and international football industry. The priorities of such a programme must be to establish standards and principles that govern the collection, protection and use of player data, based on the below.

1. A COMMON INTEREST IN PLAYER DATA. We need a football industry that incorporates technology and digitisation, backed up by a future oriented and player centric data policy. That requires an understanding that players and football stakeholders have common key interests to use state of the art science and technology to drive performance, ensure sustainable career paths, manage health & safety, improve in-game technologies, and enhance match day experiences.

2. COLLECTIVE STANDARDS FOR THE COLLECTION, PROTECTION & USE OF PLAYER DATA. Player data is personal data, the protection of which is increasingly being accepted as a fundamental right recognised by law. Therefore, the future use of player data requires strong collective commitment to a player centric data policy that is based on personal rights and the existence of the highest protection standards for personal data. In order to benefit from innovation & technology, specific policies, initiatives, standards and principles for the collection, protection and use of player data need to be established on the basis of existing privacy laws such as the General Data Protection Regulation (GDPR).

3. MANAGEMENT REQUIREMENTS FOR SPECIFIC PURPOSES & TYPES OF PLAYER DATA. An industry wide framework for the collection of player data must be purpose driven (i.e., it must identify the purposes for which player data will be used, and establish the legitimacy of such use) and take account of the collective and individual management standards for different types of player data (i.e., the appropriate safeguards for data use, depending on data's sensitivity). Any systematic and player centric approach to manage player data requires collective standards, and tailored player solutions. The specific requirements for the lawful collection and use of player data depend not only on the intended purpose for which player data will be used, but importantly, also on the type of player data processed and the explicit environment in which it is collected.

4. PARTICIPATION IN COMMERCIAL ACTIVITIES & EXPLOITATION OF PLAYER DATA. The commercial exploitation of player data must ensure the adequate and direct financial participation of players. The commercial use of player data in existing group licensing frameworks, private contracts or other B2B relationships must allow for players to participate in the revenues their own data is creating. This especially applies to future commercial models which will seek the integration of player data.

5. AWARENESS & EDUCATION INITIATIVES. Increasing awareness and education will enable players to understand and exercise their rights and will allow the wider football industry to be aware of and give effect to these rights and be trusted working with sensitive player data. Future technologies must be learned and practiced in a comprehensive way. Purposeful joint activities (bringing together the relevant stakeholders in the ecosystem) should be created with a specific focus on education and training.

This action program for the football industry will make a significant contribution to a stronger player data policy framework that allows players, clubs, leagues and federations alike to benefit from the opportunities future technology and innovation can provide to the football industry. Digitalization, innovation and player data are changing the professional football environment in unprecedented ways, and we must work together to shape this in a responsible way. FIFPRO is committed to this goal and will actively contribute toward achieving it.



1. A COMMON INTEREST IN PLAYER DATA

HOW CAN THE FOOTBALL INDUSTRY IDENTIFY A COMMON INTEREST IN THE USE OF PLAYER DATA AND FUTURE TECHNOLOGY?

Player data is one of the fastest moving topics (and also one of the most sensitive) in the digital football industry. The use of player data is an essential prerequisite for developing a modern and innovative game, as player data provides added value to players, club officials, match officials, competitions organisers, fans and third parties alike. To make player data accessible and to allow for the integration of future technologies, all industry stakeholders must develop a common understanding of their joint interests and responsibilities in close collaboration with the players. Only if the interests of all actors are fully understood and defined can the football industry establish the trust and responsibility that is required to use sensitive personal information, including health and biometric data, both in the employment context and as part of a fast-paced entertainment industry. To unlock the full potential of player data the football industry should therefore understand the central position of players on the following issues:

1. Players have an inherent interest and commitment to drive their performance through state-of-the-art technology and want to use innovative insights to build sustainable career paths. Since the days of modern sport, players and athletes thrive to become the best version of themselves and to push the boundaries of athletic performance. This commitment to their job as professional athletes drives the necessity to apply and learn from the opportunities technology and science can offer. For the football industry it therefore becomes essential to provide players with the best and safest technology to build their careers and contribute to the development of the game.

