

INTERNATIONAL JOURNAL OF LEGAL STUDIES AND SOCIAL SCIENCES [IJLSSS]

ISSN: 2584-1513 (Online)

Volume 4 | Issue 1 [2026] | Page 78 – 83

© 2026 International Journal of Legal Studies and Social Sciences

Follow this and additional works at: <https://www.ijlsss.com/>

In case of any queries or suggestions, kindly contact editor@ijlsss.com

AI AND TECHNOLOGY IN SPORTS: WHO OWNS ATHLETE PERFORMANCE DATA?

-Mehul Nishaant¹

INTRODUCTION

Modern professional sports increasingly rely on artificial intelligence and data-driven technologies to monitor, evaluate, and enhance athlete performance. From wearable fitness trackers to advanced biometric sensors, athletes today generate vast amounts of performance-related data during training sessions and competitive events. This technological shift has transformed sports into a data-centric industry, where performance analytics influence coaching decisions, injury prevention strategies, and team selection.

In India as well, professional leagues such as the Indian Premier League (IPL) and other organized sports structures increasingly use performance analytics to optimize athlete output. While such data-driven practices contribute to improved performance and efficiency, they also raise serious legal concerns. Athlete performance data has now become a valuable commercial and strategic asset, used not only by teams but also by technology companies, sponsors, and broadcasters. This development gives rise to a critical legal question: who truly owns athlete performance data—the athlete whose body generates it, or the teams, leagues, and commercial entities that collect and exploit it?

This blog examines the legal complexities surrounding athlete performance data ownership by examining privacy law, intellectual property principles, contractual arrangements, and emerging regulatory approaches.

WHAT COUNTS AS ATHLETE PERFORMANCE DATA?

Athlete performance data majorly comes out from performance of athlete's body during the game and practice sessions. It measures physical and physiological characteristics of an athlete like heart rate, speed, acceleration, fatigue level, sleep pattern, oxygen efficiency and recovery cycle; all this data gets

¹ 3rd-Year BBA LL.B. Student, New Law College, Bharati Vidyapeeth University, Pune.

quantified and measured by wearable technology like smart bands and many more which is used in the sports industry to improve athlete performance and reduce injury. This data has become commercial and strategic assets, which raises a concern about privacy and commercial exploitation.

OWNERSHIP UNDER EXISTING LAWS: NO CLEAR PROPERTY RIGHTS.

The ownership of athlete performance data is a complex issue; it does not have a fixed answer that who actually owns the performance data of athletes; there are disputes between athletes, teams, leagues, sponsors, broadcasters and data companies. Most legal systems including India, United States, UK, and the EU do not recognize raw data as “property” in the traditional sense. Courts have generally held that data is not a tangible asset capable of ownership. Many people argue and debate that this data should be owned by athlete themselves because it generated from their own body but, athletes do not automatically “own” the data generated by their bodies, unless specifically a contract grants them rights.

THE ATHLETE’S PERSPECTIVE: PRIVACY AND AUTONOMY

If we see it from athlete’s perspective this data offers the athlete in improvement in performance and health monitoring, this is the positive side but, it also has a negative side that athlete biometric and performance data can reveal very sensitive and crucial information like injury risk, mental fatigue, long-term health trajectories, and even stress responses, because of this it raises concerns about, Over-surveillance, Imbalance of power between athletes and teams, Commercial exploitation without consent, etc. Under EU General Data Protection Regulation (GDPR) and India’s Digital Personal Data Protection Act, 2023, biometric and health-related data is treated as sensitive personal data, requiring explicit consent for processing. It is a really important aspect to restrict the data which be wrongly used or the data which is used without the consent and knowledge of athletes.

TEAMS AND LEAGUES: THE CONTRACTUAL POWERHOUSE

Most sports teams and leagues argue that they “own” the data because they provide the performance tracking technology to athlete, they employ the staff who analyse and interpret this data, they fund the

training environment where this data is generated, they also employ coaches and other support staff for better performance of athlete by using and analysing that data. Athlete contracts often assign all performance related information to the team. Teams and leagues have advantage in their contractual power to control, process, and monetize athlete performance data; on the other side, specific contract clauses and data protection laws attempt to protect the rights of the athlete. Young and entry level athletes do not have a strong bargaining power, so because of that, most of the sport contracts are one-sided contracts. It gives the teams and leagues the right to collect, use and share this data for commercial use, performance and strategy building purposes.

CONTROL THROUGH IP RIGHTS

The technology companies do not claim on raw athlete performance data through claim on intellectual property rights but, rather they actually claim ownership through IP rights on the devices that collect the data, the software that is used for collecting those data, the database where the data is stored and the AI generated insights. The companies have a right to claim protection of intellectual property rights under copyright and database-rights principles in jurisdictions like the EU over data formats, AI models, etc. This often restricts athletes and teams from independently using the raw athlete performance data.

COMMERCIALIZATION OF ATHLETE DATA.

