

ATHLETES' DATA PROTECTION UNDER THE SLOVENIAN, EU AND INTERNATIONAL REGULATIONS

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Abstract The article outlines the athletes' data protection framework in Slovenia and addresses selected internationally recognised issues within this context. When it comes to athletes' data, we distinguish the competition data and performance data. The latter is particularly vulnerable and, at the same time, desired by various clubs or event organisers who want to monetise this data solely for their own benefit. In some cases, misuse or unlawful disclosures occur due to a lack of legal bases. However, in some other examples, the legal basis is provided by law – that is, especially common in cases of more comprehensive data collections gathered by official bodies or authorities, such as the Ministry of Sport. Furthermore, the article presents several legal acts that either directly or indirectly protect athletes' data. Even though the protection does not always specifically address athletes, but rather individuals in general, that does not mean the protection is inadequate or insufficient. Finally, the paper also addresses more specific topics – athletes' data protection in the event of anti-doping rule violations, as well as the particular regulation of athletes' health data.

Keywords

Data protection,
Athletes,
Athletes' Data,
Wearables,
Red Card Project,
Data Processor,
Data Controller

1 Introduction

This article provides an overview of sports legislation in Slovenia, with a particular focus on the protection of athletes' personal data. Why focus on such a specific field? Intriguingly, over the last few decades, the sports data industry has bloomed into a multi-billion-dollar industry on the shoulders of numerous hard-working athletes (Manek & Gray, 2023). A particularly significant step forward in the field of athlete data collection has been made by wearable technology (so-called wearables). Wearables, but also smart fabrics and artificial intelligence-linked sensors, enable the collection of various biometric statistical data, including heart rate, skin temperature, and sleep patterns (Kwon, n. d.; Li et al., 2016: 74). These devices generate additional information that can be combined and communicated to consumers, in our case, to the athletes. Such data is also valuable and of interest to other stakeholders (Brown & Brison, 2020: 63-64; Brown & Brown, 2021).¹ As event organisers and other stakeholders have come to understand the financial benefits of selling live competition data, particularly to the sports betting industry, the protection of athletes' sports data has become a significant challenge and a pressing legal issue (Manek & Gray, 2023). Therefore, the article will first examine the significant challenges athletes face, not only in Slovenia but worldwide. While exposing many critical aspects of the protection of athletes' personal data, the research will also present an interesting case, dealing with mass violations of athletes' performance data, in particular.

Secondly, this article will explore the Slovenian legal framework in this field. While the focus will be primarily on the Slovenian legal framework, the subject matter will be examined through several international documents that are highly relevant to many Slovenian associations and clubs. From the broader to more specific, the paper will initially present the selected soft law that establishes the fundamental principles and rights for athletes, namely the Athletes' Rights and Responsibilities Declaration²

¹ Wearables have become ubiquitous in the five major professional sports leagues in North America: the National Football League, the National Basketball Association, the National Hockey League, Major League Baseball, and Major League Soccer. Each league has incorporated wearables into at least the training of athletes. However, this has opened up new aspects of understanding and protecting athletes' data (Brown & Brown, 2021; Guo, Li & Guo, 2024; Kwon, n. d.). For example, Major League Baseball has approved four devices: i) the Motus sleeve (biomechanics sleeve); ii) the Zephyr bioharness (measures heart rate and breathing); iii) Catapult (GPS - locator); iv) the WHOOP (measures sleep data, heart rate, and temperature) (Brown & Brison, 2022: 709).

² Athletes' Rights and Responsibilities Declaration, <<https://www.olympics.com/athlete365/topics/athletes-declaration>> (available on December 10, 2025).

(hereinafter: Athletes' Declaration) and Olympic Movement Medical Code³ (hereinafter: the Code). Even if those Acts are not directly binding, they have a significantly important influence on the sports community and the development of the rules in a specific sport.

The Article delves into the EU and national legislation that covers the athletes' personal or health data protection in particular segments. Firstly, it deals with the legislation at the EU level, namely the relevant provisions of the Treaties, General Data Protection Regulation⁴ (hereinafter: GDPR) and the relevant case law. Secondly, it examines Slovenian legislation from the Constitution of the Republic of Slovenia⁵ (hereinafter: URS), to the sectoral legislation, representing mainly the following two, the Sports Act⁶ (hereinafter: ZŠpo-1) that focuses on the rules regarding the collections of athletes' data and the Personal Data Protection Act⁷ (hereinafter: ZVOP-2) that lists general rules regarding the personal data protection at the national level. Methodologically, most of this Article is written by using the dogmatic legal analysis, which is in certain parts supported by the analysis of case law.

Finally, the article presents a comprehensive overview of the protection of athletes' data in Slovenia. It indicates areas that need improvement, while also highlighting the well-established framework we already have. Although many legal acts mentioned in this article are not specifically written for the protection of athletes, but rather for individuals in general, it does not mean that the protection is any less relevant or insufficient. On the contrary, individuals are granted a set of rights and safeguards, which courts interpret on a case-by-case basis.

2 The Main Challenges to the Protection of Athletes' Data

³ Olympic Movement Medical Code of the Olympic Movement – in force as from March, 2024. <<https://stillmed.olympics.com/media/Documents/International-Olympic-Committee/Commissions/Medical-and-Scientific-Commission/Olympic-Movement-Medical-Code.pdf>> (available on December 10, 2025).

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) OJ L 119, 4.5.2016.

⁵ Ustava Republike Slovenije (Constitution of the Republic of Slovenia - URS): Uradni list RS, no. 33/91-I, 42/97 – UZS68, 66/00 – UZ80, 24/03 – UZ3a, 47, 68, 69/04 – UZ14, 69/04 – UZ43, 69/04 – UZ50, 68/06 – UZ121,140,143, 47/13 – UZ148, 47/13 – UZ90,97,99, 75/16 – UZ70a and 92/21 – UZ62a.

⁶ Zakon o športu (Sports Act - ZŠpo-1): Urdni list RS, no. 29/17, 21/18 – ZNOrg, 82/20, 3/22 – ZDeb and 37/24 – ZMat-B.

⁷ Zakon o varstvu osebnih podatkov (Personal Data Protection Act - ZVOP-2): Uradni list RS, no. 163/22 and 40/25 – ZInfV-1.

In today's sports, data analysis has become a crucial factor. Data analysis serves to improve performance and outcomes, enhance athletes' experience, and increase their engagement. Additionally, technological advancements (wearables) and AI have enabled new methods of data collection and analysis and have also led to new commercial uses of data (Hill & Rhodes, 2023).

