

**Cooperation Arrangement  
between the gambling regulatory authorities of the EEA Member States  
concerning online gambling services**

## **INTRODUCTION**

The Council of the European Union, in its Conclusions of 2010 on the framework for gambling and betting in the EU Member States, recognises that Member States are confronted with different cross-border issues that require Member States to work more closely together. Cooperation between the Member States seems required to assess the scope, possibilities and mechanisms, in order:

- (a) to share information on gambling operators
- (b) to protect consumers, minors and ensure the integrity of game
- (c) to minimize, where possible, any unnecessary administrative burdens
- (d) to identify and share best practices in relation to for example player protection, technological tools for effective regulation and responsible gambling measures<sup>1</sup>.

Notwithstanding divergent national regulatory frameworks, Member States share common public policy objectives.

Enhanced administrative cooperation amongst the gambling regulatory authorities of the Member States will contribute to address matters of common interest.

This Cooperation Arrangement (hereinafter referred to as the "Arrangement") is non-binding. It provides for the declarations of intent of the EEA Member States' competent gambling regulatory authorities (hereinafter referred to as the "Authorities") as designated by the Member States for open and constructive cooperation in the field of online gambling.

### **1. PURPOSE**

- 1.1. This Arrangement is intended to facilitate administrative cooperation between the Authorities, within the limits of their respective margins of appreciation, competences and mandates, in accordance with their national laws and regulations

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<sup>1</sup> "Conclusions on the framework for gambling and betting in the EU member states", 3057<sup>th</sup> Competitiveness Council, 10 December 2010

and with their commitments as set out in the gateways to administrative cooperation (hereinafter referred to as the "Gateways") in Appendix III.

- 1.2. This Arrangement contains the scope, procedure and practical arrangements for cooperation between the Authorities.
- 1.3. This Arrangement does not amend or supersede any law or regulation within the jurisdiction of the Authorities, nor does it affect other existing or future administrative cooperation arrangements between the Authorities.

## **2. SCOPE**

- 2.1. Cooperation under this Arrangement covers the organisation of gambling, its supervision, enforcement and compliance with applicable laws and regulations within respective jurisdictions, including the protection of consumers and players, the prevention of money laundering and fraud, and the integrity of bets.
- 2.2. The Authorities undertake to share information with each other on a voluntary and proactive basis on matters of mutual interest such as market data, new games, results of studies and surveys, and international issues.
- 2.3. With a view to avoiding unnecessary administrative burdens, the Authorities endeavour to avoid sending a request for information where the information sought is available in the public domain or in the CIRCABC web-based library.

## **3. THE AUTHORITIES**

The Authorities participating in this Arrangement are listed in Appendix I.

## **4. KEY TERMS**

Within the framework of this Arrangement, the following key terms apply:

- 4.1. "cooperation" means the act of sharing information between the Authorities, upon request or on a voluntary basis, in accordance with applicable laws and regulations, within the limits of their respective competences, mandates and commitments as provided in the Gateways. "Information" may include assistance and exchange of good practices;
- 4.2. "gambling regulatory authorities" means the EEA Member States' competent authorities as designated by the Member States for the regulation and supervision of online gambling services listed in Appendix I;

- 4.3. "Gateways to administrative cooperation" means the framework for cooperation of each Authority in accordance with the national rules and regulations of the EEA Member States as set out in Appendix III;
- 4.4. "online gambling service" means any service which involves wagering a stake with monetary value in games of chance, including those with an element of skill, such as lotteries, casino games, poker games and betting transactions that are provided by any means at a distance, by electronic means or any other technology for facilitating communication, and at the individual request of a recipient of services;
- 4.5. "Requested Authorities" means the Authorities asked for cooperation pursuant to this arrangement;
- 4.6. "Requesting Authorities" means the Authorities asking for cooperation pursuant to this Arrangement.

## **5. CONFIDENTIALITY**

Without prejudice to relevant national legislation and to information available in the public domain, the Authorities shall:

- 5.1. respect the confidentiality of the information shared under this Arrangement including:
  - the purpose and content of the request,
  - the information provided,
  - matters arising in the course of cooperation;
- 5.2. use the information only for the purpose for which it has been shared under this Arrangement;
- 5.3. consult and obtain the consent of the Requested Authorities in the event of a request by the public or by other competent authorities for access to information shared under this Arrangement.

## **6. PERSONAL DATA**

When transferring personal data between each other, the Authorities will act in accordance with their respective data protection laws and frameworks. Directive 95/46/EC<sup>2</sup> with regard to processing of personal data as well as the national implementing measures apply to the processing of personal data in the framework of this Arrangement.

