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BITEFIX

against match-fixing in sport




Building Innovative Tools for the Exchange
of Information and Awareness
Raising Against Match-Fixing in Sport.

POLICY RECOMMENDATIONS ON THE FIGHT AGAINST MATCH-FIXING

PARTNERS



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BITEFIX RECOMMENDATIONS – OVERVIEW

In recent years – especially from the early 2000^s – several scandals arose in sports, related to the manipulation of sports competitions (*match-fixing*), in particular associated with online sports betting, deriving, in large part, from the growing economic dimension of sport, as identified by the European Union’s White Paper on Sport of 2007.

The new economic dimension of sport, associated with an expressive increase in its mediatic impact – largely due to an accelerated development of technological platforms of information and communication – led to the rise of various new economic activities but, also, to several illegal ones.

Consensual doctrine considers that the 'explosion' of online gaming has been greatly influenced by two technological innovations: (1) the first gaming software, created by *Microgaming*, in 1994 and (2) the development of cryptographic communications protocols, allowing online financial transactions, by *Cryptologic*, in 1995 (PRECRIMBET, 2017).

This context – involving growing financial flows and new ‘actors’ – is, without doubt, one of the main reasons for a significant increase in the number of cases of match-fixing, supported by two specific factors: on one hand, the proliferation of types of bets offered (facilitated by new technologies), under effective supervision by the authorities responsible for the regulation of the betting markets and, on the other hand, the development of a vast illegal market, providing very high profits that attract criminal organizations interested in intervening and (interfering) in sports competitions through the betting market, with a view, among other objectives, of money laundering.

These circumstances represent a new challenge for the *Rule of Law* (on a global scale, considering the transnational nature) in what concerns the fight against fraud, organized crime and corruption associated with sports, but constitutes also a challenge for all stakeholders involved, as the sporting universe, the regulators and operators of legal betting and governments, in a way that these practices constitute a serious threat to the future of sports as a social, cultural, economic and political practice of primary importance, placing at high risk its integrity and values that have been historically acknowledged, as well as its own sustainability.

In response to these new facts and circumstances stakeholders are called to consider innovative solutions, review concepts and stimulate extensive concertation (and action) by the directly interested parties and key-stakeholders.

- *The effective protection and promotion of the integrity of sport are the preconditions for preserving its developmental, educational and health-promoting functions; UNESCO Kazan Action Plan (2017)*

One of such aspects is the general increase in transparency of operations and management of the interests in presence (sports universe, governments, regulators and betting operators), in order to ensure the fundamental public scrutiny that is applicable, by definition, to all areas of community life (regardless of the greater or lesser sympathy it elicits).

It is with this background that an International Convention was launched in 2012, under the aegis of the Council of Europe – attentive to its role of protection of the *Rule of Law*, of *Human Rights*, Ethics and the values of sport therein.

Underlying this Convention (approved in *Macolin*, Switzerland, in 2014, and entered into force in 2019) is the intention to pave the way for specific actions in the field of sport, with a view to countering some of the main integrity threats identified.

- “*The manipulation of sports through sports betting poses the greatest threat to the integrity of sport.*”
Jacques ROGGE, President of the International Olympic Committee (IOC) – 2001/2013

Information exchange between public authorities, the sport movement and betting operators is considered crucial to identify and sanction sport integrity violations, such as match-fixing, and therefore the Convention elects it as the main operational mechanism to enable stakeholders to face these threats.

Such ambitious exchange of information, nevertheless, can only operate if in compliance with *Personal Data* protection laws and regulations.

It is with this background that the BITEFIX Recommendations direct particular attention to issues implying *data protection* for *exchange of information* purposes.

- **Chapter III – Exchange of information (*Macolin Convention*)**

Article 12 – Exchange of information between competent public authorities, sports organisations and sports betting operators

(1.) *Without prejudice to Article 14* each Party shall facilitate, at national and international levels and in accordance with its domestic law, **exchanges of information** between the **relevant public authorities, sports organisations, competition organisers, sports betting operators and national platforms**.

In particular, each Party shall undertake to set up **mechanisms for sharing relevant information** (...) assist in the carrying out of the **risk assessment** (...) or carrying out **investigations** or **proceedings** concerning the *manipulation of sports competitions*.

Article 14 – Personal data protection

1. Each Party shall adopt such legislative and other measures as may be necessary to ensure that all actions against the manipulation of sports competitions comply with relevant national and international **personal data protection laws and standards**, particularly in the exchange of information covered by this Convention.

Policy Recommendations – BITEFIX – 2023

RECOMMENDATIONS' SCOPE

A comprehensive fight against match-fixing is dependent of a series of actions that must be pursued systematically, consistently and by initiative of several actors (both individually and in a coordinated manner).

An effective integrity protection system depends on a holistic approach, with top-bottom decisions and bottom-up initiatives by each of the relevant stakeholders.

The multiple, simultaneous actions, of the concerned stakeholders, should be operationalized towards end-results by coordinating through *multi-party's platforms*.

The *BITEFIX Policy Recommendations* builds essentially in the work developed by the project's partners in the different work packages (WP) and in the numerous discussions, work sessions, coordination meetings, conferences and *Transnational Project's Meetings* (TPMs) held along the execution of the project.

In addition, all the available literature, international instruments and key-studies have been considered and, where pertinent, referred.

The Recommendations were prepared (**method**) in accordance with the (i) *goals* and (ii) *process/steps* described hereunder.

The Recommendations are organised by **7 (seven) key-subjects**, aiming at providing a pyramidal overview and a roadmap on challenges and main anchors to set-up a resilient anti-match-fixing system, enabling the relevant stakeholders to increase awareness and be better equipped to respond to the threats posed by match-fixing, with a focus on *exchange of information* and *personal data* protection.

Each key-subject contains a brief introductory '*rationale*', the Recommendation(s), the key references, the key links (where pertinent), and specific recipient (where applicable).

RECOMMENDATIONS' PILLARS (7)

- 1. Countering match-fixing & betting fraud**
- 2. Exchange of Information & Personal Data Protection**
- 3. Whistle-blowing & protected reporting mechanisms**
- 4. National Platforms (NP)**
- 5. Sport Integrity Units (SIU)**
- 6. Education & Capacity Building**
- 7. Policies, Standards & Codes of Conduct**

RECOMMENDATIONS' GOALS

- I. Propose **European-wide policy solutions** to combat match-fixing in sports at all levels (EU, national and regional), with a special focus on education & capacity building.
- II. Promote **collaboration & networking** between key stakeholders and experts in exchanging timely, secure and reliable information to counter match-fixing.
- III. Improve the conditions for **more evidence-based policy making in the field of sport at all levels** (EU, national and regional).

RECOMMENDATIONS' PROCESS

Analyse political measures and strategies to combat match-fixing and betting-fraud.