The challenging factors that need to be pointed out are, namely, the type of data in question, the basis for its processing, and the dilemma of who is the "owner" of these data and can legally sell them. First, we can distinguish between the so-called competition data, which encompasses the outcomes of a sporting event, and performance data, on the other hand. Performance data does not cover merely the information about speed and distance achieved in a particular competition, but also includes athletes' medical data, such as heart rate, recovery rates, fitness, and similar metrics (the Code, 2025). For example, sports performance data refers to the statistical results of athletes' tactics, techniques, passing routes, physical condition, and data collected during competitions, including biometric and technical movement data (Gou, Li, & Guo, 2024).

Sometimes, the competition and performance data can be intertwined, making it very difficult to define the data at hand as one or the other. Knowing the type of data, which we are dealing with is significant due to its ownership. In other words, the owner of the data can freely dispose of it. In this regard, the competition data is owned by the event organiser, who is then also the "event's right's holder" (the Code, 2025). When it comes to performance data, different theories circulate (e.g., see Anonymous, 2023; Gou, Li, & Guo, 2024), one stating that these data are owned by the employer of an athlete, e.g., a football club, or the organisation under which this athlete competes, e.g., the Slovenian Dance Association, on the one hand, or by the athletes themselves on the other (the Code, 2025). The latter is well supported by various data protection laws, including the rigid GDPR.

Although the first thought that comes to most people's mind would be that athletes' medical or health data belong to and can be disposed of by the athlete himself, there is a very legitimate explanation on how the "owner" of athletes' performance data can be the club or even the association or organisation, under which they compete. The Olympic Charter⁸ provides that the International Olympic Committee determines the conditions of access to and any use of data in connection with the

⁸ Olympic Charter published by the International Olympic Committee in force as from 30 January 2025, <<https://www.olympic.com/ioc/olympic-charter>> (available on December 10, 2025).

Olympic Games, as well as with particular competitions and sports performances of the Olympic Games (Olympic Charter, Rights over the Olympic Games and Olympic properties, point 3). Meaning, the performance data of Olympic athletes or in other words, athletes that compete at the Olympic games, are in accordance with the fundamental act of this competition in the hands of the International Olympic Committee, which can lawfully decide on its processing. Another option is that certain clubs have a contract signed with their all or only particular athletes, authorising the collection and use of their performance data (Foley, 2023). In such cases, the purpose and parameters for processing the athlete's data are already outlined in the contract (Foley, 2023). Based on the conditions they have built into their agreement, the performance data can also be owned by both the athlete and the club. However, not all athletes have the privilege of these clearly defined terms, especially outside of professional sports and the major leagues. For those athletes who have not signed contracts or additional agreements with the club, association, or team under which they play, we can assume they are the rightful owners of the data concerning them. Athletes often do not know how long their data is stored, whether it is used to generate profit, and who benefits from the databases containing their data (Kwon, n. d.).

2.1 Red Card Project

Project Red Card represents the claims from more than 850 current and former Premier League, English Football League, National League and Scottish Premier League players over the allegedly unlawful collection and use of their performance by various subjects, especially gaming, betting and data processing companies.⁹ It is led by the Global Sports Data and Technology Group¹⁰ (hereinafter: GSDT), namely by Russell Slade who is an established manager with a global network in football as well as across other sports, and Jason Dunlop, a data technologist, specialised in data protection, digital resilience and cyber security.

The Red Card Project does not highlight its founders – it presents the previously mentioned "challenging factors" and illustrates the issue in a real-life scenario. In particular, it highlights the major issues surrounding the ownership of athletes' data

⁹ TLT llp. (2023). A look at Project Red Card – Who owns footballers' performance data? LawCareers.Net. retrieved from: <https://www.lawcareers.net/Explore/CommercialQuestion/TLT-LLP-Footballers-performance-data> (available on February 3, 2026).

¹⁰ See more about it here: <https://globalsportsdataandtechnologygroup.co.uk/> (available on February 3, 2026).

and consent, as well as the ethical handling of such data and demands fair business practice from companies in breach in relation to athletes.

Considering GSDT and its founders profoundly understand the financial loss, ambiguity and legal violations of athletes, this project aims to take legal action on behalf of footballers regarding the unlawful processing of their performance data by betting and gaming companies, particularly in relation to the use of players' data (Kowalski, 2021; Roberts, 2022). Many individuals and associations have joined the project, and it now consists of hundreds of claims made by professional footballers from the Premier League, English Football League, National League, and Scottish Premier League, as well as other sports, such as the Professional Cricketers' Association (Foley, 2023; Roberts, 2022; Hill & Rhodes, 2023; Burnton, 2023).

The claims are based on the presumption that the data protection laws have been breached and restrictions on the use of such data have not been enforced. Considering that a significant portion of the unlawful processing of athletes' data, including health-related data, occurred in many cases, the violations this project addresses are substantial. Additionally, such violations not only affected the provisions of the GDPR but also interfered with constitutional rights and the rights granted by various national laws. Through this initiative and actual legal claims, athletes are trying to regain control over the information collected during their career, which would give them the power to decide who can access it and for what purposes, as well as enable them to monetise the data collected, instead of merely leaving them with "the lost profit" (Ferrari & Liguori, 2025).

Presently, we can only find reports on the pre-action litigation letters that were sent out to companies from GSDT (Ferrari & Liguori, 2025). In case of Red Card Project being a success, the effects would be seen through different sports and activities, probably not merely in the UK, their good practice would rather spread throughout the EU and the world. Such a scenario could change the narrative and enable athletes to finally start taking ownership of their performance data and enhance their financial security.

3. The Legal Principles and Rights for the Protection of Athletes' Data

3.1 Athletes' Declaration

The Athletes' Declaration was drafted by athletes on the 9th of October 2018 on behalf of the Olympic Movement. Notably, it does not enlist only athletes' rights,

but also their responsibilities. Among the twelve rights altogether, the tenth right is set for "privacy, including protection of personal information", which is specifically connected to the topic discussed by this article. As the Athletes' Declaration was written by athletes, and considering the limited number of rights selected specifically by them, it shows that they, along with the Olympic Movement, recognised the significant importance of both rights: the right to privacy and the right to data protection.