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<sup>2</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23 November 1995)

## **7. COOPERATION REQUESTS**

- 7.1. Uniform Cooperation Request forms are set out as examples in Appendix IV.
- 7.2. Requests for cooperation shall be assessed on a case-by-case basis by the Requested Authorities.
- 7.3. The Authorities shall:
  - submit requests for cooperation by electronic mail, unless otherwise accepted, specifying in a precise manner the purpose of the request,
  - where relevant, inform the data subject about the request for, and the processing of, information,
  - in the case of the Requested Authorities, send an acknowledgement of receipt of the request preferably within ten working days
- 7.4. The information exchange shall be in an official language of the European Union unless specified otherwise in the Gateways.
- 7.5. Where a request for information concerns proceedings related to one or more specific operators, the Requesting Authority shall clearly specify the manner in which the information may be processed and whether consent of the operators concerned has been obtained in accordance with the Gateways.

## **8. PROCEDURE**

- 8.1. Requesting Authorities should inform the Requested Authorities when a request is withdrawn.
- 8.2. Requested Authorities should inform the Requesting Authorities where a reply will not be provided preferably giving the reason(s) in writing.
- 8.3. The Authorities undertake best efforts to provide a reply to a request for cooperation as soon as possible and preferably no later than twenty-five working days from the reception of the request.
- 8.4. Where, on the basis of the complexity, a reply requires a longer time to prepare the Requested Authority shall so inform the requesting Authority, if possible by indicating at the same time the date on which the reply can be expected.

## **9. INFORMATION PROCESSING**

The Authorities undertake to ensure there are appropriate measures in place for the secure transmission and storage of the exchange of information, in particular in order to protect personal data.

## **10. FINAL PROVISIONS**


- 10.1. Cooperation under this Arrangement will commence for each Authority on the date of signature.
- 10.2. The Authorities may review or revoke their participation in this Arrangement.
- 10.3. The Authorities and the European Commission may make this Arrangement and any subsequent review or revocation public.

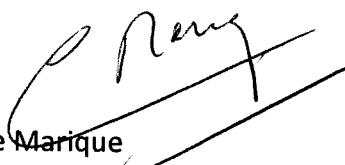
Done at Brussels, on 27 November 2015


## **Appendix I**


### **The Authorities**

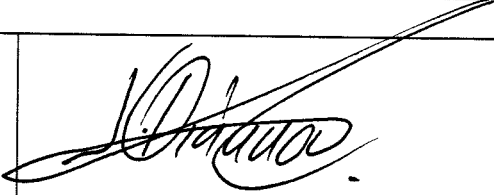
Gambling Regulatory Authority	Signed by the undersigned	Date
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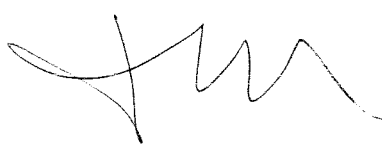
Austria		
Federal Ministry of Finance (Bundesministerium für Finanzen)	 Mag. Peter Podiwinsky, Federal Ministry of Finance	27/11/2015


Belgium		
Belgian Gaming Commission	 Etienne Marique Chairman, Belgian Gaming Commission	27.11.2015


Bulgaria		
State Commission on Gambling	 Marina Ivanova Chief Expert, Public Relations and International Affairs	27.11.2015

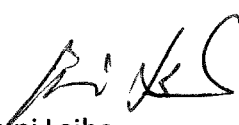
Croatia		
Ministry of Finance, Tax Administration	 Jasna Kropf Assistant Minister and Director General, Tax Administration	27. 11. 2015.

Cyprus		
National Betting Authority (Εθνική Αρχή Στοιχημάτων)	 Ioanna Fiakkou President, National Betting Authority	27.11.2015

<b>Czech Republic</b>		
Ministry of Finance of the Czech Republic	 Karel Blaha Director, Ministry of Finance	27.11.2015

<b>Denmark</b>		
Danish Gambling Authority	 Birgitte Sand Director, Danish Gambling Authority	27/11-15

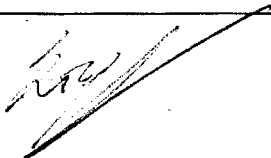
<b>Estonia</b>		
Estonian Tax and Custom Board	TAIVO PÕRK, Ministry of Finance of Estonia, on behalf of Monika Jõesaar Head of Taxation Division, Estonian Tax and Customs Board	

<b>Finland</b>		
Gambling Administration, National Police Board	 Jouni Laiho Head of Gambling Administration, National Police Board	27/11-15

<b>France</b>		
ARJEL (Autorité de Régulation des Jeux en Ligne)		