- Focusing on capacity building and awareness raising at grassroots sports' level.
- Focusing on the promotion and strengthening of the systems of exchange of information and identification of the correct action to adopt to tackle match-fixing in face of a given threat.
- Informing policy-makers about options that are evidence based, robust and will achieve the desired result related to this issue considering various scenarios.

The *policy recommendation approach* followed this sequence:

- Identify and clarify the policy issue;
- Research relevant background and context;
- Identify the alternatives;
- Carry out required consultations;
- Select the best policy options and prepare policy recommendation document for approval.

PROCESS – STEPS:

- **STEP 1:** Analyse the intellectual outputs that were comprised in the WP2, WP3 and WP4.
- **STEP 2:** Identify the *Strengths, Weaknesses* as well as the *Opportunities* and *Threats* (SWOT) in order to combat match-fixing and betting-fraud. With special focus on:
 - **Capacity building** and **awareness raising** at grassroots sports' level.
 - **Exchange of information** and **identification of the correct action to adopt** to tackle manipulation of sports competitions.
- **STEP 3:** Identify the needs to cover, based on the SWOT report created.
- **STEP 4:** Identify the target audience that will implement the recommendations.
- **STEP 5:** Draft, revise and consolidate the policy recommendations.

1. COUNTERING MATCH-FIXING & BETTING FRAUD

Sport is one of the biggest civic movements in most countries all over the world.

In that sense the sport universe represents and reflects all aspects of society, and therefore sport faces similar challenges to those in other fields of human activity, in which integrity is threatened.

Such challenges must be addressed with a mix of policies and actions encompassing *governance, prevention, detection, cooperation and enforcement*.

It is in result of its popularity and access to organised sport and competitions globally, that betting on sport outcomes is now a major component of overall global gambling. Betting is attracted to sport competitions due to both the uncertainty of results and the live global media coverage of contests.

International gambling on sport is a complex and sophisticated international business model with a significant and growing cumulative global turnover. The majority of international sport betting today operates like any international trade dealing essentially with financial exchanges, through the use of computed algorithmically driven instantaneous protection of the commission percentage, with betting money constantly shifted and hedged, most often while a sport contest is actually in play.

As sport betting is constantly innovating new products and delivering platforms to international bettors, the capacity of national regulators and national laws to keep pace and to control taxation revenues, where applicable, is seriously challenged. Existing taxation regimes do not appear to capture a major percentage of the international sport betting trade.

Some key-elements are critical to respond to this background and setting-up a defensive and reactive line to counter integrity breaches that seek to take advantage of the global betting opportunities in sport, in particular with regard to criminal infiltration and match-fixing: the ***exchange of information, education & capacity building***, robust ***whistle-blowing mechanisms*** and the ***ability to investigate*** suspected integrity cases.

The BITEFIX project has therefore focused on developing practical tools and recommended policies in such key-aspects.

It is with this background that action is needed by all the relevant actors – sports organisations, betting operators, regulators and enforcement authorities – to *prioritize the safeguarding of the integrity of competitions*, at all levels and across structures and operations, providing sufficient and *fit-for-purpose* resources accordingly.

The *Recommendations* in this part contain fundamental elements to translate such prioritization into practice and are applicable to all stakeholders.

RECOMMENDATIONS

Recommendation 1

Strengthen legal frameworks with the inclusion of specific criminal and/or disciplinary offenses related to match-fixing. (IO2)

Recommendation 2

Adopt dissuasive sanctions not only to natural persons but also to legal persons liable. (IO2)

Recommendation 3

Assure a thorough understanding and a clear and vocal commitment of the leadership of key institutions and stakeholders in prioritizing integrity protection policies, plans and measures, in particular against match-fixing. (IO2)

Recommendation 4

Allocate an adequate level of human and financial resources to integrity policies and programs (protected reporting systems, capacity building programs, integrity unit(s), exchange of information and monitoring technologies, etc.). (IO2)

- *Any effective approach to tackling competition manipulation requires that law enforcement agencies, criminal justice authorities, corruption prevention authorities and relevant officials in sports organizations acquire appropriate knowledge, receive appropriate technical assistance and have access to cooperation mechanisms. UNODC2021*

Recommendation 5

Provide training to law enforcement officials and prosecutors to investigate competition manipulation with a specific focus on transnational investigations, evidence evaluation and coordination and exchange of information with sports organisations and betting operators. (IO3)

Recommendation 6

Increase capacity, where assessed to be required, within sports organisations, and prepare staff in charge of disciplinary procedures to conduct *fact-finding inquiries* and take prudent investigative steps in relation to any suspicion or allegation of match-fixing in order to compile and submit a report. (IO3)

Recommendation 7

Such staff should be trained in, and therefore utilize, relevant investigations skills including interview techniques, intelligence analysis, OSINT (open-source intelligence) development and information management.

Ultimately, all serious allegations of suspected match-manipulation, as alerted by monitoring partners, whistleblowers and other sources, should receive investigative attention. (IO3)

- Match-fixing is both a significant problem and a threat to most sports, yet investigations are unbalanced. Skills and resources vary across different bodies, and often the geographical match-fixing hotspots are where resources are lacking.
- Some integrity departments are well equipped, others much less so: there is a 'postcode lottery', an imbalance as to the resources deployable depending on where a suspected manipulation has occurred.
- Match-fixing tends to occur away from lucrative competitions, where players are well paid and harder to corrupt: it often occurs in poorer jurisdictions, where integrity departments receive less funding. This is a key vulnerability exploited by match-fixers. (IO3)

Recommendation 8

Give consideration to transferring the anti-match fixing responsibilities that currently sit with sports governing bodies to a newly formed *international* and *independent Integrity Agency*. Such an agency would have a firm and defined anti-match fixing remit, specifically with: (IO3)

- Authority to investigate all suspected match-fixing globally on a level-playing field;
- Authority to sanction those individuals and entities found to be guilty of match-fixing through a robust investigatory process;
- Capacity to establish close relations with law enforcement agencies through operational working agreements and staff secondments;
- Independence to choose investigation targets, based on an intelligence-led strategy;
- Freedom from interference, political influence and commercial considerations
- Funding from governing bodies and proceeds of crime seizures;
- A majority of Board members appointed from outside of governing bodies in order to maintain independence.

Recommendation 9

Provide and disseminate **resources** and **practical tools** to the stakeholders involved and highlight legal frameworks and background information to facilitate a better understanding of match-fixing, its implications, and how to implement effective counter-measures. (IO1)

Recommendation 10

Promote and support the collection and selection of best practices around the world and make them freely available to all stakeholders and general public – adapting its language and displaying or dissemination methods to special audiences such as grassroots sports. (IO1)

2. EXCHANGE OF INFORMATION & PERSONAL DATA PROTECTION

Exchange of information between stakeholders in the fight against the manipulation of sports competitions is considered as one of the most effective solutions in the fight against match-fixing.