Intriguingly, in its introduction, it is stated that it was drafted on the model of the Universal Declaration of Human Rights (hereinafter: UDHR).¹¹ As the UDHR is known to have the nature of an unbinding law, it is of no surprise that the Athletes Declaration follows in this matter. Meaning, even if the right to data protection of a particular athlete is violated, they will not have a legal remedy to claim the breach of this right purely based on the Athletes' Declaration. However, the Athletes' Declaration further suggests that States are "encouraged to develop mechanisms for effective remedies related to these rights and responsibilities, and athletes are encouraged to make use of these mechanisms" (Athletes' Declaration, 2018).

Therefore, the question of the nature of this legal Act falls into the hands of each state separately. Slovenia has not adopted a specific legal act that would confirm such a legal remedy for the protection of athletes' rights. However, that does not necessarily mean that athletes do not own these rights or that they are not given the necessary legal remedies to claim them successfully. In fact, the Slovenian legal system has various legal acts that guarantee the protection of personal data and privacy.

3.2 Olympic Movement Medical Code (the Code)

The act in question is not a Slovenian one, but a widely used act worldwide. The Code is directly applicable at the Olympic Games and other International Olympic Committee (hereinafter: IOC) led events, when decided so by the IOC Executive Board (Preamble, point 4 of the Code). That, however, does not mean the Code cannot apply to any other events or sports that are not registered under the IOC – on the contrary, it has potential applicability to all sports, in training, competition, championships and even competitions of the International Federations (Preamble,

¹¹ Universal Declaration on Human Rights, <<https://www.un.org/en/about-us/universal-declaration-of-human-rights>> (available on December 10, 2025).

point 4 of the Code). The Code sets out, not only the principles and rules related to athletes' health, mental and physical well-being or their treatments, but also the norms related to relationships between Athletes and Healthcare providers, among which the most essential aspect is privacy.

With the references to the relationships between athletes and healthcare providers at the beginning, the Code draws an analogy with patients and their relationships with doctors and other healthcare professionals. With that, it suggests that athletes should enjoy all the rights when dealing with physicians or other healthcare providers, just as they would with an ordinary patient. Although the Code particularly mentions only five primary principles that should be respected, the right to privacy and confidentiality is one of them.

Informing athletes of their health status, revealing possible diagnoses, preventative measures, and other important health-related information also falls within the scope of the right to data protection. We can explain this by analogy with Article 20 of the Patients' Rights Act (hereinafter: ZPacP), which provides for the duty to inform. While Article 20 of the ZPacP lists the general information that must be provided to a patient, this Code's Part 1.2.1. lists the specific information that must be given to the athlete in particular. Besides the already mentioned examples of information that needs to be given to the athlete, the physicians or the healthcare providers should also inform him about the risks and benefits of each intervention, alternatives to proposed interventions (and also the consequences of non-treatment for their health and for returning to their trainings), the progress of treatment and rehabilitation measures as well as about their final prognosis (Article 1.2.1. of the Code).

When it comes to a specific definition of "athletes' health data", the wording is very similar to the one set out in the GDPR for "data concerning health" and "personal data" combined.

The Code

Athletes' personal data concerning health include all data pertaining to the health status of a data subject which reveals information relating to the past, current or future physical or mental health status of the data subject. (Article 1.4.1. of the Code)

GDPR

*Data concerning health means personal data **related to the physical or mental health of a natural person**, including the provision of health care services, which reveal information about his or her health status.* (Article 4 of the GDPR)

However, when the topic is merely the "personal data protection", the Code refers to data protection laws, in the case of Slovenia, specifically to the GDPR and ZVOP-2.

On the other hand, when discussing the disclosure of confidential information regarding an athlete's health, the Code stipulates that such information may be disclosed to third parties only under the following circumstances (Article 1.4.3. of the Code). Firstly, as such disclosure is permitted by law or secondly, if that is permitted by the provisions of the World Anti-Doping Code¹², or thirdly, in certain cases it is required by law for athletes' to give an explicit consent (e.g., for the disclosure of racial, ethnic, health or other data that are considered to be under one of the special categories of data, having the ability to disadvantage an individual in different ways). Additionally, explicit consent is required if a medical intervention is not exercised in a private manner. In other words, medical intervention is, in principle, executed with respect for the right to privacy, including the presence of only the people necessary for the intervention, unless the athlete expressly consents or requests otherwise (Article 1.4.5. of the Code).

Interestingly, the Code confirms that the use of personal data, such as athletes' biometric data for medical purposes, can be subjected to a higher level of justification under the GDPR and other applicable regulations (Article 1.4.7. of the Code). In the case of Slovenia, ZVOP-2 does just that. For instance, Articles 23 and 81 outline greater demands and conditions regarding the use and storage of biometric data.

Just as patients pursuant to Articles 41 and 42 of the ZPacP, athletes also have the right to access their personal health data (Article 1.4.8. of the Code). Article 1.4.8. of the Code guarantees them even the right to request rectification and erasure of their data. All of these rights are also provided by Articles 13-17 of the GDPR.

When applicable, the Code clearly intertwines with different laws, especially ZPacP, ZVOP-2 and GDPR. This fact makes it very relevant and topical. If this Code provides a standard for all of the Olympic sports' associations, no matter the country of origin and no matter the sport, we may conclude that the legal framework on athletes' privacy protection is quite comprehensive, guaranteeing all essential rules and norms as well as checks and boundaries that are necessary for the complete and successful protection of athlete's privacy and health data. It must be pointed out that many sports, such as dance, for example, are not included in the group of Olympic

¹² World Anti-Doping Code, <https://www.wada-ama.org/en/what-we-do/world-anti-doping-code> (available on December 10, 2025). More on the on doping under Slovenian criminal law aspects see Kraljić, Šepec & Drnovšek, 2020.

sports. Consequently, in some states, such a sport may nevertheless fall under the jurisdiction of the Olympic committee, and sometimes it does not. If the sport is not registered with the national Olympic committee, this Code and its provisions will not be granted to athletes practising non-Olympic sports. However, as regular data protection and patients' laws closely relate to the Code, these "regular laws" are applicable to cases involving non-Olympic athletes and competitions, championships and other events that do not recognise the Code, making them almost equally protected as Olympic athletes.

4 General Data Protection Framework

The GDPR is presently a leading act in the field of data protection, not merely in the EU and its Member States, but also worldwide. Some countries take it as an example, and have their data protection law customised according to it, e.g. Japan, South Korea, Switzerland and more.¹³ Another country outside the EU with similar legislation is the UK. Since Brexit happened, the UK took provisions from the EU's GDPR and implemented them in the UK General Data Protection Regulation (UK GDPR), which was followed by the Data Protection Act 2018.¹⁴ Moreover, the GDPR has a so-called extra-territorial effect, which means it, in particular circumstances, extends beyond the borders of the EU. When the third party monitors behaviour or offers goods or services to a data subject that remains in the territory of EU, the GDPR will extend its powers and bind such entity, even if it is established outside of the EU (Article 3 of the GDPR). The European Data Protection Board lists examples of the monitoring activities (Polajžar, 2023, p. 40), including online tracking through the use of cookies or other tracking techniques, monitoring or regular reporting on an individual's health status, personalised diet and health etc. (EDPB, 2018, p. 18).