2. The trust in and use of technology by players will depend on tailored protection standards which recognise the sensitivity of health and biometric data, provide appropriate levels of informational transparency, and ensure the existence of valid legal grounds for player data processing. The specific employment context of an athlete combined with a short career span in the world's leading team sport industry requires not only the highest legal protection standards for personal data but also tailored solutions to allow players to practically enforce their rights.

3. Players want the game to modernise and to benefit from in-game technologies to improve the match experience for players, officials and fans alike. This includes technologies related to the laws of the game such as Video Assistant Referee or Goal Line Technology, as well as possibilities that better protect the health and safety of players via instant video replays for head injuries and other concussive incidents.

4. Players recognise the leading role of clubs and competition organisers to drive technology and innovation in the game. In this context players are aware that their data provides a significant contribution to (I) drive engagement, (II) promote the game and to (III) provide a better experience for fans and other stakeholders in the industry.

5. Only a collective approach can unlock the added value to the entire football industry. Shaping a player centric data policy framework allows the football industry to mutually benefit in the best ways possible from future innovation in a data driven industry environment. Only if necessary standards for the collection, protection and use of player data are collectively agreed with the players can the potential can be fully unlocked.

2. COLLECTIVE STANDARDS FOR THE COLLECTION, PROTECTION & USE OF PLAYER DATA

WHAT STANDARDS ARE REQUIRED FOR A COLLECTIVE AND PLAYER CENTRIC DATA POLICY?

Player data is protected by the law. A smart regulatory framework for the collection, protection and use of player data should therefore deliver greater legal certainty and protection to all stakeholders including players, clubs and competition organisers. To drive innovation, industry safeguards and regulations must follow a player centric approach but give room for stakeholder requirements and new technologies. The solutions must be tailored to (I) current legal frameworks like the GDPR, (II) the market conditions and dynamics in the game as necessary in a global and mobile employment market, (III) the specific sensitivity of collecting personal player performance data in an employment context, and ultimately (IV) the needs of players and other industry stakeholders. Such a policy framework should address current concerns in connection with player data processing and coordinate global solutions in order to ensure industry wide standards, while simultaneously securing higher legal certainty for everyone.

1. Players rights to their own data are based on applicable data protection laws such as the GDPR which set a clear framework for the standards and principles relating to the collection, protection and use of personal data.¹ Player data in this context means any information relating to players, which would fall within the definition of “personal data” set out in Article 4 of the GDPR. Tailored protection standards are required based upon the type of player data (e.g. event data, tracking data, biometric data and health data) and the specific application of industry standards and regulations to those, accordingly.

2. Recognition of a “Charter of Players Rights” for the processing of player data to ensure the practical application of player rights in the football industry in line with the GDPR. A Charter of Players Rights would identify the specific rights of players concerning their own data and provide direct application of the GDPR to the specific working environment of the football industry.

3. Direct application of the Charter of Players Rights through smart technology solutions to give direct enforceability and effect, empowering the player to exercise the rights granted to

¹ The GDPR provides the leading global standard for individual and collective data protection regulation. While legal frameworks differ around the world an increasing number of legal frameworks provide ever higher protection standards for the collection and use of private data. FIFPRO and FIFA believe that GDPR currently provides the leading reference framework for the management of player data.



them by the law. The development of a smart technology platform allows the football industry to build an enforceable regulatory framework which provides sufficient safeguards for players and data processors/controllers to benefit from large amounts of player data with a greater degree of legal certainty, while ensuring that player rights are managed in a timely manner.

4. **Specific player data policies require collective agreements with player unions** in order to identify common principles for the collection, protection and use of player data. This needs a tailored but coordinated approach at the domestic and international level between player unions, clubs, federations and competition organisers to ensure that universal standards have localised market relevance.