Commercialization of athlete performance data has turned out to be a multi-billion dollar industry. It has completely changed the sports industry in many perspectives and certainly became a very important reason for growth of the sports industry and also it has created many new revenue streams. Athlete performance data is monetized through broadcasters, fantasy sports, sports betting analytics, sponsorship and branding, product development, etc. This also arises legal questions and concerns like should they get compensation for commercial use of their data? In the United States, there is a reform in college sports which have started recognizing athlete's commercial identity rights. Some scholars argue that performance data should fall under publicity rights, giving athletes control over its commercial exploitation.

JUDICIAL PERSPECTIVE ON ATHLETE PERFORMANCE DATA AND PRIVACY IN INDIA

Although Indian courts have not yet directly adjudicated disputes concerning ownership of athlete performance data, existing privacy jurisprudence offers valuable guidance. In justice K.S. Puttaswamy vs Union of India, the Supreme Court recognised the right to privacy as a fundamental right under Article 21 of the Constitution. The Court emphasised informational privacy and the individual's control over personal data, particularly data that is intimate, biometric, or bodily in nature.

Athlete performance data, especially data collected through wearable devices and biometric monitoring systems, bears a close resemblance to the categories of personal and sensitive data contemplated in *Puttaswamy*. Such data is intrinsically linked to an athlete's physical condition, health metrics, and bodily autonomy. Applying this reasoning, athletes may be viewed as retaining a primary privacy interest in performance data generated by their bodies, even when such data is collected by teams or technology providers.

Further, judicial recognition of electronic records and digital evidence under the Information Technology Act, 2000 and the Bharatiya Sakshya Adhiniyam, 2023 reflects the courts' evolving approach towards technology-driven data. However, while courts are increasingly willing to acknowledge digital data as legally relevant, questions concerning proprietary control, commercial exploitation, and consent-based usage of athlete data remain unresolved.

In the absence of direct judicial precedent, Indian courts are likely to balance contractual arrangements with constitutional privacy principles. Until specific judicial or legislative clarity emerges, disputes involving athlete performance data may be resolved by applying privacy jurisprudence alongside contractual interpretation, placing significant importance on informed consent and fairness.

EMERGING LEGAL APPROACHES AND BEST PRACTICES

All over the world, sports organizations and regulators are adopting early-stage frameworks. Consent of the athlete has been prioritized, athlete must be informed and the consent must be obtained from them for collection and usage of biometric data and only necessary data should be collected, not everything should be collected and the data collected should not be used for commercial purpose unless the athlete have given consent for usage of that data for commercial use. The privacy of an athlete must be prioritized.

THE NEED FOR A CLEAR LEGAL FRAMEWORK

There is a need for clear legal regulatory framework specifically dedicated to athlete data, because current legal frameworks are very fragmented and often favour clubs or corporations over individual athletes. There are few future solutions which may include-

- Recognizing biometric data as a protectable personal right
- Allowing teams and leagues limited rights for usage
- Imposing transparency obligations on AI analytics
- There is a requirement for revenue-sharing for commercial use of athlete performance data
- Contractual fairness standards should be mandatory for everyone

CONCLUSION

AI has become a crucial part of modern athletic performance and commercial strategy making, athlete data is developing into one of the most contested legal resources in sports. Yet no existing laws are available which offer straightforward answer to the question of ownership of athlete performance data. The future of sports law should not only recognize the athlete biometric data as a commercial tool or product but, there is urgent need of clear legal framework that protects athlete autonomy while supporting innovation for sports.

ENDNOTES

- Fabian Hammes et al., Artificial Intelligence in Elite Sports — A Narrative Review of Success Stories and Challenges, *Frontiers in Sports & Active Living* (2022) <https://www.frontiersin.org/articles/10.3389/fspor.2022.861466/full>.
- Zbigniew Waśkiewicz et al., Ethical Bias in AI-Driven Injury Prediction in Sport, *AI Journal* (2025) <https://www.mdpi.com/2673-2688/6/11/283>
- T.R. Hill & Jamie Rhodes, Data Decision Making in Sport: Can Players Stop Clubs from Collecting Their Data? *Ent. & Sports L.J.* 21(1) (2023) <https://www.entsportslawjournal.com/article/id/1517/>.
- Manit Mishra, AI and Analytics in Sports, *arXiv* (2025) <https://arxiv.org/abs/2510.15487>.
- Banoth Thulasya Naik et al., A Comprehensive Review of Computer Vision in Sports, *arXiv* (2022) <https://arxiv.org/abs/2203.02281>.

- Chen Zhu-Tian et al., Sporthesia: Augmenting Sports Videos Using Natural Language, arXiv (2022) <https://arxiv.org/abs/2209.03434>.
- Debesh Jha et al., Video Analytics in Elite Soccer, arXiv (2022) <https://arxiv.org/abs/2206.11335>.
- Sjors Ligthart et al., Minding Rights: Mapping Ethical and Legal Foundations of Neurorights, arXiv (2023) <https://arxiv.org/abs/2302.06281>.
- Jake Cabott et al., Who Owns an Athlete's Biometric Data? Law360 (2022) <https://www.law360.ca/articles/1759661>.
- Bartier Perry, Data and Sport – Big Data Means Big Privacy Protections <https://www.bartier.com.au/insights/articles/data-and-sport-big-data-means-big-privacy-protections>.
- Regulation (EU) 2016/679 (General Data Protection Regulation); India, Digital Personal Data Protection Act, No. 22 of 2023.