Article 4 of the GDPR defines the term "data concerning health".¹⁵ Therefore, in the case of disposing of performance data of a health nature, such as recovery rates, blood pressure, fitness levels, muscle volume, and similar data taken collectively, that

¹³ GDPR Advisor. (n.d.). GDPR countries: Which countries are covered by the GDPR? GDPR Advisor. Retrieved from: <<https://www.gdpradvisor.co.uk/gdpr-countries>> (available on 3. 2. 2026).

¹⁴ Data Protection Act 2018. Retrieved from: <https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted> (available on 3. 2. 2026).

¹⁵ Article 4, para. 15 of the GDPR: *»'data concerning health' means personal data related to the physical or mental health of a natural person, including the provision of health care services, which reveal information about his or her health status«.*

constitutes health data under the GDPR. Consequently, the controller¹⁶ of these data will not be obliged by Article 6 of the GDPR on processing of personal data, but by the principal prohibition of processing the specific categories of data under Article 9 of the GDPR.¹⁷ The speciality of Article 9 of the GDPR is that the processing of such data is prohibited if no additional basis in accordance with its second paragraph is met. For the lawful processing of such data, the fundamental basis would be the explicit consent under Article 9(2)(a) of the GDPR. However, sports organisations often attempt to circumvent the law, using athletes' data without explicit consent, relying on the premise that such processing is necessary and falls within their legitimate interests (Murphy, 2024). Considering the principles of lawfulness, fairness, and transparency, this type of data should be collected with explicit consent and then possibly sold collectively or individually by the athlete themselves. However, processing health-related data is permitted and lawful based on legitimate interest under the GDPR, one of the special grounds for processing special categories of data.¹⁸

The provisions of Article 26 of the GDPR should also not be overlooked, as it stipulates that there may be two or more controllers who jointly determine the purposes and means of processing, i.e., joint controllers. Joint controllers shall, in a transparent manner, determine the responsibilities of each of them to fulfil their obligations under the GDPR. In particular, they must agree on the exercise of the rights of the individual to whom the personal data relate and the tasks of each controller. Article 26(1) of the GDPR imposes joint responsibility on joint controllers.¹⁹ The latter may be particularly relevant in sport, where there may be several interested parties for the data of an individual athlete.

Additionally, Article 51 of the GDPR and Article 7 of the Charter on Fundamental Human Rights of the EU²⁰ (CFR) require Member States to designate an appropriate

¹⁶ Article 4, para. 7 of the GDPR: *»controller' means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law«.*

¹⁷ Article 9, para. 1 of the GDPR (Processing of special categories of personal data): *»1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.«*

¹⁸ See Article 9 of the GDPR.

¹⁹ More on joint controllers see also CJEU, *Case C-683/21*, 5 December 2023; CJEU, *Case C-231/22*, 11 January 2024.

²⁰ Charter on Fundamental Human Rights of the EU, Official Journal, 2012/C 326/02.

national competent authority responsible for data protection. The EU law does not specifically prescribe the needed form, body or structure for this authority. Thus, in the Republic of Slovenia as well as in the UK, this is an authority function in the form of the Information Commissioner, in Italy, they have the authority, the Italian Data Protection Authority, whereas in Croatia, the authority is structured as an agency, the Croatian Personal Data Protection Agency.²¹

With the emergence of the GDPR, the unlawful use, collection, and transmission of athletes' data have indeed become somewhat limited; however, they are not impossible (Murphy, 2024). That has not gone without notice, as many athletes and representative bodies have stood up and started challenging such wrongdoing, not only due to the potential commercial value of an individual's data, but also because of its sensitivity (Murphy, 2024).

4.1 Exemption: (Adequate and necessary) disclosure of athletes' personal data in accordance with the Advocate General's Opinion in Case C-115/22

In a relationship between an athlete and an event organiser or club, the weaker party is obviously the athlete. Accordingly, the athlete should be given more protection, especially in cases of dispute or potential harassment. However, when it comes to the delicate question of doping, there is a very fine line between guaranteeing the extended protection of athletes' data protection on one hand and maintaining fair play, equal opportunities for all athletes, and managing the desired level of competition on the other. In consideration, discovering that an athlete is under substances and disclosing such information to a greater public, including various organisers, judges, sponsors, potential employers, e.g. clubs this athlete has been talking to and making collaboration arrangements with, such disclosure may ruin the doped athlete's career. Therefore, the question we may ask ourselves is, how far does the GDPR protect an athlete when they are the ones in breach?

In a relatively recent case that did not meet the requirements for a preliminary ruling by the CJEU and was disregarded as inadmissible^{22,23} Advocate General Tamara Čapeta provided a valuable opinion on this matter for the first time (CJEU, 2023). The case concerned an Austrian professional middle-distance runner, who was

²¹ In Slovenian *Informacijski pooblaščenec Republike Slovenije*. The function of the Information Commissioner of the Republic of Slovenia has been performed by Jelena Virant Burnik since 18 July 2024.

²² The case was declared inadmissible based on the fact that it did not qualify as a 'court' within the meaning of Article 267 of the TFEU.

²³ CJEU, *Case C-115/22 - NADA and Others*, 7 May 2024.

found to be in breach of Austrian anti-doping rules. In consequence of her doping, the Austrian Anti-Doping Legal Committee invalidated all the results, revoked entry fees and prize money, and banned her from participating in any sports competition for the next four years. The Advocate General analysed this case and particularly addressed the dilemma of whether the publication of personal data on the internet of a professional athlete is compatible with the GDPR or not.

In her opinion, she first emphasised that the anti-doping rules are essential for the sport, with a special link to the sport's social and educational functions, and a much less connection to the economic aspects (CJEU, 2023). Secondly, she pointed out that, as of now, there are no EU rules regarding the anti-doping policies of EU Member States. In translation, there is no direct link between the anti-doping policies and EU law, which means the GDPR cannot even regulate such processing activities. Based on these arguments, she concluded that the GDPR does not apply to the factual circumstances of the case (CJEU, 2023).