Alongside protected whistle-blowing mechanisms, it can be considered as a keystone of mechanisms for protecting the integrity of sports competitions.

These mechanisms have multiplied in recent years, at regional and national levels, and have placed the exchange of information at the heart of their concerns and their functioning.

Despite remaining imperfections and obstacles, the timely flow of information between stakeholders in the fight against the manipulation of sports competitions has allowed at the same time to (i) prevent certain attempts of match-fixing and to (ii) facilitate the search for the offenders and (iii) their sanction in a context where the collection of evidence raises always great difficulties.

These mechanisms are complemented by international information-sharing platforms in the fight against corruption and organized crime – namely the *Macolin Convention's Follow-up Committee* – that promote mutual assistance.

However, the effectiveness of the fight against the manipulation of sports competitions cannot justify the violation or neglect of the fundamental rights and freedoms guaranteed when **personal data** are at stake. In this respect, whether it concerns the European Union *General Data Protection Regulation* (EU GDPR) or the Council of Europe *Convention 108+*, the enhanced guarantee of the rights to personal data protection translates into a multitude of tools at the stakeholders' disposal to help them in the fight against match-fixing and betting fraud.

The *Recommendations* herein aim at enabling the stakeholders in the fight against match-fixing to find a satisfactory balance between the goals pursued for the protection of sports' integrity and the protection of fundamental rights and freedoms – in particular of *personal data* protection.

RECOMMENDATIONS

Recommendation 1

Establish a *uniform information exchange procedure*. The efficiency of information exchange is conditioned by the development of such uniformization, between public and private authorities, as required by Law, accompanied by the stakeholders' individual adoption of measures to enable such exchange. (IO4) Sorbonne-ICSS 2023

Recommendation 2

In order to implement the *uniform information exchange procedure*, the *Macolin Convention's* Follow-up Committee should issue guidance (e.g. through guidelines):

- Specifying the name or the ***type of authorities*** referred by internal, European and international cooperation;
- Specifying the ***type of information*** that can be exchanged in case of illegal, atypical/irregular or suspicious sports betting.
- Establishing "***standard information exchange procedures***" to help sport stakeholders and relevant stakeholders in the implementation.
 - As established in Article 1 of the 2014 *Council of Europe's Macolin Convention*, one of its main objectives is "*to promote national and international cooperation against manipulation of sport competitions between the public authorities concerned, as well as with organisations involved in sports and in sports betting*".

Recommendation 3

Identify the *categories* of processed data (sensitive or non-sensitive) and ensure that the principles and rules imposed by the regulation are respected.

Communicate to the person subject to personal data treatment the remedies available. (IO4)

Note:

Stakeholders are required to inform the player and/or athlete of all methods of processing their collected data. They must provide the information required by regulations (namely GDPR and Convention 108+).

Informing a person is a prerequisite for data collection. From then on, it will be up to the betting operator, regulators and sports federations to bring any changes to the attention of the player and/or athlete. Such information must be easily accessible and must be included in the information notices.

Specific notices must be drawn up for cookies and pop-ups and when using functions such as Google Analytics.

Recommendation 4

The *Council of Europe's Macolin Convention* subjects the exchange of information to the respect of eight principles similar to those contained in the *Council of Europe Convention 108+* and the EU GDPR, therefore it would be important to standardize them. (IO4)

- For example, the following could be considered as personal data: surname, first names, gender, date and place of birth, home postal address, and where appropriate the mailing electronic address.

Recommendation 5

Establish at the national level a horizontal mechanism for information sharing (**National Platform**) between betting operators under the control of the Regulatory Authority in charge of sports betting in case of suspicions of fraud (illegal, atypical/irregular or suspicious sports betting). (IO4)

MoU's and cooperation agreements to frame such relations should be established. (IO4)

- The **collection and sharing** of information between stakeholders in the sports sector can be carried out:
 - between national regulatory authorities (a)
 - between betting operators (b)
 - between betting operators and players (c)
 - between members of the sports movement (d) but also
 - between betting operators and other stakeholders (e)

Recommendation 6

Harmonize the cooperation practices of the national regulatory authorities and adapt the material scope of the cooperation agreements that bind them to the **standards** governing the protection of personal data in order to allow an optimal transfer of the information collected. (IO4)

Recommendation 7

Encourage the development of a **Code of Conduct** in cooperation with the regulatory authorities and National Platforms summarizing all the rules and procedures that must be followed by their members for ensuring the security of data collected from players and athletes. (IO4)

Recommendation 8

Strengthen cooperation between betting operators and introduce into the regulations of the associations of sports betting operators' **rules/ details / requisites** regarding the nature of the information likely and/or that can be exchanged. (IO4)

Recommendation 9

Establish in the betting operators' general terms of services the various hypotheses in which players/bettors' personal data may or can be transferred to a third party. (IO4)

In addition, identify precisely the recipients of these data and their processing.

Develop *information notices* in accordance with the provisions of the GDPR and the modernized Convention 108+.

- The Convention's Follow-up Committee could make recommendations to this effect, including suggesting that National Platforms approve the betting operators' terms of services and conditions in the jurisdiction.

Recommendation 10

Encourage Member States to establish similar laws to standardize information sharing procedures between national regulators. (IO4)

Recommendation 11

Draw up a list of data collected by stakeholders to determine the information considered as *personal data* and identify the *sensitive data*. (IO4)

- The *Macolin Convention's* Follow-up Committee could encourage stakeholders to compile this list through one of its Recommendations and to redraft and harmonise the models proposed by the national data protection authorities.

Note:

The notion of "*personal data*" is defined broadly.

When it comes to fighting the manipulation of sports competitions, stakeholders will therefore have to be very careful regarding the information they collect and wish to exchange. In this regard, they will have to consider:

- 1) The rules applicable in the case of data processing during normal management activities;
- 2) The rules applicable in the event that the data is subject to processing because it is necessary to combat the manipulation of sports competitions.

It is therefore essential to precisely list all the data necessary for stakeholders (betting operators, regulatory authorities, sports federations, etc.) to guide them in the assessment of the data collected.

To combat the manipulation of sports competitions, stakeholders are called upon to know precisely the personal data they hold, their location and to have a view of the operations carried out on this data.

Also, they should establish an inventory of data as well as a map of data processing and a register of this processing (data flow mapping and record) based on the work carried out by certain protection authorities.

Betting operators, sports federations, regulatory authorities as well as national platforms (i.e. all stakeholders in the sector) which process personal data can be considered as being responsible for processing.

