

# Reputation on the line

**Tom Rudkin of Farrer & Co discusses the reputation risks facing professional sports people and how to confront them.**



**Kiss and tell. Tax affairs on the front pages. Tweets coming back to haunt you. Protecting reputation and privacy may not always be seen as the key to stellar performances on the field, and rightly so.**

**Nevertheless, many a sports star has felt the repercussions of a reputation crisis, whether it be financially, emotionally or even on the field.**

Tiger Woods' performances fell off a cliff after the exposure of his affairs, while Manny Pacquiao's sponsorship agreement with Nike was terminated after he made homophobic remarks in a television interview. The picture also extends beyond the sporting career with all but the most wealthy of athletes needing to secure a smooth transition to a career off the field. Negative publicity is likely to undermine that process (although it should be said that a degree of notoriety might also prove attractive to some employers; controversial views never go amiss in the world of broadcasting).

It is also no longer just negative publicity that poses a threat to reputation and privacy, in the context of the risks created by a combination of huge volumes of personal data being held by

multiple organisations and the emergence of sophisticated cyber criminals (as well as the odd rogue employee). Data breaches have seen the tax affairs of the rich and famous become front page news, not to mention David Beckham's views on an impending knighthood.

Protecting reputation and privacy effectively involves a combination of making good choices, practical steps and the right advice. Communications advisers, forensic and intelligence professionals and (yes I'm afraid) lawyers all have a role to play. Steps that athletes should consider include general crisis planning, digital audits to assess whether sensitive information is available online (using technical experts if appropriate), and ensuring security of personal data. The law can then be used to take action where information is misused or false allegations are published. By way of example, the laws of defamation and privacy can be relied on to hold newspapers and online media outlets to account. Meanwhile, data protection legislation is the basis of the so-called "right to be forgotten" which is ever more frequently utilised to remove inaccurate, excessive or outdated content from search engines and social media. And where a data breach occurs, an action may exist against the organisation holding the data for failure to

ensure appropriate security, whether because of its own omissions or on the basis of vicarious liability due to the conduct of a rogue employee.

There is no question that the challenges to athletes' reputations are becoming increasingly diverse. If they wish to meet those challenges successfully, a proactive and flexible approach is the best way forward. We therefore assist athletes and other sports people in identifying specific areas of reputation risk and advising them on the appropriate preparation and, where necessary, response. Our work includes advising on adverse media coverage; potential harassment by the paparazzi; removal of content from search engines and the use of the 'right to be forgotten'; and data breaches. In order to achieve best results for our clients, we will often work closely with communications specialists, security experts and other professional advisers.

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