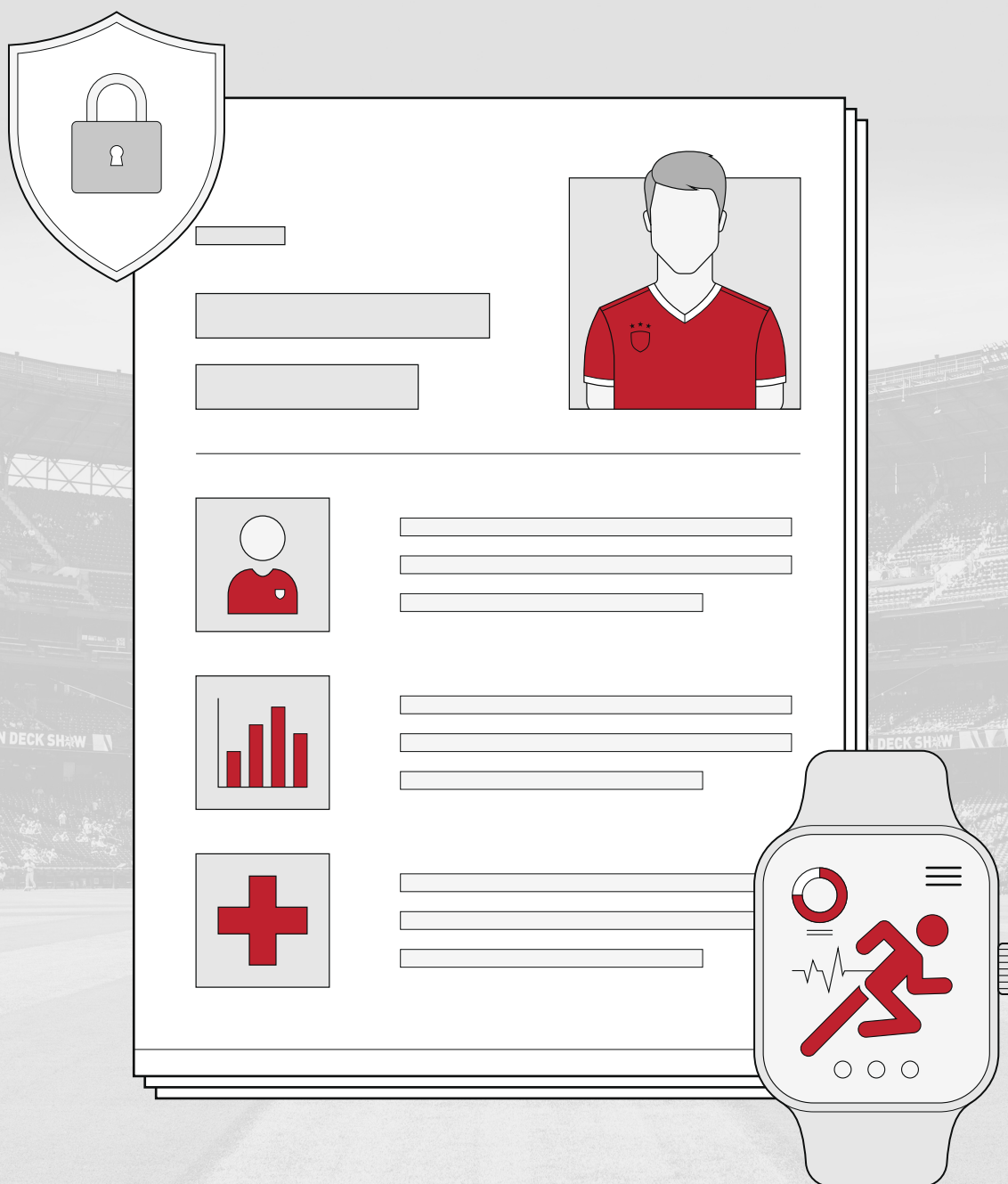




WORLD PLAYERS ASSOCIATION

PLAYER DATA PROTECTION PRINCIPLES



#WorldPlayersUnited

PREAMBLE

- I. The **World Players Association** (World Players) exists to champion the dignity of the player and the humanity of sport.
- II. World Players has a three-part goal in the pursuit of this vision. First, the human rights of everyone involved in the delivery of sport must be protected, respected and, where needed, upheld. Second, the same must be true for the players. Third, the impact of sport must be positive, including in sporting, economic, environmental and cultural terms.
- III. If sport is to be true to the powerful and universal ideals it proclaims, then it must uphold the state's duty to protect internationally recognised human rights along with the corporate responsibility to respect human rights.
- IV. New technological innovations, resulting scientific progress and advancing digitalisation may present opportunities to enhance player performance and wellbeing as well as new economic prospects for the industry more broadly.
- V. At the same time, the collection, storage, transfer and use of a player's personal data presents a number of salient risks. For the purposes of this policy, 'Player Data' includes data relevant to the performance and wellbeing of players, including event, tracking, biometric, biomechanical and health data¹.
- VI. Certain categories of Player Data are particularly sensitive and present heightened risks, including unauthorised access and dissemination of sensitive health-based information and records,² and require heightened levels of protection.³
- VII. Player Data may accordingly be collected, stored, transferred or used in connection with wearable equipment, biometric monitoring, video tracking, software algorithms, and other devices that analyse information relevant to a player's performance and wellbeing, both on and off the field of play.

- VIII. This occurs in situations that are often highly technically demanding, and in circumstances where there is a risk that Player Data has been obtained without a player's knowledge or consent, which must be freely given, specific, informed and an unambiguous indication of a player's wishes.⁴
- IX. In these circumstances, technological advances often outpace sport's understanding of the impact of that technology and the development of appropriate frameworks to protect player rights. Addressing player rights risks posed by the misuse and abuse of Player Data, whilst at the same time securing the benefits for players and the industry through technological advancement, requires sport to adopt effective, human rights-based and player-centred frameworks consistent with the below Player Data Protection Principles.

RECALLING:

- X. Article 12 of the Universal Declaration of Player Rights that states, "Every player has the right to a private life, privacy and protection in relation to the collection, storage and transfer of personal data",⁵ and
