

# Commodification of NBA Athletes by Tracking Data

*by Nicholas Liagridonis*

The NBA (National Basketball Association) and NBPA (National Basketball Players Association), the union for NBA players, reached a new collective bargaining agreement in 2023. While the results of this new contract have not been released yet to the public, one section I am particularly interested in seeing is the new rules regarding teams, players, and data collection. In this project, I aim to shed light on where we're at now, and what may be to come regarding data collection in the NBA. More importantly, I intend to analyze the ethical concerns of the inevitable future of data collection in the NBA, and what there is to do about it.

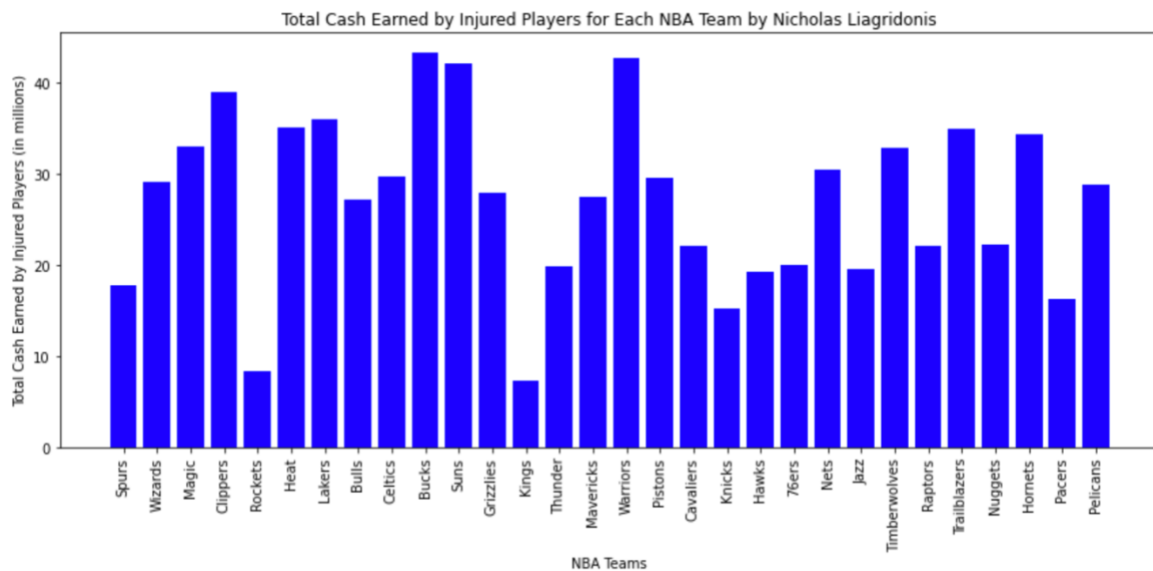
Minor League Baseball has been a major testing ground for the start of wearable biometric tracking data. Prior to March 23, 2023, minor league players did not have any collective bargaining agreement with the owners of the teams. In this case, the players didn't have any control over the data that's being collected by them, how that data is used, and where it goes.

Without sovereignty over their data, minor league baseball players, who already don't make a large salary, have even less control of their future. We know that this data is easy to collect and would be easy to implement in the sport. For example, minor league baseball players wore sleeves that were able to track a wealth of

information on the wear that pitchers put on their arm with each pitch, their heart rate, and other biometric data. Knowing that this could be just as easily implemented in the NBA, front offices of NBA teams will certainly be interested in finding ways to make this standard data collection practice. There are already a variety of players that track their own biometric data for their own health purposes, but what happens if teams lobby to have access to this data for all players?

While NBA players currently have full control over their data, there is increasing reason to be concerned that they may lose this power. As it stands, data collection on NBA players has increased every year, slowly pervading into every piece of the on-court product. I interviewed a Senior Data Analyst for an NBA team that wished to remain anonymous, and he told me, “Going into this summer, the NBA is giving teams tracking and movement data from every second that players are on the court. We’re going to have more data than we even know what to do with. It’s pretty exciting.” Stats like player movement, speed, and strides are already publicly available on the NBA’s website. Players seemingly have control over their data, but what happens when the line blurs between what’s relevant or personal? Data collection isn’t going to slow down, and as successful NBA teams make more and more money, they will invest in more and more ways to maximize their product. Additionally, even though technology has improved greatly, and medical staffs are as sophisticated as they’ve ever been, players have suffered

injury at the same or even greater rates than they did in the past. This influx of injuries, despite players resting more than ever and sitting out more games, has raised alarm amongst NBA owners. For example, the Chicago Bulls paid over 27 million dollars to players during games that they were unable to play due to injury in 2022. The Bulls weren't even particularly injury ridden compared to other teams in the league, some teams paid up to nearly 50 million dollars to injured players.



Players have less sway in negotiations if teams have less confidence in their ability to make financial decision that have massive implications due to a players' health.