3. MANAGEMENT REQUIREMENTS FOR SPECIFIC PURPOSES & TYPES OF PLAYER DATA

HOW CAN THE FOOTBALL INDUSTRY OPERATE AN ACTIVE AND FUTURE ORIENTED PLAYER DATA MANAGEMENT FRAMEWORK?

In addition to the principles set out above an active and future oriented player data management framework is an indispensable prerequisite for the lawful collection and future usage of player data. To fully exploit the benefits digitisation can offer to everyone in the football industry, clubs, leagues and other competition organisers must establish a legal basis for the collection of player data. At the same time the specific usage of player data has to be clearly communicated to the player and should be limited to (I) performance & wellbeing, (II) in-game and other game related technologies (e.g. VAR etc.), and (III) joint commercial activities. In order to collect specific player data types such as biometric or health data (which are classified under the GDPR as “special” or “sensitive” categories of personal data) a higher standard of protection and management is required.

1. **Establishment of a legal basis for processing is essential** in order to comply with the law and in order to inform data subjects of the rights they have. There are only a small number of legal bases available for the processing of player data and it is important that industry stakeholders identify an appropriate legal basis before they commence any processing. Additionally, the relevant legal grounds must be communicated to the player, as different player rights attach to different legal bases and it is vital that the players understand their rights.

2. **A clear purpose for the collection and application of player data** is a fundamental requirement by law and an important component to ensure the trust by players. The purpose and usage of player data must be communicated to the player in an accessible, clear and plain language. The collection of player data without a clear understanding of its application and without the capacity and resources to apply and manage the data carries a high risk for the entire football industry - threatening not only the support by the players but carrying legal and financial risks for the industry.

3. Application and use of types of player data have to be collectively defined and must respect the interest and needs of the player. Broad categories such as (I) performance & wellbeing, (II) in-game and other game related technologies (e.g. VAR etc.), and (III) joint commercial activities must be given concrete usage examples to identify the support by players and their collective representation.

4. Specific protection and tailored management requirements for types and usage of player data are critical to reflect the different nature of available player data. Event and tracking data require a different level of protection and management standards, compared to individual biometric or health data. The active collection and use of such sensitive types of player data demand a practical enforcement of individual rights through a dedicated technological infrastructure provided to the player. This means that the player must be able to allow and restrict access to such types of data freely and at all times. Further, the specific use of types of player data demand tailored protection and management standards for the player. This applies most importantly to performance and wellbeing related applications.

5. Regulating the access to and portability of player data are essential criteria to unlock the full benefits future player data technology can provide to players and the industry. Access to player data has to be clearly defined based upon roles and responsibilities and must avoid misuse and conflicts of interests. This requires highly trained specialists to analyse and interpret sensitive personal data. Further, a highly mobile and global employment market requires players to access and transfer their personal data while ensuring a consistent application of the data for performance and well-being purposes. An active and future oriented player data management framework must therefore ensure the transferability of personal data and remove obstacles to data portability.

4. PARTICIPATION IN COMMERCIAL ACTIVITIES & EXPLOITATION OF PLAYER DATA

WHAT WOULD COMMERCIAL STRATEGIES FOR PLAYER DATA NEED TO CONSIDER?

Player data constitutes an emerging resource for the football industry. Already today player data is used not only to fuse in-game technology and tactical analysis but to extend coverage and provide additional information to engage audiences. In addition, player data is used increasingly to support new business models and services in the digital football industry such as scouting platforms, integrity services, gamification, and betting solutions. There can be therefore no question that there is indispensable value in the personal data players are generating in their work and employment context. For the use and commercial exploitation of player data it is therefore fundamental for the football industry that there is a collective and individual agreement with the players in place which not only ensures the adequate level of consent for the use of the data (where required under data protection law) but also a direct participation in the commercial value of their own data. It is therefore imperative to establish sound safeguards and



mechanisms to guarantee fair financial returns to players on revenues generated from the commercial exploitation of their personal data.