Recommendation 12

Member-states should adopt **laws on data processing** in *prevention* and *detection* of criminal offenses, *investigation* and *prosecution* or *enforcement* of criminal sanctions, including protection against threats to human rights and public safety. (IO4)

Likewise, rules applicable to private organizations should be adopted.

- *While prevention-focused activities remain the most important way of tackling the problem, they need to be combined with more stringent efforts on investigation and appropriate sanctions involving the criminal justice system. The number of reports indicating suspicious activity, in particular given the growth of betting, suggest that the risk of competition manipulation to all sports is increasing. UNODC2021*

Recommendation 13

National legislators should recognize the fight against the manipulation of sports competitions as a **public mandate** to allow and regulate the processing of personal data by the regulator authorities and/or to provide an obligation in the law to cooperate and communicate / exchange information to combat sports manipulation. (IO4)

- *This could be proposed and/or established by the Convention's Follow-up Committee.*

Recommendation 14

Adopt a **European Standard** allowing stakeholders to uniformly collect, obtain or exchange personal data (in the territory of the European Union) with the consent of the player, in respect of the substantive and formal conditions required, whenever *consent* is the basis for treatment. (IO4)

Note:

Stakeholders (betting operators, regulatory authorities, sports federations, etc.) are authorized to process the *personal data* they collect **if** one of the conditions provided for is respected:

1. The player and/or athlete has given **consent**:
 - The operator must, beforehand, specify clearly and precisely all the purposes for which its consent is required.
 - Consent must be given freely, clearly, unequivocally and by the exercise of a positive act:
 - a checkbox on the gaming operator's website by which the player accepts that his collected data may be processed in accordance with the stated purposes. This consent may for example be collected when opening the player account.
 - A written declaration;
 - An oral statement.
 - Consent relating to data processing must be presented separately from other requests;
 - The player and/or athlete must be able to withdraw their consent at any time – this withdrawal will not, however, be retroactive.
2. The betting operator, the regulatory authority and the sports federations may legally process the data they collect **without first obtaining the consent** of the player and/or the athlete:
 - If the processing is necessary *to comply with a legal obligation: fight against fraud, addiction, money laundering, corruption.*
 - If it is necessary for the *execution of a data protection mission, public interest or in the exercise of functions of public authority.*
 - If it is necessary to safeguard a *vital interest.*
 - when the processing is necessary *for the purposes of the legitimate interests pursued by the controller, unless the interests or fundamental rights and freedoms of the data subject prevail.*

- when the processing is necessary *for the performance of a contract to which the data subject is a party or to the execution of pre-contractual measures taken at the request of the data subject.*

Recommendation 15

Ensure that **complete information** for the person concerned by the personal data treatment is provided, such as:

- the identity and contact details of the *Data Controller*;
- the contact details of the *Data Protection Officer*;
- the purposes of the treatment;
- the law that authorizes the treatment;
- the legitimate interests pursued by the Controller;
- the recipients of the data;
- the categories and source of personal data when the data is not collected directly from the data subject.
- any transfer to a third country or an international organization and details of the relevant guarantees (i.e. adequacy decision);
- the rights of the data subjects including the right to withdraw their consent when the processing is based on consent;
- the backup measures adopted to ensure data security;
- the data retention periods;
- the remedies available to the supervisory authority;

Recommendation 16

Have an adequate knowledge of the treatments and communicate transparently on each purpose of the treatment(s) and scrupulously observe the rules laid down by the GDPR when processing data for **later purposes**. (IO4)

Recommendation 17

Conduct a stakeholder consultation with a view of establishing a **certification mechanism** to enable those involved in processing to "*quickly assess the level of data protection offered by the products and services in question*". (IO4)

- This recommendation could be determined by the Convention's Follow-up Committee.

Recommendation 18

Consider a **certification label** specific to sport integrity (such as an *ISO* or *EMAS*). This certification label would strengthen the relationship of trust which should link the player to betting operators, sports federations and public authorities and would also be a new means in the fight against illegal operators. (IO4)

In order to enhance the efficiency of such compliance mechanisms, the European Commission, in consultation with all stakeholders, could create a specific *Code of Conduct* for the sport sector and / or establish a certification mechanism.

Note:

With this background, the responsibility of betting operators, regulatory authorities and sports federations is therefore reinforced. They must ensure compliance with the applicable legislation regarding the protection of personal data and, in particular:

- Adopt appropriate technical and organizational measures to guarantee the protection of personal data: minimum processing of data, pseudonymization, encryption and the implementation of individual rights and the principles of lawfulness of processing;
- Apply the protection of data protection principles by design and by default;
- Carry out impact studies;
- Keep a record of processing activities;
- Cooperate with the supervisory authority when requested;
- Notify any personal data breach to the supervisory authority.

In order to ensure that data protection is properly taken into account in their processing operations, *Data Controllers* can rely on instruments such as Codes of Conduct, *labelling* and *certification* procedures.

Recommendation 19

Establish and give adequate visibility to the **rights of the person subject to personal data treatment**, in particular: (IO4)

- The right not to be subject to an automated individual decision
- The right of access
- The right to know the reasoning underlying the processing
- The right to object
- The right of rectification and erasure

Note:

These provisions encourage the Data Controller to strictly limit the collection of data to information directly relevant for the specific purposes pursued by the processing.

Concretely, information that will no longer contribute to the fight against match-fixing should be deleted. It is not possible to keep personal data *ad aeternum* in the belief that this could possibly be used for a future investigation unless this is provided for by texts, under certain conditions and by certain authorities (v.g. Judicial).

These provisions allow the data subject to have their data erased when they are no longer necessary in relation to the purposes for which they were collected or otherwise processed, where the data subjects have withdrawn their consent to the processing or when they object to the processing of personal data concerning them.

The erasure of data may also take place when they are not relevant, meaning, those which are no longer necessary to achieve the general declared objective of the processing.

Recommendation 20

Develop a *risk register* and insert the risks linked to eventual sanctions provided for by the GDPR.

Evaluate the economic and reputational impact that a sanction could/can have on the organization.

3. WHISTLE-BLOWING & PROTECTED REPORTING MECHANISMS

The whistleblowing can be defined as the disclosure by a person, generally an employee in a governmental body and or a business corporation, to the public or to an authority to which he reports, of mismanagement, corruption or illegal acts or any other wrongdoing.

- This concept is not new since it was introduced in 1863 in the United States with the *False Claims Act* to denounce contractors who charged more for the supplies they sold to the Loyalist army. This text granted the whistle-blower a part of the damages paid to the State. Like the federated states, the federal legislator has introduced whistleblowing devices in various areas. Its introduction in business law is, however, to the credit of Ralph NADER in the early 1970s.

The sports sector introduced this mechanism much later at the turn of the 2000s (in particular with British and Romanian legislation).