- XI. UNI Global 'Union's 'Top 10 Principles for Workers' Data Privacy and Protection.⁶

ACCORDINGLY:

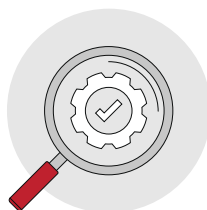
- XII. Sport must comply with these Player Data Protection Principles to meet its duty to protect, respect and uphold the privacy rights of players.



MANDATORY MINIMUM STANDARDS

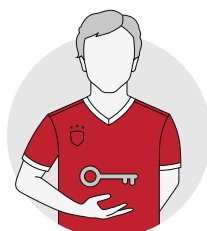
1. Recognising the diversity of the global sport industry, sport must comply with certain minimum standards of Player Data protection and implement them, wherever possible, together with players and their representatives to ensure player rights are protected, respected and promoted. This includes the development of frameworks that, at a minimum;
 - are based on applicable laws and best practice standards,
 - clearly articulate Player Data rights,
 - define explicit and legitimate purposes for Player Data collection,
 - limit the gathering of Player Data to these purposes,
 - establish Player Data management processes tailored to the Player Data type collected,
 - define clear internal responsibilities for overseeing compliance, and
 - apply to all actors handling Player Data, including third parties.

These frameworks should be further enhanced and complemented through adherence to the below principles.



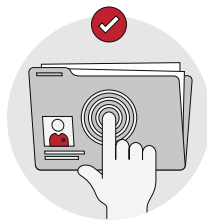
PLAYER DATA DUE DILIGENCE

1. Player's like all workers, are entitled to a safe space of work.⁷ The misuse and abuse of Player Data may, however, pose potential risks to the employment, physical and mental health and social wellbeing of players.
2. Sport must accordingly undertake ongoing player data due diligence to understand the impact on players caused by the collection, storage, transfer and use of Player Data under its regulations and processes and take the steps required to address the risks identified.
3. The impact assessment's rigour and depth must correspond to the sensitivity of handled Player Data, and the severity of unauthorised collection, storage, transfer, and use may present. For example, Player Data pertaining to medical records and genetic information necessitate the highest standards of due diligence. Where any gaps exist that may affect the enjoyment of a player's rights, that gap must be communicated and addressed in consultation with the player and his or her legitimate representatives.



PLAYER SELF-DETERMINATION

1. Each player has the right to self-determination in the ownership and control what Player Data is shared, for what purpose, by which method, with whom it is shared, and which party is the ultimate beneficiary. A player must not be forced to consent to the provision of Player Data as a precondition of his or her participation in sport. Sport must create and uphold a culture or environment where the collection, storage, or transfer of Player Data is nothing else than purely voluntary.



