

The Sale of College Athlete Biometric Data

On June 30, 2021, the [Division 1 Board of Directors approved](#) an interim name, image and likeness (NIL) policy. **This new policy allows all NCAA D1, D2 and D3 student-athletes to be compensated for their NIL as of July 1, 2021**, regardless of whether their state has a NIL law in place or not. June 21, 2021. With newly established NIL Initiated by the NCAA, college athletes are becoming more of a free-market commodity. One of the controversial and ethical issues to arise are the sale of athletic biometric data. According the Sports Lawyers Association (SLA):

"Similar to NIL legislation, the lack of a comprehensive federal data privacy or biometric law has led several states, including Illinois, Texas, and Washington, to pass laws that specifically regulate biometric data collection. Other states, such as California, Colorado, Connecticut, Virginia, and Utah, have passed data privacy laws that categorize biometric data as sensitive personal information. Because biometric data is widely considered sensitive data, some states have specific notice, consent, and opt out requirements for when an individual's biometric data is used for commercial purposes." <https://blog.sportslaw.org/posts/profitting-from-student-athletes-biometric-data-and-the-legal-landscape/>