

# Privacy and data protection case study

## 5 - WINTER SPORTS



In winter, you regularly participate in cross-country skiing competitions. You also have a blog where you post photos and videos of the races you have competed in. This weekend, you will be competing in a major cross-country competition with 1.000 other participants. After checking with the local competent authority that the drone operation you want to engage in is authorised, you decide on using the automated drone function to capture as much of the race as possible.

This footage will include still and moving images, as well as general frames of the landscape. This means that the footage will likely be general in nature, such as sweeping crowd shots, rather than specifically targeting individuals. However, when you are reviewing the footage after the event, you realise that you captured footage of one skier in particular for about 3 minutes as your drone was travelling at the same speed. The footage includes pictures (and race bib number), as well as sensory footage capturing the participants' body temperatures etc., which would allow the skier to be easily identified.

You decided to make two videos: one very general that includes general shots from the race, scenery and shots of large groups of spectators, and a second video that uses the 3 minutes of footage that focuses on one skier in particular. You wish to upload them to your personal blog and YouTube channel.

### Privacy

**Chilling effect:** Such drone use may make individuals feel as though they are being observed and need to modify their behaviour, for example during sporting pursuits, regardless if they are actually being watched or not. Individuals participating in such an event have the right to actively take part without having this concern, especially as it can endanger other competitors and/ or jeopardise their own performance.

**TIPS** - *Before using a drone, consider your surroundings and the impact of your operation on others. Apply common sense and never use your drone in a way that would harm or annoy others.*

**Bodily privacy:** The skier who is the subject of the 3 minutes of footage in the second video (whether intentional or not) has a right to keep their bodily characteristics and body functions private (body temperature, images of his / her body). This is particularly important, especially if the runner was not aware of such targeted filming.

### Data Protection

**Sharing data:** Publishing a video on you blog and YouTube channel, thus making it available to an indefinite number of people, may risk breaching aspects of data protection law. The risk is even higher if your video includes pictures of people who are easily recognisable or identified. However, if your video includes general shots such as pictures of large a big crowds, the risk is decreased.

**TIPS** - *Think before sharing: do not share any image that could potentially lead to someone's identification on social media. This is particularly important if you take targeted images where people can be recognised or identified. To avoid any problem, always ask for permission from individuals you wish to capture in the footage or whose images you want to share.*

**Transparency, visibility and accountability :** Individuals who do not wish to be recorded or who are disturbed by the drone will not be able to identify the operator, since the device is operating automatically. The operator will only be visible and accountable after the blog posts are published, and privacy infringements have occurred.

**TIPS** - *Whenever it is possible, inform people before you start flying and/or recording. Answer questions from anyone who asks you are doing with your drone.*