IV. PLAYER ACCESS

1. Players and their legitimate representatives have at all times the right to access the Player Data within the custody or control of any club, league, governing body, or other party, including any party with which sport has a business relationship. Where requested, a player has the right to receive their Player Data in clear and plain language.



V. NO ADVERSE USE

1. Player Data may only be used for a purpose expressly authorised by a player and not to the detriment of the player, such as in contract and employment negotiations or through the provision of information to unauthorised parties.



VI. PLAYER APPROVAL FOR COMMERCIAL USE

1. Player Data must only be commercialised with the express agreement of the player, and any commercial use should be limited to the purposes agreed upon by the player and/or their representatives.
2. At all times, the player retains ultimate ownership of his or her Player Data, which is not affected by its transfer or any authorisation given to a third party to commercially exploit Player Data. Every player has the right to a fair share of commercial revenues generated by the utilisation of Player Data.



PLAYER APPROVAL AND OVERSIGHT

1. Each player has the right to establish oversight mechanisms to approve and monitor technologies that collect, store, or transfer Player Data. These mechanisms must contain a balanced representation between players and sport, and have the capacity to consult, or include, subject matter experts.



RESPECT FOR THE PLAYER'S HUMAN AND LABOUR RIGHTS AND APPLICABLE LAWS

1. Player Data must at all times be treated in a way that accords with applicable human rights instruments,⁸ applicable laws or regulations, and the framework of the United Nations Guiding Principles on Business and Human Rights (UNGPs). Where there is a conflict between the UNGPs, applicable human rights instruments, and national or regional law, the highest standards of protection must prevail.



IX. GUARANTEE PLAYER'S ACCESS TO REMEDY

1. Each player must have access to appropriate remedy mechanisms if any of these Player Data Principles is breached. Applicable remedies may include “apologies, restitution, financial or non-financial compensation, and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition.”⁹ In all cases, the remedy available should reflect the seriousness of the duty to guarantee the protection of Player Data and provide for an effective deterrent where breached.¹⁰



X. PLAYER AWARENESS AND EDUCATION

1. Players and their legitimate representatives must be provided with information on the purposes of data gathering, respective processes and safeguards to players in a transparent and inclusive way.
2. Involved actors, including players, coaches and others, should receive regularly dedicated training on the applicable frameworks, safeguards and available grievance mechanisms.

ADOPTED:

World Players Association

3rd World Assembly

Tuesday 11 December 2018

Paris, France

REVISED:

15th Meeting of the Executive Committee

Thursday 17 June 2021

Nyon, Switzerland

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- 1 Art 4, Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation); in the following cited as “GDPR”.
 - 2 S Ingle, ‘Fancy Bears hack again with attack on senior anti-doping officials’, The Guardian, 26 November 2016, accessed at <https://www.theguardian.com/sport/2016/nov/25/fancy-bears-hack-again-with-attack-on-senior-anti-doping-officials>.
 - 3 Art 9, GDPR.
 - 4 Art 4, GDPR.
 - 5 World Players Association, The Universal Declaration of Player Rights, (2017), article 11
 - 6 UNI Global Union, Top 10 Principle for Workers’ Data Privacy and Protection, (2017), accessed at http://www.thefutureworldofwork.org/media/35421/uni_workers_data_protection.pdf
 - 7 B Schwab, ‘Sport Betting & Athletes’, Keynote address to the National Council of Legislators From Gaming States, 20 July 2018, accessed at <https://www.youtube.com/watch?v=hdaZ-pnFiOI>.
 - 8 Universal Declaration of Human Rights (“UDHR”), 1948, articles 3 and 12; International Covenant on Civil and Political Rights (“ICCPR”), 1966, article 17; Charter of Fundamental Rights of the European Union, 2012 (“CFREU”), articles 7 and 8; European Convention on Human Rights (“ECHR”), 1948, article 8.
 - 9 Guiding Principles on Business and Human Rights, United Nations Human Rights Office of the High Commissioner, (2011), principle 26, accessed at http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.
 - 10 See for example Section 14 (g) (iv), NFL – NFLPA Collective Bargaining Agreement, 15 March 2020, accessed at <https://nflpaweb.blob.core.windows.net/website/PDFs/CBA/March-15-2020-NFL-NFLPA-Collective-Bargaining-Agreement-Final-Executed-Copy.pdf>; Article XXII (h), NBA – NBPA 2017-2023 Collective Bargaining Agreement, accessed at <https://cosmic-s3.imgix.net/3c7a0a50-8e11-11e9-875d-3d44e94ae33f-2017-NBA-NBPA-Collective-Bargaining-Agreement.pdf>.