

LEGITIMATE INTERESTS ASSESSMENT (LIA)

Video and audio recording of padel matches via Padel Platform

Company	Padel Platform ApS
Legal basis for processing	GDPR Article 6(1)(f)
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Document type	Internal documentation of the balancing of interests

1. Purpose and scope

The purpose of this LIA is to document Padel Platform ApS' assessment of whether the processing of ordinary personal data in connection with video and audio recording of padel matches may be based on legitimate interests under Article 6(1)(f) of the GDPR.

The assessment covers video and audio recording, storage, replay, automatically generated highlights, linking with match data and statistics, sharing and livestreaming. The assessment does not cover HealthKit data or other special categories of personal data.

The LIA follows the three-part test under Article 6(1)(f): (1) legitimate interest, (2) necessity and (3) balancing against the interests, rights and freedoms of the data subjects.

2. Actual technical and functional processing

- A player creates the match in Padel Platform.
- The recording starts when the created match is started on the player's Apple Watch or using the match Point PODS.
- The recording stops when the player selects "End Match".
- The camera is fixed, directed at one specific court and cannot pan or zoom.
- The camera's field of view is limited to the court itself and does not show areas outside the court.
- The microphone is integrated into the camera, directed at the court and records at the same time as the video. The user cannot select video without audio.
- It is not technically possible to prevent the microphone from also capturing sounds or conversations outside the court.
- Recordings are stored in Microsoft Azure in Sweden.
- Access to a match recording is, by default, limited to the four players who participated in the match.
- Sharing with a third party requires an active action by a player.
- Only the player who created the match can personally delete the entire match recording through their account. Other data subjects may request erasure in accordance with the procedure set out in the Privacy Policy.
- Match recordings are automatically deleted no later than 2 years after the recording, unless deleted earlier.
- Highlights are generated automatically as separate files. They may be retained independently of the full match recording, but are also subject to a maximum retention period of 2 years.
- Only the player who created the match can start livestreaming. Viewing takes place via an HTTPS link which must be actively shared.
- Padel centre staff do not have access to the recordings.
- Padel Platform administrators may obtain access where there is a specific legitimate need, for example support, troubleshooting, security or handling data subject rights.
- For requests from persons without direct access, the recording is identified using information such as the centre, court, date and time.
- There is currently no separate technical REC indicator on the court showing that recording is active. Transparency is instead ensured through clear signage at the court stating that video and audio are recorded, what activates the recording, that the microphone may capture sound from persons nearby, and when the recording stops.

3. Data subjects and personal data

3.1 Data subjects

- The four players on the court.
- Persons whose voice or other sound is unintentionally captured from areas outside the court.

As the camera's field of view covers only the court, the risk of visually recording passers-by outside the court is significantly limited. An equivalent complete technical limitation cannot be guaranteed for audio.

3.2 Data

- Images and movements from the match.
- Voice, speech and other sounds during the match.
- Match identity, time and association with players.
- Video/audio sequences and automatically generated highlights.
- Match data and statistics when linked to the recording.

Under the solution described, no facial recognition, voice recognition or biometric identification is carried out.

4. Test 1 - legitimate interest

Padel Platform's interest is to provide a digital sports platform where players can relive, analyse and share their matches and use video and audio together with score, statistics and highlights.

- Replay of matches.
- Automatic generation of highlights and moments.
- Match analysis and linking with statistics.
- Ability to share actively.
- Livestreaming where the player actively chooses this.

The interest is specific, current and directly linked to Padel Platform's product functions. The recording is not carried out for the purpose of general surveillance of the padel centre.

Conclusion: Test 1 is considered satisfied.

5. Test 2 - necessity

5.1 Video

Video is necessary for replay, video highlights and visual match analysis. These functions cannot be provided in an equivalent manner without recording the match itself.

5.2 Audio

Audio forms an integral part of the audiovisual reproduction of the match, including replay, highlights and livestreaming. The functions can technically exist without audio, but would then not provide the intended audiovisual sports experience.

The necessity assessment for audio is therefore less clear-cut than for video. Weight is given to the fact that the microphone is directed at the court, that audio is recorded only during an active match recording, and that recording does not take place continuously.

However, it cannot technically be ruled out that conversations or sounds outside the court are captured. This is addressed as a separate risk in the balancing test.

