Sports Litigation Alert

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European Stadia Embrace Technology in Spite of Privacy Concerns

By Deanna Reiss

How smart is too smart? For a stadium? Or a smartphone? Or a hacker? As technology evolves to the point of non-fuzzy facial recognition upon stadium entry, how much of our privacy are we willing to risk to enjoy an in-person sporting event?

Alternatively, as stadia become smarter in the sense that designers intend them to be smart for the benefit of the consumers; traffic flow, weather patterns, and food orders will be smart-phone accessible. But what about the fan with the phone who doesn't want their privacy invaded and has no intention of availing himself of such novelties?

In Europe, the most advanced stadia use cutting-edge technology to monitor ticket purchasing by utilizing police database systems in conjunction with ticket purchasing for the purpose of increased security. The system includes closed circuit television systems and high resolution cameras from a control center. Indra, a leader in stadia technology in Europe, is likewise involved with the development and implementation of several national electronic ID cards and passports throughout Europe and Asia. It also oversees security in airports, railways, financial institutions, and industrial facilities. Therefore the level of stadium security is on a par with the highest technology available, is used by European and Asian nations of the world, and is also specifically-targeted.

In the United States, NFL Commissioner Roger Goodell has stated that it is important to get technology into all 32 of its NFL stadia in order to compete with the at-home experience (which is becoming increasingly improved due to enhanced 3D TVs, pause/play buttons and increasing ticket, parking and food prices at stadiums). Recent clashes between fans can also come into play. There is an agreement between the NFL and the Department of Homeland Security (DHS), under the auspices of the Patriot Act, which allows for anti-terrorist technology in all 32 NFL stadia. Among other things, it grants immunity to the stadium security/ NFL teams, even for negligence, for any breach that may occur, providing DHS-approved technology is in place. The question arises of whether this immunity for security breaches would be appropriate under these circumstances, in our society.

The other issue of privacy concerning the individual is the wi-fi experience. While we live in a wi-fi world, we don't expect to be hacked when attending a major league sporting event. We know that when we walk into a Starbucks, Starbucks offers free, one-click, unlimited wi-fi at all company-owned stores in the United States, including instant access to the Starbucks Digital Network. There's no purchase or subscription required and no password needed. However, once online, we can limit privacy and access by having a firewall on our computer and accessing secure sites only. Buying season tickets for any team or sporting event increases one's susceptibility to invasion of privacy by providing a schedule to any hacker of when and for how long we would probably be away from our home. As stated above, at Starbucks, we can sign on to a secure connection by using "https://" rather than

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"http://". The "s" means secure and one won't be intercepted. Even if one's phone is not hacked at a game, while attending a particular sporting event, the GPS in one's phone can at least place one away from home and give those who might track people's whereabouts the ability to know where and when and for how long one MIGHT be away from home. . . . It is more predictable than a stay at a Starbucks. In either case, we can always take out our battery to avoid the risk of being hacked.

It would seem that as technology progresses, the tipping point for some people deciding whether to attend an in-person sporting event may not be the price of admission, the cost of concessions or parking, but privacy concerns. It may be that enjoying a game at home is just as, or more pleasurable and safer than venturing out.

All is not lost. The CTIA (International Association for the Wireless Telecommunications

Industry) is devoted to keeping consumers safe. They help to deter smartphone theft and protect consumer data. There are ways people can protect themselves. For example, password-protecting your smartphones. Consumers can erase/remotely lock/locate certain data applications from smart-phones. Take preventative measures regarding theft and protection. These measures are available on the CTIA website at http://www.ctia.org/consumer_info/safety/index.cfm/AID/12084. Ironically, the site has no "s."