In the sports sector, the information disclosed may concern issues related to doping, manipulation of sports competitions, bribery, corruption, conflicts of interests, discrimination, racism or abuse (including physical and sexual abuse). Because such wrongdoings can be accompanied and sustained by strong forms of organisational silence (or "*omerta*"), whistle-blowers can play an invaluable role in their detection, investigation and eventual sanction. (IO2)

- Experience in corporate or public administration settings shows that whistle-blowers can effectively participate in the self-regulation and risk management within organisations.

Despite their prominent role in the safeguarding of sport integrity, recent examples of whistle-blowers in sport demonstrate the difficulties that internal actors face when they want to break the silence and signal serious wrongdoings. (IO3)

In order to **promote** and **protect** whistle-blowers, several models of procedures and policies can be developed by sports organisations. (IO1)

First, **confidential** and **reliable reporting lines** need to be accessible by all sports actors. They can take the form of hotlines, a secured web platform, mobile or computer application, a mailbox, or, ideally, a combination of these. (IO3)

A trustworthy recipient needs to be empowered with collecting and handing the whistle-blowing reports, with sufficient capacities, resources and autonomy of action.

- The Macolin Convention advocates that sport organisations should ensure the existence of "*effective mechanisms to facilitate disclosure of any information concerning potential or actual cases of manipulation of sports competitions, including adequate protection for whistle-blowers*" – article 7/2/c.

Nevertheless, whistleblowing remains a rare practice in both public and private, and despite the implementation of several protected reporting channels, the level of reporting among sports actors is still low.

RECOMMENDATIONS

Recommendation 1

The reporting of infringements is an indispensable and critical measure to fight corruption and therefore the establishment of protected reporting systems in sport remains one of the fundamental provisions laid down in different frameworks. (IO1)

Obstacles: (IO2)

The implementation of protected reporting channels is difficult mainly due to:

- Risk of retributions
- Weak protection systems
- ‘Code of Silence’

Reporting corruption in sport, mainly match-fixing, remains a dangerous practice, and several sports actors claimed to have suffered different kinds of reprisals after denouncing illegalities in sport:

- Professional
 - Suspension
 - Loss of opportunities
- Psychological
 - Defamation
 - Social exclusion
 - Threats
- Physical
 - Aggression
 - Attempted murder

Code of silence

- The reticence to report not only derives from personal experiences but is also shaped by public evidence and discourses that circulate in the world of sport and in the media.
- In-field sports actors recognize the existence of informal rules that override the formal duties (sports and legal) of reporting. In such cases, the consequences emanate from the sport organizations themselves.
- The “*silence*” in sport is being treated as a phenomenon of individual responsibility and neglects a set of structural issues that underlie the practice.
- The culture of silence is not only related to a code of loyalty, but also to a set of “public secrets that deliberately recognize the existence of informal institutions that create and materialize these dangers” (Moriconi and Cima, 2020).

Recommendation 2

Whistleblowing is the best way to uncover and reduce corruption risks in sports and therefore EU Member States should implement a comprehensive whistle-blowers protection Law, considering the EU Directive on whistle-blowers protection (*Directive*), and include all violations of national and EU law. (IO2)

Note:

The European Directive on whistle-blowers protection - Directive (Eu) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

The EU Directive requires EU Member States to ensure that all private sector legal entities with 50 or more employees expedite procedures and establish secure channels (which ensure confidentiality) for internal complaints.

The directive encourages whistleblowers to report, preferably through internal channels, but also opens the possibility for the whistleblower to file the complaint with the competent authorities in the country or the EU. To this end, States are urged to designate competent authorities and ensure that these create independent and autonomous external reporting channels.

The directive establishes protective measures against all forms of retaliation against whistleblowers and other individuals covered by the directive (professional reprisals, threats, coercion, etc.) and provides legal, psychological and/or financial assistance.

In view of the inertia of the entities regarding the complaint presented, or in the case of public interest, the complainant can report the violation through the media, while preserving the same right to whistleblower protection.

Recommendation 3

Member States should extend protection under domestic law to reduce legal uncertainty about the whistle-blowing protection under the *Directive* and include threats or harm to the public interest that occur in sport, such as harassment, or trafficking in human beings (not covered by the Directive). (IO2)

Recommendation 4

Promote and adopt clear procedures in setting-up a protected reporting system, considering, specially, the need to: (IO2)

- Establish **who can use** the whistleblowing channel and who can (and under which circumstances) **receive protection**;
- Define what **types of complaints** can be raised by those who decide to report;
- Establish **how** the complaint must be raised (e.g., written form, verbally, web platform, in which language, what are the essential elements of the complaint, etc.);
- Establish to **whom** the complaint needs to be raised (e.g., hotline, ethics officer, etc.);
- Provide **alternative reporting lines/methods**, either to management or to an outside body or institution.

Recommendation 5

To ensure the highest levels of protection and support to whistle-blowers, promote the adoption and wide acknowledgement to:

- Zero tolerance to any kind of retaliation (including discrimination, lack of promotions and training, harassment, job sanctions, or, in extreme scenarios, even physical threats);

- That retaliation issues will be treated as a disciplinary matter within the organization.

Recommendation 6

Ensure that staff and relevant third parties are regularly informed on reporting procedures via different channels. (IO2)

Recommendation 7

Ensure and preserve the confidentiality of the whistleblower's identity whenever necessary and to the maximum extension possible to assure the highest level of protection. (IO2)

Recommendation 8

In the process of addressing a Complaint: (IO2)

- Ensure reports are acknowledged and processed in a **timely** manner;
- **Extend protection** to those who report in good faith, but not to those knowingly making a false complaint;
- Ensure the **fair treatment** of complaints;
- Keep the whistleblowers updated on the **status** of their complaints and the outcome of the investigations.

Recommendation 9

Ensure protection for representatives of sports actors such as trade unions. Member States should go beyond the definition of “facilitators” provided for the Directive and include civil society organizations (such as *Transparency International* national chapters) which, in some countries, play a very important role in supporting sports whistle-blowers. (IO2)

Recommendation 10

Consider the reversing of the burden of proof in whistle-blowing procedures, while considering:

- The establishment of clear criteria to distinguish between intentionally false allegations from allegations that have not been supplemented with the necessary documents to substantiate their veracity;
- That the responsibility to prove the falsehood of the denunciation, in given circumstances, may lie on the (natural or legal) person denounced. (IO2)

Recommendation 11

Member States should consider concrete measures to fully reverse the direct and indirect consequences of retaliation, namely through:

- Corrective measures to fully repair the situation prior to the reprisals and contemplate financial and non-financial compensations for covering the direct and indirect consequences, as well as future damages, associated with retaliation;
- The introduction, by sport organisations, of fair play (financial) awards to reward whistle-blowers in specific cases. (IO2)