5.3 Less intrusive alternatives

Padel Platform has considered the following alternatives:

- Continuous recording is not necessary and is therefore not used.
- A camera recording surrounding areas is not necessary; the camera is therefore fixed and limited to the court.
- Public access by default is not necessary; recordings are therefore limited to the four players in the match.
- Automatic public sharing is not necessary; sharing requires an active action.
- Unlimited retention is not necessary; automatic deletion takes place no later than after 2 years, with the possibility of earlier deletion.

For audio, an alternative is video without audio. Padel Platform has assessed that this would not fulfil the defined purpose of an integrated audiovisual reproduction as effectively. The greater privacy impact of audio must therefore be mitigated through clear information, technical direction towards the court, access restrictions, user-initiated sharing and deletion.

Conclusion: Test 2 is considered satisfied for the processing described, but audio requires heightened attention and the safeguards described.

6. Test 3 - balancing of interests

6.1 Reasonable expectations and transparency

Recording takes place on a court equipped with a Padel Platform camera, and signage states that video and audio may be recorded. Recording starts only when a specific match is started on the Apple Watch and stops at "End Match".

This reduces the risk that players and persons nearby perceive the processing as hidden or unrelated. There is no separate active REC indicator. The absence of such an indicator is addressed through clear signage describing when recording is activated and when it ends. An active recording indicator may be considered as an additional transparency measure if this later becomes technically possible, but it is not relied upon as an existing control in this LIA.

6.2 Limitation of video

The camera is fixed, cannot pan or zoom and shows only the specific court. This is an important privacy-by-design measure because the visual processing is limited to the persons present on the court.

6.3 Specific assessment of audio

Audio is more intrusive than images alone because the recording may contain speech and conversations. The microphone is directed at the court, but it cannot technically be prevented from capturing sounds or conversations outside the court.

This risk is reduced because the microphone is active only at the same time as a specific match recording, there is no continuous recording, access is restricted by default, and clear signage is provided regarding both video and audio.

The risk cannot be eliminated completely. The audio function should therefore be kept under review, and the direction/sensitivity of the microphone should be limited as far as possible without undermining the intended function.

6.4 Access and sharing

Recordings are, by default, limited to the four players in the match. A recording does not become publicly available merely by being recorded. Sharing with a third party requires an active action by a player.

Livestreaming can only be started by the player who created the match. Viewers must have an HTTPS link which is actively shared. Padel centre staff do not have access to the recordings.

Padel Platform administrators have technical access, but access must be limited to specific legitimate needs such as support, troubleshooting, security and handling data subject rights.

6.5 Retention - up to 2 years

Match recordings and highlights may be retained for up to 2 years. The period supports the product purpose of enabling players to build a history, revisit previous matches, follow their development over time and use recordings together with statistics and highlights.

Two years is a maximum period and does not require every recording to exist for the full period. The player who created the match may delete the recording earlier. Other data subjects may request erasure.

Automatic deletion at the end of the maximum period reduces the risk of indefinite retention. "Highlights" and "moments" are separate files but are subject to the same maximum period.

6.6 Data subject control and rights

The player who created the match can personally delete the recording through their account. Co-players and other persons who believe they appear in a recording may contact the player who initiated the recording or Padel Platform. Padel Platform can identify relevant recordings using, among other things, the centre, court, date and time.

Data subjects may object to processing based on legitimate interests. Any such objection must be assessed individually in accordance with the GDPR.

6.7 Children and young people

If children or young people participate in matches, particular weight must be given to their interests. Information about the recording must be easy to understand, and requests concerning objections or erasure must be handled with particular care.

Conclusion: Subject to the limitations and controls described, Padel Platform considers that its legitimate interests are not, as a general rule, overridden by the interests, rights and freedoms of the data subjects. Audio does, however, involve a higher residual risk than video.

7. Risk assessment and controls

Risk	Inherent risk	Control/mitigation	Residual risk
Visual recording of players	Medium	Fixed camera; court only; match-based activation; private access by default	Low
Unintentional audio/conversations outside the court	High	Microphone directed at the court; active only during match; signage; restricted access	Medium
Lack of clarity as to active recording	Medium	Clear signage states video + audio, what starts the recording, possibility of audio from persons nearby and when recording stops.	Low/medium
Unauthorised access	High	Access limited to four players; administrator access only where there is a legitimate need; centre has no access	Low/medium
Unwanted sharing	Medium/high	Sharing requires active action; livestream requires active start and active sharing of HTTPS link	Low/medium
Excessive retention	Medium	Maximum 2 years; automatic deletion; possibility of earlier deletion	Low/medium
Erasure request from co-player/third party	Medium	Procedure via initiator or privacy contact; identification via centre/court/date/time	Low
Highlights remain after deletion of full match	Medium	Highlights are separate files and must be handled separately where a relevant erasure request covers them; maximum 2 years	Low/medium

8. Technical and organisational measures

- The camera is fixed and limited to one court; no pan/tilt/zoom.