<b>Germany</b>		
Oberste Glücksspielaufsichtsbehörden und Glücksspielkollegium der Länder (Supreme gambling authorities and Glücksspielkollegium of the Länder)	s. Schreiben des Chefs der Staatskanzlei der Freien Hansestadt Bremen vom 20. November 2015 und Beschluss der Konferenz der Chefin und Chefs der Staats- und Senatskanzleien vom 17./18. September 2015	


<b>Greece</b>		
Hellenic Gaming Commission	 Antonios Stergiotis President, Hellenic Gaming Commission	27/11/15

<b>Hungary</b>		

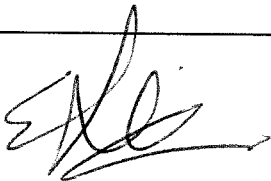
<b>Ireland</b>		

<b>Italy</b>		
Customs and Monopolies Agency (Agenzia delle dogane e dei monopoli)	 Alessandro Aronica Customs and Monopolies Agency	27/11/2015

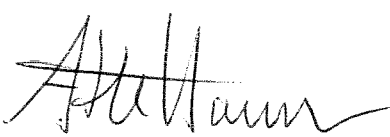
Republic of Latvia		
Lotteries and Gambling Supervision Inspection	 Signe Birne Director, Lotteries and Gambling Supervision Inspection	27. 11. 2015

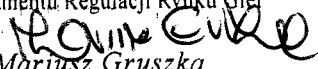
Republic of Lithuania		
Gaming Control Authority, Ministry of Finance	 Arnoldas Dilba Head of Legal Division	21. 11. 2015

Luxembourg		
Ministry of Justice		

Malta		
Malta Gaming Authority	 Edwina Licari Chief Legal and EU/International Affairs Officer, Malta Gaming Authority	27. 11. 2015

The Netherlands		
The Netherlands Gaming Authority (Kansspelautoriteit)	 Maria Divera Appelman Chief Executive, Netherlands Gaming Authority	27-11-2015

<b>Norway</b>		
Norwegian Gaming Authority (Lotteritilsynet)	 Atle Hamar Director, Norwegian Gaming Authority	27/11/15

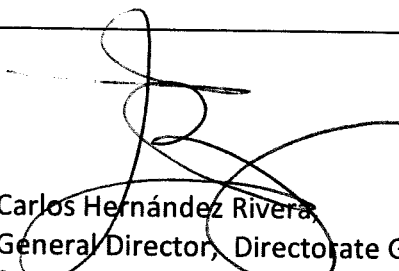
<b>Poland</b>		
Ministry of Finance (Gambling Market Regulation Department)	Z upoważnienia Ministra Finansów Dyrektor Departamentu Regulacji Rynku Gier  Mariusz Gruszka Director of Gambling Market Regulation Department, Ministry of Finance	27.11.2015


<b>Portugal</b>		

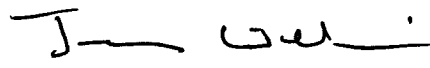
<b>Romania</b>		

<b>Slovak Republic</b>		

<b>Republic of Slovenia</b>		

<b>Kingdom of Spain</b>		
Directorate General for Gambling Regulation	 Carlos Hernández Rivera General Director, Directorate General for Gambling Regulation	27.11.2015

<b>Sweden</b>		
Swedish Gambling Authority (Lotteriinspektionen)	 Håkan Hallstedt Director General, Swedish Gambling Authority	22.11.2015

<b>United Kingdom</b>		
Gambling Commission	 Jenny Williams Gambling Commission	22.11.2015

## **Appendix II**

### **Cooperation under this Arrangement**

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APPENDIX II

Cooperation may include general or specific information related to:

**1. Organisation of gambling**

- a. authorisation requirements and processes (regulatory, technical);
- b. tender procedures and calls for application;
- c. confirmation or verification of information provided by the Requesting Authority (e.g. conformity assessment of gambling equipment or software, licence conformity, audit report, financial statements);
- d. technical expertise for assessment of applications.

**2. Supervision and compliance**

- a. tools, measures and procedures:
  - to protect consumers, minors, vulnerable groups, players, to ensure the integrity of games,
  - to prevent the development of a gambling disorder, to determine and manage societal risks as well as the morally and financially harmful consequences, directly or indirectly, associated with or considered attributable to gambling,
  - to dissuade and prevent consumers from availing of gambling offers not allowed in the Member State,
  - to monitor commercial communications,
  - to ensure integrity of bets related to events and competitions, and to prevent and combat betting-related match-fixing,
  - to prevent fraud, including from the sharing of liquidity across networks (e.g. poker, jackpots),
  - to prevent money laundering,
  - to detect and prevent operators and gambling offers not allowed in the Member State;
- b. integrity of gambling products and game rules, including auditing, inspection and certification;
- c. operator reporting requirements and processing reports and data by the Authority;
- d. process and reasons for suspension, termination and withdrawal of licences;
- e. process and reasons for any withdrawal of games of chance / gambling products.