Although she also considered the alternative, in which the GDPR permits "the processing of personal data in a pre-determined context without the need for any individualised proportionality assessment", the Austrian national law led to a similar outcome (CJEU, 2023). The Austrian legislature requires the disclosure of doped professional athlete's personal data to the general public. As the athletes are the ones who are in breach, their legislature does not grant them an additional proportionality assessment in every particular case. The reasoning behind such a rule lies in its preventative aim. Such a sanction, under the guise of a preventive aim, is intended to deter young athletes from committing doping violations while also serving as a notification to relevant stakeholders. Finally, the Advocate General addressed the issue of fulfilling the requirement of the generalised disclosure obligation as demanded by the Austrian legislature (CJEU, 2023). She clarified that publishing a printed publication no longer ensures adequate accessibility of information to the general public, so the only way to align with this requirement is to create a thorough publication on the internet (CJEU, 2023). Therefore, the national anti-doping authority's publication of the athlete's name, indication of anti-doping rule violation and information about the athlete's suspension were considered adequate and necessary for the realisation of preventive measurements, namely for adequately informing the relevant stakeholders and deterring young athletes from repeating the same mistake.

At this point, it is essential to consider that EU Member States, as well as other countries worldwide, may have varying anti-doping legislation. Considering the

latter, national legislation in many other states may have different rules or preventive aims compared to those in Austria, which would lead to different outcomes and different kinds of sanctioning athletes for the same breach. Even the International Olympic Committee's Anti-Doping Rules²⁴ guarantee data protection and privacy in many parts. They even provide a special chapter 13.4 on "Data Privacy", which, in principle, demonstrates the importance and respect for the athlete's private sphere and dignity.

Notably, the Advocate General had a clear stance on the separation of anti-doping rules from the rules governing data processing under the GDPR. In our opinion, she made a valid point, emphasising the meaning of anti-doping rules and their purpose. Athletes can compete at a very high level, professionally even; however, most athletes are recreational. Therefore, it is not only about winning or making money; it is also about creating value and building character, where the social and educational functions of sport come to the forefront. Without respecting the latter, there is no sportsmanship and even less, no particularities, such as data protection of athletes. Although athletes' data protection is of great importance, when they breach one of the primary rules of their sport and violate the rights of other athletes, this protection can become very limited.

4.2 Contradictory opinion in case C-474/24: Is the disclosure of athletes' personal data really an exemption or a disproportional measure in disguise?

Two years after Advocate General Ćapeta's opinion, Austria stumbled at a very similar case. This time, however, the case was being assessed by the Austrian Federal Administrative Court, which, in its request for a preliminary ruling, posed *de facto* same questions as did the Austrian Independent Arbitration Committee within the first case (Herrlein, 2025).

In particular, the issue in the case C-474/24 was in contradicting provisions of the World Anti-Doping Code (hereinafter: WADC) and the EU's GDPR.²⁵ The provision in question, Article 14.3 of the WADC, requires all anti-doping organisations to publish the name of the athlete that committed a doping violation,

²⁴ International Olympic Committee Anti-Doping Rules applicable to the Games of the XXXIII Olympiad Paris 2024 (30 May 2023, as amended on 13 June 2024) <<https://stillmed.olympics.com/media/Documents/Olympic-Games/Paris-2024/IOC-Anti-Doping-Rules-applicable-to-the-Games-of-the-XXXIII-Olympiad-Paris-2024.pdf>> (available on November 24, 2025).

²⁵ *Case C-474/24*, Bundesverwaltungsgericht (Austria), request for a preliminary ruling, pending.

the sport concerned, the substance or method involved, and the sanction imposed, all within twenty days of the final decision on such accusations (Agrawal, 2025). Agrawal highlighted that when implemented by national bodies within the EU, the Article 14.3 of the WADC activates the privacy and data-protection guarantees of Articles 7 and 8 of the CFR (Agrawal, 2025).

In the case at hand, there were four athletes who challenged Article 14.3 of the WADC, claiming that the automatic publication of their details violated the GDPR by disclosing sensitive information without considering any individualised particularities, without temporal limitation, showing off the suspension length etc. The Austrian Data Protection Authority rejected their complaints, and so they appealed to the Austrian Federal Administrative Court, which referred seven questions to the CJEU for a preliminary ruling.²⁶ While the CJEU has not yet issued its decision, the Advocate General has already published a thorough opinion.

Dean Spielmann, as an Advocate General, stressed that such systematic online publication of the names of professional athletes, violating anti-doping rules, is *per se* contrary to the EU law (Anonymous, 2025; AG opinion in C-474/24, paras. 149-160). The objective of WADC is to discourage doping and prevent dodging of rules, which is lawful and legitimate, however, we can seriously question whether this is the only and the least invasive way to pursue such a goal. In particular, Spielmann has serious doubts about the necessity and proportionality of the measure under the GDPR and stresses that the aims of WADC could be achieved through pseudonymised online publication, which would be less invasive towards the concerned athlete's privacy (Anonymous, 2025).

Spielmann also argued that the unsatisfactory procedural guarantees of such processing, as decisions of the Independent Arbitration Committee that decides on the doping charges of Athletes (see previous case in subchapter 4.1.) are not to be appealed or contested before the ordinary courts. He considered that this lack of judicial oversight conflicts with Article 47 of the CFR and Article 79 of the GDPR, which guarantee an effective remedy against unlawful processing (see: Agrawal, 2025; AG opinion in C-474/24, paras. 170-189).

That being said, Advocate General Spielmann took an opposite stand to Advocate General Čeveta's opinion, which is why the pending judgment will be of significant importance, maybe even of precedential value. While the concern regarding proportionality is in place, the most important part of the judgment will be the

²⁶ *Ibid.*

proportionality test. The most difficult question that the CJEU will be dealing with is, in our opinion, whether the aims of the WADC could be reached with a less invasive measure. On one hand, the potential disclosure of athlete's data can really influence athlete's decision on taking the risk with prohibited substances. With disclosure of his or her data, the athlete may face various and severe consequences. Besides the suspension from competition, the athlete's "exoneration" can lead to shame, embarrassment, hatred, stigmatisation, social exclusion, loss of sponsorship, disappointment of fans and more. Of course, the disclosure of athlete's personal data does not aim to achieve such consequences, however, all of the listed may happen as collateral damage of disclosing his or her data. The authors believe that Austrian provisions that restrict legal remedies of athletes are in violation of GDPR. The disclosure of athletes' data to the general public could be limited to some extent (e.g., not disclosing the time length of suspension), however, without sharing a full name of the athlete, we think the deterrent and preventative aim of the WADC would be lost.