- Recording takes place only during an actively started match and stops at "End Match".
- The microphone is directed at the court.
- Clear signage is provided regarding video and audio recording, including what starts the recording, that the microphone may capture sounds and conversations from persons nearby, and when the recording stops.
- Access to the recording is, by default, limited to the four players in the match.
- Sharing requires an active user action.
- Livestreaming requires active start and active sharing of an HTTPS link.
- Padel centre staff do not have access.
- Administrator access is used only where there is a specific legitimate need.
- Recordings and highlights are automatically deleted no later than after 2 years.
- The player who created the match may personally delete the recording earlier.
- A procedure exists for requests from co-players and other data subjects.

9. Recommended improvements

The following improvements are not described as existing functions, but are recommended in order to reduce residual risk:

- Consider a clear active recording indicator on the scoreboard, camera or similar as an additional transparency measure if this later becomes technically possible. The current solution relies on clear signage at the court for transparency.
- Document and test the microphone's actual recording range and adjust its direction/sensitivity if unrelated conversations outside the court are captured more than necessary.
- Ensure that administrator access is role-based and, where technically possible, logged so that access to match recordings can be audited.
- Ensure that the erasure flow also identifies and handles separate highlight files where a specific erasure request covers them.

10. Overall conclusion

Padel Platform ApS has a specific and legitimate interest in providing video, audio, replay, highlight, analysis, sharing and livestreaming functions as part of Padel Platform.

The video recording is closely technically limited to the specific court and is necessary for the visual functions. Audio recording has a greater privacy impact, and the necessity assessment is less clear-cut, but audio is defined as an integral part of the audiovisual sports experience. The risk is reduced through match-based activation, a microphone directed at the court, signage, private access by default, active sharing, restricted administrator access, the possibility of deletion and automatic deletion no later than after 2 years.

On the basis of the solution described and provided that the stated controls are maintained, Padel Platform ApS considers that Article 6(1)(f) of the GDPR may be relied upon as the legal basis for the processing of ordinary personal data described.

This conclusion concerns Article 6(1)(f) of the GDPR. Audio recording under section 263 of the Danish Criminal Code is assessed separately in Appendix B. Appendix B does not alter the nature of this LIA as documentation of the GDPR legal basis for processing.

11. Relationship with other legislation

This LIA primarily concerns Article 6(1)(f) of the GDPR. It does not in itself constitute a legal basis under other Danish legislation. Padel Platform has therefore carried out a separate assessment of audio recording under section 263 of the Danish Criminal Code in Appendix B. Other relevant legal frameworks must continue to be assessed separately where applicable.

12. Review

The LIA must be reviewed in the event of material changes, including:

- changes to the camera's field of view or functionality
- changes to the microphone's recording range or audio processing
- introduction of continuous recording
- changes to the access or sharing model
- changes to the retention period
- new purposes for the recordings
- AI-based analysis of images or audio
- facial, voice or other biometric recognition
- material complaints, incidents or changes in legislation/regulatory practice

The LIA should also be reviewed periodically, even where the product has not changed.

13. Approval

Date	
Approved by	
Position	
Signature	

Appendix A - Legal sources used as framework

The LIA is structured in accordance with Article 6(1)(f) of the GDPR and the standard three-part legitimate interests test: legitimate interest, necessity and balancing of interests. Particular regard has been had to the EDPB guidelines on legitimate interests and video processing.

- Regulation (EU) 2016/679 of the European Parliament and of the Council (GDPR), Articles 5, 6, 13/14 and 21 and Recital 47.
- European Data Protection Board, Guidelines 1/2024 on processing of personal data based on Article 6(1)(f) GDPR (version published for consultation in 2024).
- European Data Protection Board, Guidelines 3/2019 on processing of personal data through video devices, final version 30 January 2020.

Note: This Appendix sets out the legal framework. The specific technical description in the LIA is based on information about Padel Platform's actual solution.

Appendix B - Separate assessment of audio recording under section 263 of the Danish Criminal Code

B.1 Purpose and scope

This Appendix documents Padel Platform ApS' separate assessment of audio recording in relation to section 263 of the Danish Criminal Code. The assessment supplements, but does not replace, the GDPR assessment in the LIA itself.