1. Player Data is not public information, available free of charge. Player data is personal data which is generated in the context of professional employment and work. The data can be directly linked to an identifiable person and often includes sensitive personal information. The mere fact that player data is partly public and often relates to public persona is not a sufficient ground to assume that this is public information, available free of charge. In fact, the services offered by third parties clearly show that player data is valuable personal data which can be commercialised outside the direct employment context of the player.

2. Direct participation of players in any commercial exploitation of player data is a key principle for any commercial approach to player data and must be negotiated with players before access or usage rights can be granted. Players have multiple rights attaching to the processing of their data and may be able to object to processing, withdraw consents and request the deletion

of their data. In order to establish a stable basis for processing, it may be necessary to enter into commercial agreements with players. Based on collective or individual agreements players might consider to waive commercial participation rights for reasons such as employment promotion, scientific research, or other reasons relevant and important to the player. Finally, players must be given the right to commercialize individual player data outside of group licensing or collective agreements as they deem appropriate.

3. Access and usage rights for player data given to third parties need to comply with the legal framework. Existing licensing agreement between football industry stakeholders are not likely to comply and should be negotiated with / agreed to by players. In order to give players control over their data, the transfer of player data to a third party should be subject to player consent or, such transfer could be permitted without consent only to the extent that the transfer is made for a predefined purpose which is for the player's benefit. Where player data is onward transferred in this way, a third-party recipient should be subject to a contractual regime which requires that player data is protected to the same standards as agreed with the original data controller (with the ability of the player to enforce such terms).

4. Illegal use of player data by third parties is a growing concern. The usage of player data by third parties must be based on an established legal ground and players must be made aware of this processing (and their rights in connection with the same). Where player data has been collected for a specific purpose, it cannot be transferred to a third party for a new, separate purpose. In certain cases, player consent will be required (either due to a legal requirement, or a contractual require as described above). The illegal use of player data by third parties who operate without a direct licensing agreement and without the collective or individual agreement of the players, on the assumption that this is publicly available and therefore free information, must be prevented.

5. AWARENESS & EDUCATION INITIATIVES

HOW CAN WE ENSURE A RESPONSIBLE APPROACH TO PLAYER DATA?