Recommendation 12

Given the difficulty of implement corrective measures in some contexts, **anonymous reporting** should be allowed when accompanied by the necessary supporting documents, information, and evidence. (IO2)

Recommendation 13

A comprehensive whistle-blower protection system goes beyond measures against retaliation and should: (IO2)

- Provide transparent internal procedures to ensure the correct processing of the complaint and the whistle-blowers anonymity;
- Ensure responsibility and accountability of negligent natural and legal persons when dealing with complaints;
- Define sanctions for breaches of trust or confidentiality.
- Extend protection measures to all natural or legal persons likely to suffer reprisals from the (potential) denunciation

Recommendation 14

Sports organizations must act in accordance with the assumptions and objectives of the Directive, namely by focusing in: (IO2)

- Implementing a *culture* of effective and responsible whistleblowing;
- Enacting dissuasive disciplinary sanctions for natural or legal persons who inflict physical, psychological, or professional reprisals to whistle-blowers;
- Punishing those natural or legal persons who are negligent in managing reporting processes;
- Protecting organizations that must disclose information, make automatic reporting or whistleblowing to other entities (including to enable *plea bargaining*), for example, the competent judicial criminal police.

- Revising discourses to include narratives about informal norms that prevail in the world of sport and that need to be uprooted to promote transparency and integrity across all dimensions of sports.

4. EDUCATION & CAPACITY BUILDING

Sport integrity policies aim at preventing, detecting and sanctioning.

That is why prevention, awareness raising, and education should result in the best outcome across the various areas of sports integrity (the functions of detection and sanction may involve disciplinary infringement, but also breach of administrative law or even criminal offences).

Although educational and awareness campaigns are a crucial pillar of comprehensive integrity programs, limited or non-existent legislation, lack of coordination between sporting governing bodies and law enforcement, insufficient governance procedures and tools, along a general lack of awareness about corruption risks, has put considerable constraints on the ability of the industry to successfully block, investigate, and prosecute these crimes.

For these reasons, training and education at the individual level is a critical component of corruption prevention, investigation, and prosecution.

The purpose of a comprehensive training & education plan should be to improve awareness and understanding of corruption in sport, strategies used by its perpetrators, and efficient methods to *recognize, reject* and *report* such criminal activities.

RECOMMENDATIONS

Recommendation 1

Implement capacity building programs, as well as training, education and public awareness initiatives, involving all key participants in sporting competitions and relevant stakeholders. (IO2)

Recommendation 2

Ensure the existence of appropriate risk assessment and risk management tools to assist in managing both the prevention and capacity building activities, the internal and external financial risks, and other threats that may arise in the context of sports betting. (IO4)

Recommendation 3

Encourage awareness-raising, education, training, dissemination of information and research to strengthen the fight against match-fixing. (IO3)

- *Encouraging actions to implement educational and sensitization modules and implement reporting mechanisms for competition manipulation approaches, aimed at sports administrators, players and referees. UNODC2021*

Recommendation 4

Training & Education programmes should ensure full comprehension of the potential consequences of unethical and illegal conduct and should aim at raising awareness about match-fixing issues for all the individuals involved in the game (players, coaches, team staff members, referees and their assistants, association/league and club officials, partners, etc.). Sorbonne-ICSS 2014

Recommendation 5

The various stakeholders should be kept informed about regulatory provisions, particularly the list of prohibited types of conduct, as an essential element of prevention and deterrence. Sorbonne-ICSS 2014

Recommendation 6

Adopt presentations and seminars that target stakeholder groups such as club officials, youth, referees, coaches, etc.; such presentations should be short, followed by discussions and may be part of training courses addressing broader integrity issues. (IO3)

- *Continuing and increasing, where possible, the organization of awareness-raising sessions for officials from relevant government entities, sports organizations and related stakeholders on the threat posed by competition manipulation, with a focus on youth, vulnerable groups and women's sports. UNODC2021*

Recommendation 7

Establish clear and simple guidelines on procedures that should be followed when suspicions of match-fixing arise. (IO3)

- *Any effective approach to tackling competition manipulation requires that law enforcement agencies, criminal justice authorities, corruption prevention authorities and relevant officials in sports organizations acquire appropriate knowledge, receive appropriate technical assistance and have access to cooperation mechanisms. UNODC2021*

Recommendation 8

Promote the publication of articles/interactions in newspapers, magazines, social media sites aimed at the various stakeholder groups, e.g. fans, players, officials, general public, etc.. Sorbonne-ICSS 2014

Recommendation 9

Ensure that all the relevant agents are trained and equipped to *recognize, reject* and *report* an integrity breach or the imminence of its occurrence.

Recommendation 10

Ensure that the trainings are regular and continuous along the sporting seasons, to all agents and stakeholder's groups. (IO4)

5. NATIONAL PLATFORMS (NP)

The *Macolin* Convention provides for the introduction of a mechanism of exchange of information between the various national jurisdictions and key-stakeholders, the *National Platform*.

This framework – a central coordination Platform, the Conventional *Follow-up Committee*, connected with National Platforms – confirms the understanding that a developed multi-stakeholder integrated approach at international, national and local level in coordination and cooperation are key to success in creating a resilient sport's integrity system against the manipulation of sports competitions.

Such platforms aim at strengthening the co-operation framework among private and public bodies, including and facilitating the exchange of information.

Chapter III – Exchange of information

Article 13 – National platform

1. Each Party shall identify a national platform addressing manipulation of sports competition. The national platform shall, in accordance with domestic law, inter alia:
 - a. serve as an information hub, collecting and disseminating information relevant to the fight against manipulation of sports competitions to the relevant organisation and authorities;
 - b. coordinate the fight against manipulation of sports competitions;
 - c. receive, centralise and analyse information on irregular and suspicious bets placed on sports competitions taking place on the territory of the Party and, where appropriate, issue alerts;
 - d. transmit information on possible infringements of laws or sports regulations referred to in this Convention to public authorities or to sports organisations and/or sports betting operators;
 - e. co-operate with all organisations and relevant authorities at national and international level, including national platforms of other States.
2. Each Party shall communicate to the Secretary General of the Council of Europe the name and addresses of the national platform.

The approval and entering into force of the Convention' framework in 2019 and of its *National Platforms* have overcome:

- *“The lack of a coherent and comparable legal basis between Member States (that) have made cooperation in fighting crime more difficult, in particular regarding the exchange of information between law enforcement agencies. This is particularly relevant as match-fixing often has a transnational dimension (in “A mapping of criminal law provisions in EU 27 – KEA European Affairs”, 2012).*

Considering the multifactor and transnational characteristic of the threat, states are therefore encouraged by the Convention to create a **National Platform** to enable and promote cooperation and exchange of information among stakeholders.

