

SPORT DATA RIGHTS, GDPR AND LEGAL PROTECTION FOR ATHLETES PRIVATE DATA

by *Zia Akhtar**

ABSTRACT: With improvements in technology more and more data about sporting events is being recorded and several stakeholders claim to ‘own’ such data including the players themselves under the notion that it would not exist if they were not participants. The software companies who manufacture the data consider it as the product of their own technical and analytical ability and claim to be the owners of its the source. In Europe the sui generis database rights are recognised for those who make a substantial investment in obtaining, verifying and presenting data to obtain an intellectual property right in the resultant database into which it is stored. This raises an issue in sport events for data gatherers who are collecting more particular data such as, for example, “man of the match” award for which the collector is not likely to obtain a database right. The argument in this paper is that data from a sports event cannot be protected against breach under the General Data Protection Regulation 2016, because it is an unquantifiable and a spontaneous act and that the established rights in the personal data of registered athletes need greater protection under public interest.

Keywords: Sports data – Data base rights – Sui generis right – Data Protection Act 2018 – Subject Access – GDPR – Consent – Biometric data.

SUMMARY: Introduction – 1. Database rights and protection mechanism – 2. Sui generis right and data protection – 3. Exposing the gaps in data base rights – 4. GDPR and public interest protection – Conclusion

* LLB (Lon) LLM (Lon) Gray’s Inn, E-mail: pflawgraduate@gmail.com.