



# BEST PRACTICE PRINCIPLES ON ATHLETE-CENTRIC GOVERNANCE OF TECHNOLOGY AND ATHLETE INFORMATION

April 2023

Prepared by

**J. Powles and J. Alderson**

UWA Tech & Policy Lab

The University of Western Australia



THE UNIVERSITY OF  
**WESTERN  
AUSTRALIA**

# BEST PRACTICE PRINCIPLES ON ATHLETE-CENTRIC GOVERNANCE OF TECHNOLOGY AND ATHLETE INFORMATION

This best practice document has been developed to provide advice to the Australian national high performance sport system in delivering best practice governance of technology and athlete information.

It is the product of a research collaboration between the Australian Institute of Sport, the National Institute Network (NIN), and the UWA Tech & Policy Lab at the University of Western Australia, an independent research centre with leading expertise in technology, law and sports science.

The document is underpinned by a global review of legislation, practice, and trends in regulation of the use of technology and athlete information. While the legal requirements of specific jurisdictions should always be assessed, this advice is designed to provide a common, principled and proactive approach at the forefront of current and projected regulatory requirements.

The AIS and NIN recommend that NIN partners and National Sporting Organisations (NSOs) adopt and share this advice with practitioners, administrators and athletes throughout the system.

## The need for a common, principled and proactive approach

The widespread adoption of digital and sensor-based technologies in Australian sport, and the corresponding explosion in the scale and dimensionality of sensitive athlete information being collected and used, are recognised as having outpaced requisite systems of governance and oversight ([Australian Academy of Science, 2022](#)). This creates risk and exposure for organisations as well as individuals involved in high performance sport, especially those engaged by the public sector, where the highest standards of governance, integrity and regulatory compliance are expected.

Compounding the challenge, major shifts are underway in the regulatory landscape, including stronger privacy protections, consumer protection and competition reforms, and increased oversight of data, algorithms and automated systems. Globally, the sports sector is also seeing increasing regulation of the use of technology and athlete information through collective bargaining agreements and litigation.

These combined trends require a sophisticated and principled response.

**The national high performance sport system's forward-looking, system-level response to these challenges is to promote athlete-centric governance of both technology and athlete information.**

## What is athlete-centric governance?

Founded in principles of professionalism and fiduciary responsibility, athlete-centric governance embodies the simple and powerful concept that when individuals and organisations make decisions about technology and athlete information, they must always act in the best interests of athletes, rather than in their own interests. This reflects that athlete information is not and cannot be owned by organisations, practitioners or administrators, but is managed for and on behalf of athletes.

In practice, athlete-centric governance means that anyone in the high performance system that makes decisions about technology or athlete information should always ensure that those decisions are clearly justified and that they centre the best interests of athletes. To reduce the burden on individuals, it is crucial that these decisions are supported by system-level leadership. This advice supports the further development of domain-specific expertise and practice based on these foundational principles.

### THREE FOUNDATIONAL PRINCIPLES

Athlete-centric governance means that decisions about technology and athlete information:

- Are clearly justified.
- Centre the best interests of athletes.
- Are supported by system-level leadership.



## Principle 1: Clearly justified decisions

The principle that decisions about technology and athlete information are clearly justified is underpinned by requirements in federal, state and territory privacy law such as those concerning purpose specification and information quality and accuracy. It also reflects the high performance system's commitment to scientific and technical rigour, as well as to prudent and cost-effective decision-making in the resource-constrained environment within which many high performance sports operate.

In order to clearly justify decisions about technology/athlete information, best practice involves asking and answering the following questions in a way that is transparent and accountable. To assist, these questions should prioritise the relationship between athletes and those who support athletes – not the relationship between any of those individuals and technological artefacts:

- Why is the technology being used/information being collected? What is the purpose and desired outcome? (Must be more specific than to assist, manage or enhance participation or performance.)
- What scientific evidence connects the technology/information to the purpose and desired outcome? If the evidence is lacking or contested, what justification is there for the technology/information?
- Having regard to the purpose, is the information being collected relevant, not excessive, accurate, valid, up-to-date and complete?
- Is the technology/information being used in decisions that impact on athletes (e.g., surrounding categorisation, selection, etc)? If so, what is the process of decision-making and how is it justified?
- For organisations, how is the athlete information being collected or used 'reasonably necessary' for your functions or activities?

## Principle 2: Centring the best interests of athletes

The principle that decisions about technology and athlete information centre the best interests of athletes reflects that the majority of athlete information collected in high performance sport is 'sensitive information', which means that it is subject to the most stringent regulatory requirements.

To centre the best interests of athletes in decisions about technology/athlete information, best practice involves asking and answering the following questions in a way that is transparent and accountable:

- Is the justification for the technology/information collection communicated in a way that is functional for any given athlete and allows them to exercise their rights?
- Is an athlete able to provide voluntary, informed, and specific consent (revocable at any time) to technology being used or their information being collected or used?
- Is an athlete able to access the information that has been collected about them, and when and how it was or may be used?
- Are all uses of athlete information in decisions declared to athletes? Is an athlete able to understand and challenge decisions that impact on them and that use technology/athlete information? How and when can they intervene in decision-making?
- Is the technology being used or information being collected seen as intrusive, intimate, or sensitive from the perspective of some athletes? This requires particular attention in some states, such as NSW and Queensland, and indicates a need for system-level leadership.
- Is the technology being used or information being collected seen as routine and part of everyday practice? This indicates a need for system-level leadership to provide a common approach.
- If the technology being used or information being collected involves the use of a third-party product or service, who is the provider, what are their interests in the information and broader ecosystem, and how does this impact on the best interests of athletes? Third-party technology interests are also an area requiring system-level leadership.



## Principle 3: System-level leadership

The success of athlete-centric governance depends on it being manageable for all participants. This applies to athletes as much as it does to practitioners and administrators – a system that inundates individuals with endless disclosures and consent forms is not a successful model of athlete-centric governance. Instead, there is a need for system-level leadership so that assessments of technology and information practices that recur across the high performance system are systematically addressed through specific guidance and developed in conjunction with relevant domain experts.

The national high performance system has already undertaken several system-level processes that demonstrate the application and elaboration of athlete-centric governance in practice. These include:

- In response to research on eating disorder prevalence within high performance athletes, practices around body composition assessment have been significantly modified, and are now undertaken infrequently and with much greater sensitivity to individual athlete needs ([AIS, 2021](#)).
- As part of the Female Performance & Health Initiative, routine practices of menstrual tracking have been replaced by a much more select, purposive and science-informed approach ([AIS, 2020](#)).

There is a need to develop more system-level guidance in areas where the national high performance system and its collaborators have deep expertise. These range from best practice guidance on geospatial tracking and body-worn sensors, to sleep and mood tracking. Some of this work is already in progress and will be integrated into the national high performance system once finalised.

