

UK Sports Plan Heeds Data Protection Limits

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A new betting corruption plan will require UK operators to share customer data with regulators and sports bodies, but legal experts have said data protection rules could limit its reach outside the EU.

The Sports Betting Integrity Action Plan, backed last week by the UK government, requires sports-betting operators to play their part in preventing match-fixing or risk losing their UK licences.

Betting firms, many of which have signed up to the plan, must continue to pass information on irregular betting or suspicious sports events to the UK Gambling Commission, and where appropriate to sports governing bodies.

Operators also need to highlight in their customer terms and conditions that personal information may be shared with regulators or sports bodies.

Such data may be passed on where “there are suspicions of involvement in match-fixing or breach of sports regulations”, the plan states.

Bookmakers and sports bodies are acutely aware of the sensitivity of customer data.

“The action plan recognises that work may need to be done to ensure that the sharing of personal information does not infringe the data protection legislation,” said David Clifton of Clifton Davies Consultancy.

Indeed, the plan gives the Gambling Commission the role of engaging with the government about the impact of the EU General Data Protection Regulation, due to take effect in 2017, and UK data protection legislation.

“When you share and exchange data in this way, there must be a lawful reason,” said Ian De Freitas, a partner at London-based Berwin Leighton Paisner.

This includes that the sharing is required by licence, but also that the interest of the operator is balanced with the individual whose data is held, he said.

“Moreover, you must broadly speaking tell people in your terms and conditions that data you hold may be shared under certain circumstances,” he said. “The action plan takes account of these principles.”

However, international data protection restrictions mean there is a “very controversial aspect” to the plan, according to De Freitas.

“The plan seems to be talking about possibly sharing data outside Britain,” he said. “There are rules that say you cannot share data outside the UK.”

On this basis, Microsoft has refused to give the US government access to emails related to a narcotics case from an account hosted in Ireland. The case is currently being heard in the Second Circuit Court of Appeals in New York.

“When we see the outcome of that case, we’ll have a clearer idea of the legal picture regarding handing over data outside the EU and law enforcement,” De Freitas said.

[“We know that illegal or unregulated betting makes the detection of sports-betting corruption much harder to identify and address,” says the Sports Betting Integrity Action Plan.](#)

Although it stresses that Britain does not have an “endemic problem” with match-fixing, the plan recognises that the threat has “international dimensions because of the global nature of sport, betting and communications”.

Still, data-sharing is unlikely to find resistance in principle from punters, according to Mark Davies, a former Betfair executive, who now runs consultancy Camberton Associates.

“When Betfair first considered sharing data with sports governing bodies in 2004, it kicked off a big and heated internal debate,” he said. “We went ahead with it and 99.997 percent of our customers signed up to the terms and conditions. There were literally two or three people who didn’t.”

He added: “Customers were prepared to waive their right to anonymity then and things have moved on a long way in 11 years. I can’t imagine anyone having a problem sharing data in the context of investigation within a framework that makes clear when and why it’s done.”

The Sports Betting Integrity Forum (SBIF), which produced the plan, includes the Football Association and the Football League and six other national sports governing bodies (horse and greyhound racing, cricket, rugby union and rugby league and snooker), plus the Tennis Integrity Unit and football’s Professional Players Federation.

Launched with five betting companies — Ladbrokes, William Hill, Coral, Betfair and bet365 — the SBIF also includes other operators through the Association of British Bookmakers and the Remote Gambling Association.

Law enforcement stakeholders are the Association of Chief Police Officers, Police Scotland and the National Crime Agency.

The Gambling Commission is the regulatory representative and will serve as “the national platform” for integrity protection activity, collecting and analysing relevant information and intelligence “in accordance with British law”.

Under the new initiative, the commission will also ensure that “only operators suitable in terms of their integrity and competence will be licensed as sports-betting operators and remain so”.

The action plan is the most concrete outcome to date of the Report of the Sports Betting Integrity Panel in January 2010, which provided the initial roadmap for action and is part of the UK Anti-Corruption Plan issued a year ago.

Tracey Crouch, the minister for sport and gambling, said the plan would ensure that “the Gambling Commission, sports bodies and law enforcement agencies all are aligned” in “effective collaboration” against match-fixing.

Actions under the plan are to be delivered and reviewed by the SBIF, with progress published annually.