5 Athletes' Data Protection Through Slovenian Perspective

5.1 Constitution of the Republic of Slovenia

In the Republic of Slovenia, the protection of personal data and privacy is guaranteed by the URS. The right to privacy, inter alia, as provided by Article 35 of the URS.

Article 35(Protection of the rights to privacy and personality rights)

The inviolability of the physical and mental integrity of every person and his privacy and personality rights shall be guaranteed.

Right to privacy is in many cases associated with private and family life – that is the case with Article 8 of the European Convention on Human Rights²⁷ and Article 7 of the CFR, which is supported by an extensive case law from both courts (see European Court of Human Rights, 2025). In contrast, the right to privacy pursuant to the URS is associated with personal rights, which is even more beneficial for athletes and their potential claims in these types of matters, as it could encompass the ownership of the performance data related to them. Besides the protection of the right to privacy, this article also guarantees the personal rights and physical and moral integrity of the individual. It is a general provision, and it addresses any

²⁷ European Convention on Human Rights, Uradni list RS – Mednarodne pogodbe, št. 7/94.

individual, meaning everyone, including, but not limited to, athletes. The provision is so broad that it *de facto* covers any actions of interference in one's personal sphere, whether that means copying choreography, watching training, filming a race, or, for example, using an athlete's equipment without permission, invading their locker room without an invitation, etc. (see more Tataru & Nica, 2020; Flanagan, 2022; Buzuvis, 2007).

Furthermore, the URS provides a specific right to the protection of personal data in its Article 38. The article may be similar to the second part of the tenth right under the Athletes' Declaration, but it is not in any way related or dependent on it, as it hierarchally superceeds it. Article 38 of the URS prohibits the use of data for a purpose that is contrary to the purpose for which it was collected. Another suggestion it gives is that the confidentiality of data is more thoroughly regulated in the ZVOP-2 (Article 38, para. 2 of the URS). In its third paragraph, Article 38 of the URS provides that individuals must be given the legal remedy and the opportunity to protect their personal data as a fundamental human right.

In view of these two articles alone, the right to privacy and data protection are both constitutionally protected and further regulated in Slovenian secondary legislation, particularly by ZVOP-2 and GDPR. All of the mentioned Acts are applicable to any violation made against an athlete's data and/or privacy. The URS explicitly mentions the availability of a legal remedy for any kind of data breach, which is another endorsement of the fact that compliance with the GDPR and ZVOP-2 is necessary, and possibly even more specific laws or rules need to be looked at (for instance, Athletes' Declaration or the Code if we talk specifically about Olympic athletes or IOC events).

5.2 Sports Act

While transcending to the sectoral legislation and with that, to the more specific rules in connection to sports law and data protection, it is essential to mention the ZŠpo-1. The latter primarily defines the public interest in the field of sport and establishes the mechanisms for its implementation, including the responsible bodies and the conditions for performing professional work in sport. Like many sectoral acts, it provides specific rights for athletes. It also sets forth more technical norms, touching public sports facilities and outdoor sports areas, sporting events, databases, and supervision in the field of sport. ZŠpo-1 addresses and further regulates the collection of athletes' data, but does not provide specifics on the mere processing of

such data (Articles 76-80 of the ZŠpo-1). Many databases of athletes' personal data are maintained or managed by the Ministry of Sport for various purposes. Although these purposes differ from one another, all are designed in the name of public interest, such as monitoring compliance with the conditions for performing professional and independent work in sport, implementing training programs, establishing a network of public sports facilities and outdoor sports areas (Article 76 of the ZŠpo-1). The Olympic Committee of Slovenia – The Association of Sports' Federations (hereinafter: OKS-ZŠZ) is also a legitimate holder of various databases, as it, together with the Ministry of Sport, creates the National Sports Programme²⁸ (Article 8 of the ZŠpo-1) and solemnly for that reason, it is essential for them to have and analyse such data.

5.2.1 Collections of Personal Data

However, even at such important databases, there are restrictions, guaranteeing the adequate protection of athletes' data. Namely, for the purpose of including a particular athlete in the register of registered and categorised athletes, only the selected personal data may be collected. Article 32 of the ZŠpo-1 suggests these data are athletes' first and last name, gender, date of birth, permanent and temporary residence, competition license (including name of club, period), sport and sports results (e.g., performance or ranking, discipline, age category, place and date of competition) achieved in official international and domestic competitions, categorization class (either youth, national, promising, international, world, or Olympic). Data regarding the level of athletes' performance, indicating whether they are top athletes or not, are also allowed (Article 77 of the ZŠpo-1). Such a collection of data is carried out with public authorisation; therefore, the collection of any other data for this purpose is not permitted (Information Commissioner, no. 0712-1/2017/2368, 4 December 2017).

For the protection of athletes' personal data, ZŠpo-1 does not provide many provisions, safeguards or additional measures. There is, however, one exemption. For exceptional purposes, namely to inform the public, conduct research, or for statistical purposes, personal data must be processed in an anonymised form (Article 78 of the ZŠpo-1). Anonymised data are data that have undergone the process of

²⁸ Resolucija o nacionalnem programu športa v Republiki Sloveniji za obdobje 2026–2035 (ReNPŠ26–35): Uradni list RS, no. [55/25](#). One of its objectives explicitly refers to the establishment of a database of Slovenian sports.

anonymisation, after which an individual is either not identifiable or cannot be identified in any reasonably foreseeable manner (EDPB, n. d.). It must be considered that when the anonymisation is done correctly, the ZVOP-2 and GDPR no longer apply to these data.

5.2.2 Sports Ombudsman

It is also important to highlight Article 66 of the Sports Act, which defines the Sports Ombudsman. The Sports Ombudsman shall safeguard the rights of athletes and professional sports workers. They also deal with the complaints, comments, proposals and initiatives of athletes or their legal representatives, professional sports workers, sports programme providers, state authorities, local self-government bodies, and bearers of public authority; and publish examples of good and bad practice in sport on the Ombudsman's website (Article 66(1) of the Sports Act). The third paragraph of Article 66 of the Sports Act explicitly states that the entities referred to earlier shall provide the Sports Ombudsman with access to all data necessary for their work concerning the matter under consideration, no later than five days after receiving a request for such data. The Sports Ombudsman may access the personal data of athletes or professional sports workers with their written consent (see more Kraljić & Drnovšek, 2021).