**3. Education and Research**

- a. public awareness-raising and any education initiatives;
- b. research about gambling and associated risks such as addiction.

**4. Other**

- a. interaction of operators with players;
- b. consumer and player complaints;
- c. market data and its collection and purpose;
- d. training or staffing exchanges and secondments.

## **Appendix III**

### **The Gateways to Administrative Cooperation of the Gambling Regulatory Authorities**

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**Member State: AUSTRIA**

**Gambling Regulatory Authority: Federal Ministry of Finance (“Bundesministerium für Finanzen”)**

**1. Powers of the Authority:**

*[This section contains information such as: competence and remit of Authority's authorisation and supervision responsibilities, types of gambling it is responsible for, compliance, investigation]*

**Regulator:**

The Federal Ministry of Finance (“Bundesministerium für Finanzen”) in representation of the Federal Minister of Finance (“Bundesminister für Finanzen”; hereinafter undifferentiated referred to as BMF) is the supreme authority (“*oberste sachlich in Betracht kommende Oberbehörde*”) concerning online gambling services.

**Main regulatory framework and set of rules:**

The Federal Law on Games of Chance (“*Glücksspielgesetz – GSpG*”; hereinafter referred to as GSpG) provides in section 3 (‘Gaming Monopoly’) that the right to organise games of chance is reserved to the Austrian State. A game of chance is defined in section 1 subsection 1 GSpG as a game in which the decision on its outcome is solely or predominantly reliant on chance.

**Gaming market:**

The Austrian gaming market consists at federal level of lotteries in line with section 14 GSpG (national lotteries including lottery products, video lottery terminals and online gaming) and casinos in line with section 21 GSpG (land-based casinos including casino games, poker and EGM inside casinos).

Games marketed over the internet are, under section 12a GSpG, treated as lotteries and are consequently subject to the licence rules for lotteries (section 14 GSpG).

At state level the Austrian gaming market consists of EGM (outside casinos) and sports betting. As Austria is a federal republic consisting of 9 States (“*Länder*”), each State is responsible for legislation, licencing, compliance and supervision regarding EGM outside casinos (in accordance with the Regulation on Gaming Machines on federal level) and regarding all types of sports betting within its territory (including online channels).

**License System:**

The GSpG provides that the BMF may grant one licence for the organisation of lotteries in line with section 14 GSpG for a maximum period of 15 years. The BMF may further grant 15 licences for the operation of land-based casinos in line with section 21 GSpG.



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**Licensees on federal level see section 10.**

**The Regional Governments (“Landesregierungen”) may grant each up to 3 licences for EGM outside casinos.**

**Licensees on state level see section 10.**

**Licences for sport betting are issued by the Regional Governments (“Landesregierungen”). The number of licences is not limited and most states allow for EU- and EEA-based operators to gain a licence under the state's law.**

**2. Where relevant, any specific cooperation commitments:**

*[This section contains information such as: preferred or intended focus/aim of cooperation with the other Authorities, processing of requests where this concerns other authorities in part or in whole, requests for information in the event Requesting Authorities would not respond to same type of request (reciprocal basis/mutual cooperation?).]*

**The BMF wishes to cooperate and exchange information with the gambling regulatory authorities of other EU and EEA Member States to intensify and improve the compliance and enforcement of the rules applicable in Austria.**

**The BMF is willing to share information, notably in regard of detecting and preventing operators and gambling offers not allowed in Austria to protect consumers, minors, vulnerable groups and players, in the ways detailed below.**

**The primary focus shall lie on the following core issues with the objective to enhance administrative cooperation step by step:**

**Organisation of gambling:**

**tender procedures and calls for application;**

**Supervision and compliance:**

**tools, measures and procedures:**

**- to protect consumers, minors, vulnerable groups, players, to ensure the integrity of games,**

**- to prevent the development of a gambling disorder, to determine and manage societal risks as well as the morally and financially harmful consequences, directly or indirectly, associated with or considered attributable to gambling,**

**- to dissuade and prevent consumers from availing of gambling offers not allowed in the Member State,**

**- to monitor commercial communications,**

APPENDIX III

- to prevent fraud, including from the sharing of liquidity across networks (e.g. poker, jackpots),

- to prevent money laundering,

- to detect and prevent operators and gambling offers not allowed in the Member State;

process and reasons for suspension, termination and withdrawal of licences;

process and reasons for any withdrawal of games of chance / gambling products;

**Education and Research:**

public awareness-raising and any education initiatives;

research about gambling and associated risks such as addiction;

**Other:**

market data and its collection and purpose;

The BMF will not answer general questions concerning the GSpG as well as general questions regarding publicly available information. Concrete legal advice in questions regarding the development of new business models or business ideas to market players or individuals who intend to start a gaming operation will also not be offered. The BMF grants licenses which allow to operate on Austrian territory only, consequently the BMF is only supervising licenced gambling activities in Austria and not arranged abroad.