Besides public authorities' participation in multi-stakeholder initiatives, civil organisations' (especially sports organisations) participation is a natural and necessary element in successful co-operation. (IO3)

- *Strengthening coordination and cooperation (...) at the national level, there is need for strong cooperation frameworks with the participation of sport, law enforcement and criminal justice authorities and other relevant State authorities. UNODC2021*

The setting-up of National Platform is a key-element in the *Macolin* Convention's operability. Such platforms serve as an information hub, collecting and disseminating information relevant to the fight against manipulation of sports competitions to the relevant organisation and authorities.

The main tasks of the Follow-up Committee are to:

- *Assess the compliance of States Parties legislation, policies and practices with the Convention;*
- *Make recommendations to the Parties on measures to ensure efficient co-operation between the relevant public authorities, sports organisations and betting operators;*
- *Prepare opinions to the attention of the Committee of Ministers of the Council of Europe; and*
- *Promote the Convention and inform relevant stakeholders and the public about the activities undertaken within the framework of the Convention. Macolin's Follow-up Committee 2023.*

RECOMMENDATIONS

Recommendation 1

EU Member-States should establish a *National Platform* under the terms of the *Macolin* Convention.

Recommendation 2

States should consider, when setting up such *National Platform*, to enlarge its scope to accommodate multi-stakeholder's cooperation and exchange of information to address sport integrity threats beyond match-fixing. (IO4)

- *The Wood Review recommended that the Government establish a national sport integrity agency that could cohesively draw together and develop existing sport integrity capabilities, knowledge and expertise.*
- *In February 2019, the Government announced its response to the Wood Review, and among a string of reforms targeting doping, match-fixing and illegal betting, agreed to establish a single sport integrity agency. In April 2019, it introduced legislation to establish Sport Integrity Australia. The organisation will implement Australia's international obligations under both the UNESCO International Convention against Doping in Sport and, once in force and binding on Australia, the **Council of Europe's Convention on the Manipulation of Sports Competitions** (the *Macolin* Convention). In Guidelines on sport integrity Action 3 of the Kazan Action Plan, EPAS, Council of Europe, 2020*

Recommendation 3

Each National Platform should include mechanisms for sharing relevant information, namely relating with risks assessment, about the types and object of the betting products to the competition organisers, and in initiating or carrying out investigations or proceedings concerning the manipulation of sports competitions. (IO3)

- *To ensure that the risk assessed is effectively reduced, a mitigation plan should be published and an Audit and Risk Assessment Committee could endorse the measures that lower the identified risk under International Standards Organisation (ISO) standards (ISO 31000:2009, Risk Management – Principles and Guidelines). Sorbonne-ICSS 2014*

Recommendation 4

The National Platform should promote active campaigns to raise awareness to the need and public interest of actively protecting the integrity of sports (and its competitions) and to achieve an active engagement of all the key-stakeholders. (IO2)

Recommendation 5

The National Platform should contribute to identify the best suited mechanisms to deter potential match-fixers, including reducing opportunities for temptation (e.g. restricted access to players and officials, payment of salaries on time), improving detection methods (e.g. partnerships with betting monitoring systems, deployment of sports events 'integrity stewards' who watch over a sports event) and strengthening the moral boundaries through education and awareness raising. Sorbone-ICSS2014

Recommendation 6

Memorandums of Understanding and/or agreements should be established in accordance with national and international laws on data protection, between the relevant stakeholders for an effective and timely exchange of information. (IO4)

Recommendation 7

An intelligence database of 'alerts' of suspicious betting activities, suspicious sporting events, suspected/convicted match-fixers, should be implemented under the National Platform. Sorbone-ICSS2014

Recommendation 8

The National Platform should determine and update typologies of manipulations of sports competitions and recommend which behaviours should be considered an offence under criminal law and/or disciplinary regulations. (IO3)

6. SPORT INTEGRITY UNITS (SIU)

The setting up of *Sport Integrity Units* (SIU) constitute an essential element to construct an integrity system as it enables the organisation to develop concrete and coordinate action under a given mandate.

Beyond other competencies that can be assigned, this body should be responsible for managing an integrity program, including: monitoring, detection and alert system(s); gathering and treatment of information; assuring the exchange information with the relevant entities; promote and maintain stable relationship and coordination with public authorities, sports organisations and betting operators; managing investigations; promoting training and capacity building initiatives; establish an integrity risk management system; receive and process whistle-blower reports and ensure remedial action is taken in respect of any breach of integrity rules.

RECOMMENDATIONS

Recommendation 1

Identify, assess and manage the risks linked to the manipulation of sport competitions, illegal betting, and sports betting fraud to sport, betting operators and governments through an ***Integrity Department*** or ***Unit*** or an ***Official*** designated with responsibility for Integrity. Each Department, Unit or Official can be the designated *Integrity Focal Point*. SIGA Standards 2021

Recommendation 2

Appoint an ***integrity focal point*** (either an individual, committee, unit or platform) within governments, regional/international organisations, sports organisations, betting regulators and operators to properly coordinate the global response to the manipulation of sport competitions, illegal betting, and sports betting fraud. Sorbonne-ICSS 2014

Recommendation 3

Foresee the appointment of a designated person or unit responsible for receiving whistle-blower reports and ensuring remedial action is taken in respect of any breach of the organisation's integrity rules. (IO3)

Recommendation 4

Assure that the integrity units benefit of an independent status in relation to internal regulatory or managerial bodies. (IO3)

7. POLICIES, STANDARDS & CODES OF CONDUCT

The adoption of policies, standards and codes of conduct constitute the translation into practice of the commitment to safeguarding the integrity of sport competitions and to be proactive in implementing and enacting the necessary measures.

On the other hand, it contributes to augment the transparency and align the positioning of each stakeholder in terms of the willingness, capacity and prioritization given to the safeguard of sport's integrity. Easing, notably, the exchanges of information and the constitution of multi-sector partnerships.

Such policies can and should build on existing models and standards, adjusting the degree of sophistication and/or priorities, to the respective context, geographical remit and main target audience. The *Guide of Good Practices* (IO1) provides multiple examples sorted by jurisdictions and sports.

The recommendations herein aim, therefore, at underlying the core subjects or areas in which such policies, standards and codes of conduct have proven to be efficient tools for guidance, awareness raising, disciplinary action and behavioural cultural changes.