5.3 ZVOP-2 and Slovenian Information Commissioner's opinions

On the other hand, in some parts, ZŠpo-1 specifically refers to the special law that deals with the protection of personal data, meaning ZVOP-2 and GDPR.²⁹ When it comes to the protection of personal data, whether discussing sports and athletes or any other specific field, the Act we must consider is ZVOP-2, in conjunction with the GDPR. In principle, ZVOP-2 implements the rules of the GDPR and, in certain areas, imposes stricter or additional rules that guarantee an even higher level of protection than the GDPR (e.g. genetic and biometric data, Articles 81 – 83 of the ZVOP-2). The GDPR is considered as *lex generalis*, a general Act governing a wider area of data protection, meaning it does not list rules specific to athletes. Nevertheless, it is still generally applicable in cases where the conditions of territorial and material scope are met. The authority supervising and explaining certain

²⁹ For example, see the Article 79 on the storing of data.

provisions of the two, and if needed, sanctioning violations in connection to data protection, is the Information Commissioner, whose work significantly contributes to the development of data protection, even in sports.

5.3.1 Information Commissioner's case 07121-1/2023/184

In a relatively recent case, the Information Commissioner dealt with a question of the disclosure of players' personal data from the home clubs and visiting clubs, namely the players' first and last names, their jersey numbers, playing positions, as well as their height, weight, date of birth and even citizenship. While the Information Commissioner provided that in this specific case, the legal basis could be either the consent of the player (or their legal representative) or a legitimate interest, it further explained that the sports associations may legitimately process athletes' personal data on several possibly acceptable legal bases in accordance with Article 6 of the GDPR. It indicated that the potential legal bases for processing players' personal data by sports associations or clubs are, namely, the athletes' consent, contract, law, or legitimate interest (Information Commissioner, 2023; see also Hill & Rhodes, 2023). From a sports law perspective, the first consideration is, of course, the athlete's or other legitimate representative's consent. The latter is relevant for situations where the athlete has not yet reached the age of fifteen years old. The second possible basis, the contract, is not applicable in every scenario. In cases where the processing of personal data is crucial for exercising or fulfilling the contract between the athlete and another party, e.g., a sports club, then Article 6(1)(b) of the GDPR applies. While some legal bases may not be as frequently used as the others, some are unavoidable. As indicated in Article 76 of the ZŠpo-1, for instance, the Ministry of Sport manages certain collections or registries of data, as mandated by law. Registries, as well as other collections of athletes' personal data and the subsequent processing of these data, are necessary for the management and maintenance of sports, not only by the Ministry of Sport, but also by many associations and federations working at the national or even international level – all in the public interest. Therefore, pursuant to Article 6(1)(c) of the GDPR, the basis for such collections and processing is in law. The processing of personal data may also be substantiated on the existence of a legitimate interest that prevails over the interests or fundamental rights of an individual in accordance with Article 6(1)(f) of the

GDPR.³⁰ This point is especially delicate to interpret, as it is not immediately clear from its wording.

Legitimate interest may constitute an appropriate legal basis for processing the personal data of members of a sports club, particularly when the processing of data is not strictly necessary for the performance of a contract and when obtaining the consent of club members would not be appropriate under the given circumstances. Therefore, a sports club or a trainer acting in the role of the controller must assess the circumstances of a particular case and weigh whether the additional condition for the use of legitimate interest is an appropriate legal basis, using a proportionality test (Information Commissioner, 2023). The latter should expose the (i)legitimacy of the purposes of processing as well as distinguish whether the processing of personal data is appropriate and necessary to achieve those purposes or not (Information Commissioner, 2023). If the answers to both questions are confirmatory, the last point of the proportionality test should find the actual balance between the objective and the interference with the rights and freedoms of individuals (Information Commissioner, 2023). This test implicitly emphasises the principles of purpose limitation and data minimisation set forth in Article 5 of the GDPR that are crucial for the legitimate processing of personal data in general.³¹

Considering the two countries, Slovenia and the UK, have a matching structure of the data protection authority, the proportionality test of the Slovenian Information Commissioner could be compared to the one used by the UK's Information Commissioner's Office. Following the UK's Information Commissioner's Office's guidance on data controllers' legitimate interests, data controllers should perform a *»three-part test«*: i) the purpose test: determining whether a legitimate interest is being pursued; ii) the necessity test: determining whether the processing of the data in question is necessary for that purpose; iii) the balancing test: weighing the data subjects' interests against the interests of the data controller (Flanagan, 2022). The latter is by content identical to the Slovenian Information Commissioner's test. The difference can be only sensed from the formal aspect – the UK's Information Commissioner's Office divides the test into three separate phases, while the

³⁰ Article 6 of the GDPR: *»Processing shall be lawful only if and to the extent that at least one of the following applies: [...] f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child«.*

³¹ See Article 5 of the GDPR for all the principles and their content.

Slovenian practice understands proportionality test as a single whole, while still focusing on the same three questions.

That being said, if we return to the case and consider a scenario where data in question also concerned an athlete's physical well-being, and therefore constituted "health-related data", different rules would apply. If particularly special categories of personal data are in question, then Article 9 of the GDPR applies. In such a case, the processing of personal data is principally prohibited, and can only be allowed if one of the bases from the second paragraph of Article 9 of the GDPR is fulfilled. Notably, the choice of an appropriate legal basis for processing sensitive (see more on sensitive data Turnšek & Kraljić, 2024) or special categories of personal data also falls within the responsibility of the controller, which, in this particular case, was the sports club (Information Commissioner, 2023). That means that the sports club is the subject, which must take into account the specific circumstances and purposes of the processing and choose the legal basis accordingly (Information Commissioner, 2023). Even though this particular case was not about ethical or racial discrimination, disclosing one's citizenship could reveal the ethnicity or race of a player, and if that information was used in a certain way, it could lead to discrimination or a disadvantaged position for an individual.

5.3.2 Information Commissioner's case 07121-1/2025/1391

The Information Commissioner has, *inter alia*, assessed another relevant question on whether the members of the football club in hand has the right to look into the sponsorship contracts or is that only in the board's or supervisory board's domain. Firstly, the Information Commissioner correctly highlighted that the topic of associations and their work falls outside of his jurisdiction. Therefore, the focus was put primarily on the work and actions of an association in the role of a controller. An association as a controller is just like any other person or entity bound by the Article 6 of the GDPR, which suggests the proper bases for the processing of personal data. The bases mostly used in comparable cases are mentioned and thoroughly explained in the previous subchapter. The association must also guarantee the confidentiality of data; meaning the controller should make sure that the data is not disclosed to any unauthorised person (Information Commissioner, 2025). The controller is the one that is to decide who and to what extent can or needs to access certain data for the purposes of his or her job (Information Commissioner, 2025). Thus, any person that accesses certain data in the role of the

extended hand of the controller (or processor) must maintain the confidentiality of these personal data and cannot process them for any other purpose than those within their jurisdiction (Information Commissioner, 2025).