The assessment is based on the actual solution: a player creates the match and starts it on their Apple Watch; the camera and microphone on the specific court are then activated. Recording stops at "End Match". The camera is fixed and limited to the court. The microphone is integrated into the camera and directed at the court, but may technically capture sounds and conversations from persons nearby.

B.2 Legal starting point

Section 263(2)(2) of the Danish Criminal Code covers a person who, without authority, by means of a device secretly listens to or records statements made in private, telephone conversations or other conversations between others, or

discussions at a closed meeting in which that person does not themselves participate, or to which that person has unlawfully obtained access.

The Danish Data Protection Agency's guidance on audio in connection with CCTV surveillance similarly emphasises that the Danish Criminal Code prohibits secret listening to or recording of conversations between others, and that audio recording will normally be prohibited unless at least one participant in the conversation being recorded has consented to the recording.

In the explanatory notes to Bill L 100 (2024-25), the Danish Ministry of Justice stated that, in the Ministry's view, audio recording, for example in shops, is not covered by the prohibition on secret recording where the recording is carried out openly, for example through clear signage. This statement is included as an interpretative contribution to the assessment. The current statutory wording continues to use the term "secretly".

B.3 Who initiates and carries out the recording

The specific match recording is initiated by the player who creates and starts the match. The player therefore determines whether and when the specific recording starts and participates in the match themselves. Padel Platform provides and operates the technical infrastructure that carries out, processes and stores the recording.

Padel Platform does not assume that the company is, for that reason alone, outside the scope of section 263. The system is therefore designed with technical and organisational limitations intended to reduce the risk of recording unrelated conversations.

B.4 Communication between players on the court

For ordinary use, a significant factor weighing against the application of section 263(2)(2) is that the player who initiates the recording participates in the match and in the communication being recorded. According to its wording, the provision is directed, among other things, at conversations between others in which the person concerned does not themselves participate.

B.5 Unintentional audio from persons outside the court

The principal residual criminal-law uncertainty concerns situations where the microphone unintentionally captures a separate conversation between persons outside the court in which the initiating player does not participate.

Padel Platform does not intend to record such conversations. The microphone is directed at the court, recording is active only during a specific match, and there is no continuous audio recording of the centre. The microphone's actual recording range should be tested and documented and its direction/sensitivity should, where technically possible, be limited to the level necessary for the intended function.

B.6 Open recording and signage

As the solution does not have a separate active REC indicator, clear signage is a central transparency and risk-mitigation measure. The signage must be positioned and designed so that persons on and in the immediate vicinity of the court can genuinely become aware that both video and audio may be recorded.

The information provided must clearly state that recording starts when a match is started using Padel Platform, that the camera and microphone are activated, that the microphone may capture sounds and conversations from persons nearby, and that recording stops when the match ends.

B.7 Wording used on the sign

VIDEO AND AUDIO RECORDING

When a match is started using Padel Platform on this court, the camera and microphone are activated and the match is recorded with video and audio.

The camera records only the court itself. The microphone is directed at the court, but may also capture sounds and conversations from persons nearby.

Recording stops when the match ends.

B.8 Overall section 263 assessment

Padel Platform's primary purpose in using the microphone is to record the audiovisual experience of the specific padel match and not to record conversations between persons outside the court. The specific recording is initiated by a player who participates in the match, and the system is technically limited to the duration of the match and, as far as possible, to the specific court.

In relation to communication between the players on the court, there are significant factors weighing against the intended recording falling within section 263(2)(2). The principal residual uncertainty is the unintentional recording of separate conversations between third parties outside the court. The risk is reduced through clear signage, match-based activation, directing the microphone towards the court, restricted access and practical testing of the microphone's recording range.

Padel Platform therefore does not conclude that every possible audio recording necessarily falls outside section 263. The assessment is that the design and measures described provide significant arguments against the intended recording constituting secret recording of conversations between others, while a residual legal uncertainty remains in relation to the unintentional recording of separate conversations between third parties.

B.9 Legal sources

Danish Criminal Code, section 263(2)(2) - Retsinformation, Consolidated Act No. 434 of 25 April 2024.

Danish Data Protection Agency, guidance on CCTV surveillance for private companies, section on audio recording.

Bill L 100, 2024-25, explanatory notes concerning section 263 and open/secret audio recording, including clear signage.

<https://www.retsinformation.dk/eli/lta/2024/434>

<https://www.datatilsynet.dk/regler-og-vejledning/ofte-stillede-spoergsmaal>

<https://www.retsinformation.dk/eli/ft/202412L00100/pdf>

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