

[Statement concerning L Club's surveillance via CCTV of baseball players' private life]

Standing Committee decision on L Club's Surveillance decided March 11, 2015

Facts

It is alleged that the L Club of the Korea's baseball league has spied its players via surveillance cameras installed at hotels when the baseball team was traveling for road games since the spring season of 2014. So L Club baseball players as well as its fans protested in group against such illegal surveillance of the Club management.

The CEO of the L Club argued that the baseball players' entry into, and exit out of, accommodations were monitored via CCTV just for the maintenance of team spirit and security of the L Club team.

Though the National Human Rights Commission (NHRC) has a mandate to take up cases that happen in the public sector only pursuant to Article 30 of the National Human Rights Commission Act, this could be an exception because the Commission is highly interested in sports human rights. NHRC once published the Sportsman's Human Rights Guidelines in 2010. So the Commission has investigated the relevant facts and discussed some improvements of existing practices at sports arena.

Reasoning

It is evidently in breach of privacy ensured by Article 17 of the Constitution that the L Club staff members closely monitored baseball players' moving in and out of accommodations.

While collecting personal visual information of baseball players, the L Club executives failed to obtain the consent of data subjects, nor give notice to those players who could not exercise their rights to self-determination of personal information ensured by Articles 10 and 17 of the Constitution.

Frankly speaking, this incident is not confined to the L Club, but related with all other areas of sports world in Korea. As a matter of practice, they have put it at top priority, not the protection of human rights of players, but the efficient management of players as well as sports clubs. Sports should be promoted as a springboard for a player to show and realize his/her potential ability regardless of win or lose of the game. In reality, setting aside the player's right of personality, overall efforts have been exerted to enhance the athletic performance and records of an individual player. To this end, coaching and training methods in disregard of player's human rights were sometimes justified.

NHRC hereby proclaimed the Sportsman's Human Rights Guidelines in 2010 in order to correct the existing practices and make human rights-friendly sports environment. Under the chapter of Sports Human Rights Charter, any infringement upon human rights of players should be prevented, and safeguards

for the protection of human rights should be operative in the form of manuals at sports arenas by collaborative efforts of concerned parties.

NHRC regards intentional surveillance of players via CCTV for a long period of time as material breach of human rights, and deems it as a bad precedent to influence the professional baseball in a negative way.

In consequence, it is necessary for NHRC to express an opinion to the Governor of the Korea Baseball Organization (KBO) in line with the Sportsman's Human Rights Guidelines proclaimed by NHRC in 2010.

Conclusion

The National Human Rights Commission has expressed its opinion pursuant to Article 25(1) of the National Human Rights Commission Act as follows:

In relation to the L Club's surveillance of its baseball players' private life, the KBO Governor is requested to take an effective measure to prevent similar cases from occurring again in line with the recommendations contained in the Sports Human Rights Guideline of NHRC.