6 Conclusion

Although many laws protect athletes' data and privacy, few legal acts specifically address the protection of athletes'. Additionally, most of these acts, particularly those related to athletes, have a non-binding nature. That does not mean these are not relevant or important in practice. Because they were drafted by an important organisation connected to the Olympic committee, they may draw even more attention from the selected audience than laws and regulations. For them to compete effectively, the associations, clubs, trainers, and athletes themselves may need to study such Acts or at least be familiar with them. Whereas regulations and laws like GDPR and ZVOP-2 may be rarely touched by the listed, at least in parts where the provisions supposedly do not concern them directly. Therefore, the Athletes' Declaration and the Code are very important documents for athletes, clubs, and organisations, not only for the competitions to which they apply, but also as general sports rules.

In consideration, if an athlete's case reaches the court, the judge will assess the case according to laws, such as ZVOP-2 or, if the case concerns a more specific group of data, such as health data, even ZPacP. Although these Acts have no particular relation to athletes' protection or sports law, athletes will not be at a disadvantaged position. On the contrary, the judge will, in the scope of his discretion, consider all the given circumstances. In cases where the issue concerns an athlete's health data violations, the judge will apply the provisions under Article 9 of the GDPR that are specific to the processing of special categories of data. The fact that the violated subject was an Olympic athlete or an ordinary citizen, a woman or a man, an eighteen-year-old or an eighty-year-old male does not and should not make any difference in the court's decision.

At this stage, it is fair to emphasise the weight of the CJEU's upcoming decision in the presently pending case C-474/24. In two comparable cases, C-474/24 and C-115/22, we have seen the clash of two Advocate General's opinions, both well substantiated, but pointing in two completely different directions. One upheld the principles and rigid rules of the GDPR, not letting any inferior Act (in this case, the WADC) disrespect it, while the other uplifted the social and educational functions

of sport, its “fair play” and sportsmanship, which are the core of any sport. They both discussed the proportionality of Austrian rules and measures, but ended up with a completely different result of the same equation. In the first opinion, Advocate General Čapeta substantiated that the public disclosure of athletes’ data as an Austrian measure is proportional, not only because of its preventative aim, but also due to other factors, like a doped athlete being in violation of sports rules, a doped athlete violating other athletes’ rights, gaining profits or prizes unfairly etc. In another case, the second Advocate General Spielmann’s opinion did not lean so much towards the sacredness of sportsmanship, it rather legally assessed the compliance of Austrian provisions and measures with the GDPR.

In our view, the latter reasoning has stronger legal grounding and could be easily understood as *de lege lata*. We, however, must not forget about the preventative function of the current legislation and presumption of the sportsmanship and “fair-play” principle, which was strongly highlighted by the first opinion. While we support the substantiation of Advocate Generale Čapeta, we expect that the CJEU will be the third figure to do a proportionality test and lean more to the second opinion of the Advocate Generale Spielmann, maybe not so much because of the disclosure (as the measure is to at least some extent) proportionate (see the reasoning in Čapeta’s opinion – chapter 4.1.), but most certainly because of the lack of legal remedies for the concerned athletes. Perhaps the question we should be asking ourselves is: is the monopoly of the GDPR going to stand for all costs, even in specific cases in connection to sports law, or will the CJEU allow the sports sector more freedom and discretion in order to maintain the idea of sportsmanship? The CJEU’s decision in case C-474/24 is expected to be a landmark decision, not only for EU law, but also for sports law in general.

In practice, unprecedented situations and questions keep occurring, yet on paper everything seems to be in place. Data protection laws, as well as other laws, which provide the fundamental rights of privacy and data protection, the norms regarding the correct collection of athletes’ data, even the specific protection of health data and safeguards for the relations between the patients or athletes and physicians or healthcare providers, present a complete framework of athletes’ data protection. Of course, we can always find some competition organisers or other organisations that intentionally disregard the law and unlawfully process athletes’ data for various reasons, such as to generate profits, increase viewership, or gain recognition. However, with the progressive development of data protection laws at the national, as well as international and EU levels, more and more protective measures are being

created, ensuring that yet more violations of this kind will be detected and accordingly sanctioned. While some players will always try to obscure the law, no matter the amount of the prescribed fine, some might learn while watching the mistakes of others. The game-changing moments are those in which the victims take the stand, as seen in the Red Card Project, where athletes shared their stories and claimed their damages. With this project, the issue of mass violations has been brought to the attention of the general public. Not only did the number of athletes speak up and claim damages, resulting in significant fines and a return of the defendant's profits, but they also negatively impacted the reputation of the organisations in breach. Athletes need to know their rights, speak up, and even claim damages when they are being violated. It is not always about that singular violation, but about setting the standard.

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Povzetek članka v slovenskem jeziku (abstract in Slovene language):

Članek opisuje sistem varstva podatkov športnikov v Sloveniji. V tej zvezi razlikujemo med podatki o tekmovanjih in podatki o zmogljivosti. Slednji so še posebej občutljivi, a hkrati zelo zaželeni s strani različnih klubov ali organizatorjev prireditvev, ki želijo te podatke izkoristiti izključno v lastno korist. V nekaterih primerih pride do zlorabe ali protipravnega razkritja osebnih podatkov zaradi pomanjkljive pravne ureditve. V nekaterih drugih primerih pa je ustrezna pravna podlaga za varstvo športnika podana – to je še posebej pogosto v primerih obsežnejših zbirk podatkov, ki jih zbirajo uradni organi ali oblasti, kot je Ministrstvo

za šport. Članek prav tako predstavlja več pravnih aktov, ki neposredno ali posredno varujejo podatke športnikov. Dejstvo, da v mednarodnem ali nacionalnem pravu pravno varstvo ni vedno neposredno podeljeno športnikom, ampak posameznikom v bolj splošnem smislu, še ne pomeni, da je varstvo športnikov kaj slabše ali nezadostno. Nenazadnje pa članek naslavlja tudi nekatere bolj specifične teme, kot denimo varstvo podatkov športnikov v primeru kršitev protidopinskih pravil, posebno ureditev podatkov o zdravju športnikov.