This is where the primary issue comes to light. The industry of sports is particularly interesting when considering the implications of data collection because of the nature of the product. Sports are an entertainment product first and foremost, but in this case, the value of the entertainment is completely contingent on the health and physical performance of the employees. There is an incredibly

blurry line between employee and product in the case of team sports, where the filming and distributing of footage of these employees is the product being sold. Executives of companies typically have complete control over how to maximize their products to consequently maximize their sales, but in the case of sports, their product has rights. This is particularly tricky in the NBA for a couple reasons. Basketball has the ownership aspect of a team sport, while still commanding the same, and sometimes elevated individual attention and celebrity on players that individual sports have. Players already deal with invasions of privacy constantly due to their celebrity, and due to the implications of their team sport, team owners feel they have a right to certain data to maximize their product.

There are additional monetary incentives for NBA teams to have more data on player health and performance. Aside from avoiding spending money on injured players, there are other partnering industries that could benefit from that data. In 2021 officially became partners with sports betting sites FanDuel and DraftKings. These sportsbooks already “utilize official NBA Betting Data” and have massive incentive to incorporate more data into their algorithms. Video Game Companies such as 2K that attempt to create simulations of the on-court product that are indistinguishable from real life who already have partnerships with the league could benefit greatly from increased access to what dictates health and performance.

The financial interests for teams to collect more data continue to compound as the players' leverage in union negotiations continues to wane. Biometric data tracking for NBA players in the near future feels inevitable, but it is not evident that teams have the resources in place currently to properly handle this influx of data. On average, NBA teams' data analytics departments only have 4-5 employees. With increasingly difficult tasks of data cleaning and organization, as well as proper interpretation, this manpower is not enough. Data Analytics departments in the NBA already are racked with work year-round trying to prepare for the NBA Draft, Free Agency, and constantly monitoring the trade market, while evaluating their players throughout the season. This means that biometric data will largely fall into the hands of training staffs, many of which have little to no experience working with big data. This presents massive problems. Without proper infrastructure and an understanding of high-level data analysis, there is huge risk for incorrect interpretation of data. This is unacceptable with respect to the nature of the data at hand. The handling of this data is responsible for not only the health of the players, but also their salaries. An incorrect interpretation of a players' health and performance could cost them tens of millions of dollars, or even their career.

Additionally, this makes room for willful misinterpretations of data for the benefit of the team. The NBA has an ugly history of anonymous leaks, and there is no reason for that to continue in insidious fashion with this data. Let me propose an

example. Let's say Player A is due for a contract extension and is potentially commanding a lot of money from their team, and their owner doesn't particularly want to spend as much money as they're commanding. Let's additionally say that Player A has data that suggests that they have decreased lung capacity compared to their teammates during practices, due to them pushing themselves and working harder. However, a team puts out an anonymous leak that Player A isn't in proper shape, as evidenced by their biometric data displaying decreased lung capacity in practice, which they claim is evidence that he doesn't put enough effort into his body, making this players' perceived value around the league diminished. NBA teams famously are willing to break the rules even if they will be punished for doing so, as multiple teams had to relinquish draft picks and pay fines this year for illegally recruiting free agents to their team prior to free agency. There is nothing stopping NBA teams from this type of behavior if things progress as is.

All the previous investigation doesn't even begin to delve into the invasive nature of the data teams could start to collect under the guise of player performance and product maximization. Data on areas like sleep, decision making, and private health conditions could all be in play if NBA teams have their way. If this data is collected and put into the hands of teams, privacy in every sense of the word could be relinquished from the players, their entire lives tracked, monitored, and displayed, all for the sake of teams' profit. HIPAA violations could also run

rampant as a result. If a team discloses biometric data to affiliated sportsbooks that factor that into their betting lines, may fans be inadvertently subject to medical information on players participating in the game?

There is currently no third party that oversees any of the data practices of the NBA. This is a potential solution to some of the problems that the players face. To address the challenges and ethical concerns associated with data collection in the NBA, the implementation of a third party to oversee data practices could be a viable solution. This independent entity could ensure transparency, privacy protection, and ethical guidelines in the collection, storage, and usage of player data. By having an impartial organization monitoring and regulating data practices, players would have a stronger voice and more control over their personal information, reducing the risk of exploitation and potential misinterpretation of their data.

In conclusion, the commodification of NBA athletes through data tracking raises significant ethical concerns. The increasing collection of player data, coupled with the financial interests of teams and partnering industries, creates a blurred line between the athletes as employees and the athletes as the product being sold. While NBA players currently have control over their data, there is a growing risk of losing this power as data collection expands. Moreover, the lack of oversight and the potential for willful misinterpretations of data highlight the need

for a third party to regulate and protect player data. By implementing an independent entity, players can regain control over their personal information and mitigate the risk of exploitation.



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