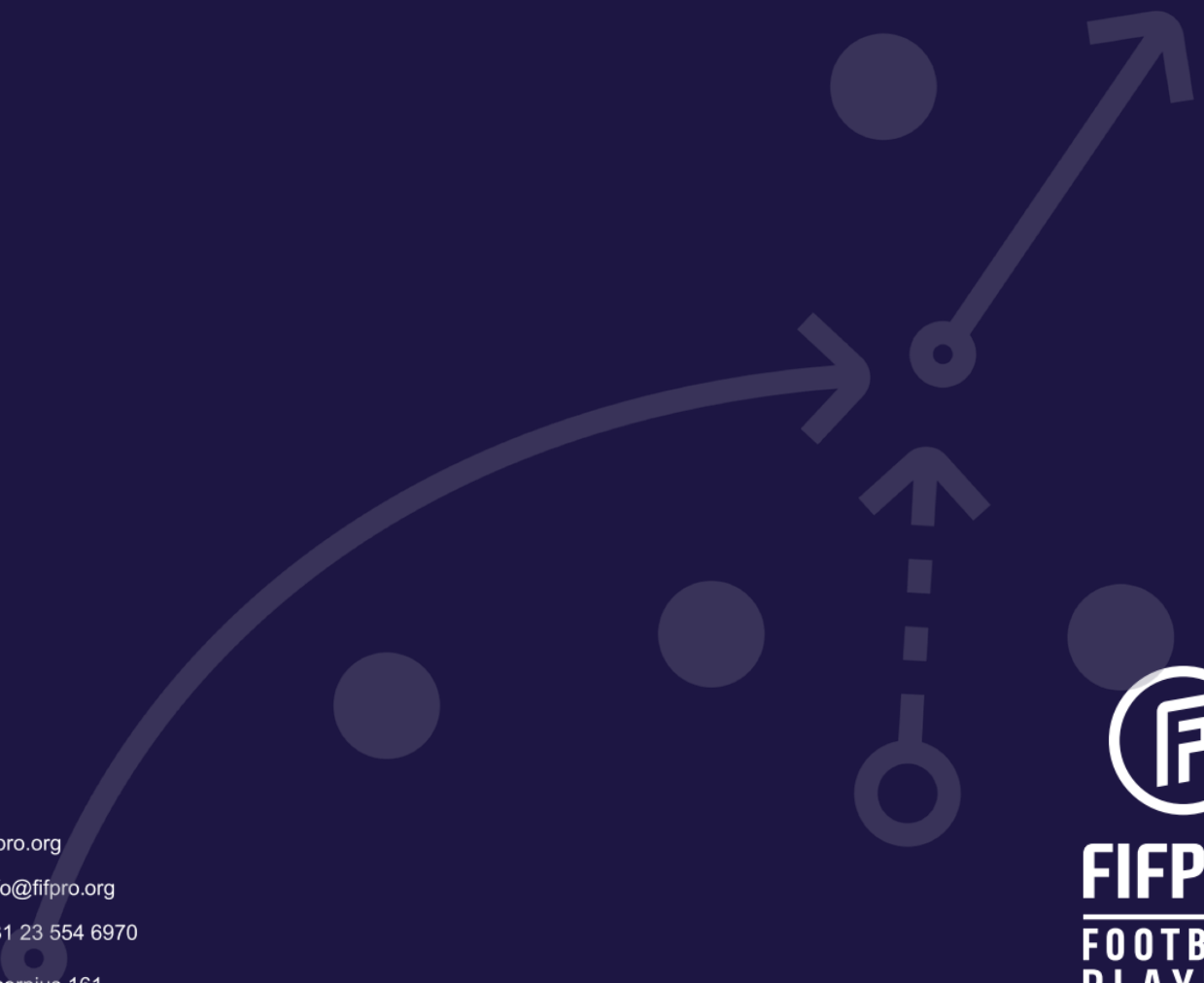
For all stakeholders in the football industry it will be important to understand the sensitive and specific challenges attaching to the use of player data in the context of an employment relationship. The employment relationship between employers and players is not suitable to ensure that the latter's consent is freely given, specific, informed and unambiguous. Adopting a creative, proactive and constructive approach in the context of data processing in the working environment will thereby be crucial. A lack of awareness in this respect, can currently be observed across the various layers of the industry. Concerted approaches which underline the common interest that national associations, leagues and clubs have to work together with players and their unions to develop a sustainable industry based on the protection and exploitation of player data must be identified and developed.


1. The legal framework, concepts and issues surrounding personal data must be explained in layman terms to make sure that not only the players, but also the coaching staff, the medical staff, scouts and managers understand the challenges and ramifications inherent in the processing of player data (and, in particular, sensitive player data). A clear, comprehensive and practical approach must be taken.

2. Players must be educated on the precise purpose and usage of their data. Too often players experience that large amounts of personal data are collected without any information having been given prior to the collection (or any feedback with respect to its use thereafter). Players must be made aware of the technologies used to collect their data and should receive training and education on the opportunities and challenges of the technology used to monitor them (as well as their rights to access, update, request deletion of, and transfer data, among others).

3. Players must be provided with technology solutions to enforce their rights and to manage access to their own data. Such a technology solution provides players with real time, practical tools to manage player data including sensitive player data (e.g. biometric and health data).

4. Joint and/or aligned education and awareness raising programmes must be set up involving stakeholders of the football industry to promote the importance and convergence of their interests towards developing a sustainable environment in the field of player data. It is essential that not only the players but also the clubs, leagues and national associations feel comfortable asking or being asked what data is collected and how it is being used.



 fifpro.org
 info@fifpro.org
 +31 23 554 6970
 Scorpius 161
2132 LR Hoofddorp
The Netherlands



FIFPRO
FOOTBALL
PLAYERS
WORLDWIDE