RECOMMENDATIONS

Recommendation 1

Adopt an *Anti-Corruption Code of Conduct* applicable to all participants, including athletes, referees, coaches/ managers, officials, administrators and others, in relation to anti-corruption and related activities. (IO4)

Recommendation 2

Ensure the existence of an adequate whistle-blowing policy including reporting mechanisms in a timely manner, an obligation to report, as well as whistle-blower and witness protection mechanisms. (IO2)

Recommendation 3

Develop relevant rules, policies and codes pertaining to prevention of conflicts of interest. (IO1)

Recommendation 4

Establish protocols on how to decide whether to investigate allegations/suspicious of betting related match-fixing or allow the pursuing of a disciplinary sanction. (IO2)

Recommendation 5

Adopt and manage adequate assessment tools for control and independent review over provisions ensuring fair and effective investigative procedures. (IO4)

Recommendation 6

Adopt and enact a *Code of Conduct* for sponsors and services providers to adhere to with mention of the relevant sport integrity principles. Sorbonne-ICSS 2014

Recommendation 7

Adopt a code of conduct on sports betting, in order, notably, to prevent the risks associated with sports bets and sanction conflicts of interest. Sorbonne-ICSS 2014

- A Code of Conduct on Sports Betting that outlines the risks associated with sports bets (e.g. addiction) and prohibits:
 - any natural or legal person involved in providing sports betting products from betting on their own products;
 - the abuse of a position as sponsor or part-owner of a sports organisation or event to facilitate the manipulation of a sports competition or to misuse inside information;
 - sponsorship of under 18 year old teams;
 - a competition stakeholder from being involved in compiling betting odds for this competition;
 - a sports betting operator who controls a company acting as a competition organiser or a competition stakeholder or who is controlled by a competition organiser or a competition stakeholder, from offering bets on the competition;
 - advertising for illegal sports betting operators including references to illegal live streaming.

Recommendation 8

Ensure that the policies, standards and codes of conduct are given proper visibility within facilities, contracts and communication supports, in such a way that they become familiar and widely known by all those involved in management and sporting activities or supporting activities. (IO3)

Recommendation 9

Ensure regular training and education on the purposes, advantages and necessity of enacting such policies, standards or codes of conduct. (IO3)

Recommendation 10

Ensure the review of internal rules and procedures to align internal structures and operations with the integrity system. (IO4)

KEY-REFERENCES ON THE PROCESSING OF *PERSONAL DATA*:

- Universal Declaration of Human Rights (1948)
- European Convention on Human Rights (1950)
- International Covenant on Civil and Political Rights (1966)
- OECD Guidelines on the Protection of Privacy and Trans border Flows of Personal Data (1980 revised in 2013)
- Regulation (EU) 2016/679 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) (2016-2018)
- Treaty on the Functioning of the European Union
- Charter of Fundamental Rights of the European Union (2000)
- Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (STE n° 108) « Convention 108 » -Council of Europe du (1981)
- Modernised Convention for the Protection of Individuals with regard to the Processing of Personal Data – Convention 108+ (2018)

PRINCIPLES OF DATA PROTECTION

Article 5 of the ***General Data Protection Regulation (GDPR)*** sets out **key principles** which lie at the heart of the general data protection regime. These key principles are set out right at the beginning of the GDPR and they both *directly* and *indirectly* influence the other rules and obligations found throughout the legislation.

Therefore, compliance with these fundamental principles of data protection is the first step for controllers in ensuring that they fulfil their obligations under the GDPR. The following is a brief overview of the ***Principles of Data Protection*** of article 5 GDPR:

Lawfulness, fairness, and transparency:

- Any processing of personal data should be lawful and fair.
- It should be transparent to individuals that personal data concerning them are collected, used, consulted, or otherwise processed and to what extent the personal data are or will be processed.
- The principle of transparency requires that any information and communication relating to the processing of those personal data be easily accessible and easy to understand, and that clear and plain language be used.

Purpose Limitation:

- Personal data should only be collected for specified, explicit, and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- In particular, the specific purposes for which personal data are processed should be explicit and legitimate and determined at the time of the collection of the personal data.
- Processing for archiving purposes in the public interest, scientific, or historical research purposes or statistical purposes is not considered to be incompatible with the initial purposes.

Data Minimisation:

- Processing of personal data must be adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed.
- Personal data should be processed only if the purpose of the processing could not reasonably be fulfilled by other means. This requires, in particular, ensuring that the period for which the personal data are stored is limited to a strict minimum (see also the principle of ‘Storage Limitation’ below).

Accuracy:

- Controllers must ensure that personal data are accurate and, where necessary, kept up to date;
- Controllers must take every reasonable step to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
- Controllers should accurately record information they collect or receive and the source of that information.

Storage Limitation:

- Personal data should only be kept in a form which permits identification of data subjects for as long as is necessary for the purposes for which the personal data are processed.
- In order to ensure that the personal data are not kept longer than necessary, time limits should be established by the controller for erasure or for a periodic review.

Integrity and Confidentiality:

- Personal data should be processed in a manner that ensures appropriate security and confidentiality of the personal data, including protection against unauthorised or unlawful access to or use of personal data and the equipment used for the processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Accountability:

- The controller is responsible for, and must be able to demonstrate, their compliance with all of the above-named *Principles of Data Protection*.
- Controllers must take responsibility for their processing of personal data and how they comply with the GDPR and be able to demonstrate (through appropriate records and measures) their compliance.

Article 5 GDPR

Principles Relating to processing of Personal Data

- 1.** Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject (**‘lawfulness, fairness and transparency’**);

2. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall (...) not be considered to be incompatible with the initial purposes (**'purpose limitation'**);
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (**'data minimisation'**);
4. Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay (**'accuracy'**);
5. Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes (...) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject (**'storage limitation'**);
6. Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures (**'integrity and confidentiality'**).
7. The controller shall be responsible for, and be able to demonstrate compliance with, paragraph 1 (**'accountability'**).

Suitable Recitals

(39) Principles of Data Processing (74) Responsibility and Liability of the Controller

Useful References:

<https://gdpr-info.eu/art-5-gdpr/>

<https://www.dataprotection.ie/en/individuals/data-protection-basics/principles-data-protection>

MACOLIN CONVENTION – DATA PROTECTION

The *Macolin* Convention expressly addresses the need for personal data protection:

Article 14 – Personal data protection

1. Each Party shall adopt such legislative and other measures as may be necessary to ensure that all measures against the manipulation of sports competitions comply with relevant national and international personal data protection laws and standards, particularly in the exchange of information covered by this Convention.

2. Each Party shall adopt such legislative or other measures as necessary to guarantee that the public authorities and organisations covered by this Convention take the requisite measures in order to ensure that, when personal data are collected, processed and exchanged, irrespective of the nature of those exchanges, due regard is given to the principles of lawfulness, adequacy, relevance and accuracy, and also to data security and the rights of data subjects.
3. Each Party shall provide in its laws that the public authorities and organisations covered by this Convention are to ensure that the exchange of data for the purpose of this Convention does not go beyond the necessary minimum for the pursuits of the stated purposes of the exchange.

Each Party shall invite the various public authorities and organisations covered by this Convention to implement the requisite technical means to ensure the security of the data exchanged and to guarantee their reliability and integrity, as well as the availability and integrity of the systems and the identification of their users.