**3. Other authorities concerned with gambling-related rules and regulation:**

*[This section contains information such as: details of other relevant authorities, industry or professional regulators, financial supervisory authorities, law enforcement etc to the extent that those authorities may be involved in the cooperation]*

Next to the “Department IV/2 – Gambling” the “Staff Section – Gambling Protection Measures” (“*Stabstelle Spielerschutz*”) is a relevant authority within the Ministry of Finance:

- <https://www.bmf.gv.at/steuern/gluecksspiel-spielerschutz/gluecksspiel-spielerschutz.html>
- <https://english.bmf.gv.at/taxation/Regulation-of-Games-of-Chance.html>

Requests under this Arrangement to the BMF that relate to information held by the “Staff Section – Gambling Protection Measures” will be processed in whole or in part.

For other Authorities see section 10.

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**4. Processing of requests where this concerns land-based gambling:**

YES:  X

NO:    

**5. Information sharing:**

*[This section contains information such as: national rules regarding sharing of information in particular personal data, exemption possibilities or restrictions to disclose information normally protected under national law]*

**The possibility for the BMF to share information is restricted by national rules and conditions for the exchange of personal data. The handling of personal data is primarily regulated by the Federal Act concerning the Protection of Personal Data (“Datenschutzgesetz 2000 – DSG 2000”).**

**Information is given upon request by the gambling regulatory Authorities of other EU and EEA Member States on a case-by-case basis. As a first step, all sharing of information is considered to be mutual on a voluntary basis.**

**6. Processing of information:**

*[This section contains information such as: requirements regarding information received and/or sent - transmission, handling, traceability, storage, data retention period, destruction of information that is shared and that is received]*

**Requests for the provision of information or other assistance must be made in writing by sending an email as set out in section 9.**

**When requesting information please add the following subject “COOPERATION REQUEST – [Member State]”.**

**The requesting Authority should use the “Uniform Cooperation Request Forms” as set out in Appendix IV and specify requests as accurate as possible.**

**Each request for assistance will be dealt on a case-by-case basis by the BMF to determine whether assistance can be provided. Acknowledgement of receipt and reply with requested information will be sent to the requesting Authority as soon as possible.**

**Information provided to the BMF will only be used for lawful and legitimate purposes and the data will be secured in accordance with national laws and regulations. The BMF assumes – vice versa – that Information given by the BMF to requesting Authorities will be treated in the same way.**

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**a. Security policy requirements and controls of the Member State:**

*[This section contains information such as: any requirements regarding confidentiality, professional secrecy of information disclosed, requests for waiving of confidentiality under national law; any requirements concerning staff handling the information exchanged]*

**The areas that could be restricted are professional secrets (e.g. secrets of art, manufacturing or business) and subjects to official secrecy in line with the Administrative Procedure Act 1991 (“Allgemeines Verwaltungsverfahrensgesetz 1991 – AVG”) or facts that are subject to game secrecy which have to be treated in the same manner as official secrecy (section 51 GSpG).**

**Authorities shall respect the confidentiality of the information shared under this Arrangement. If in the course of cooperation information shall be disclosed to any entity not already specified in the request the Authorities shall obtain consent.**

**b. Any specific processes or requirements regarding consent of data subject or any other documentation that may be required regarding a request:**

*[This section contains information such as: requirements specific to requests that concern a data subject, any timeframes involved with obtaining consent, any documentation that needs to accompany a request such as consent given by data subject for the provision of the information]*

**If a requesting Authority wishes to be provided with details of an operator licensed in Austria, we, as a matter of best practice, would expect a requesting Authority to have the consent of that operator for information to be shared before making a request. The BMF would prefer the requesting Authority to provide a copy of the consent given by the operator.**

**c. Any specific requirements and controls of the Authority:**

*[This section contains any further requirements of the Authority supplementary to national laws and regulation, such as those concerning the handling of the information that it shares depending on the sensitivity of the information, any encryption that may be used or required, and different process or requirements depending on the type of request(s)]*

**See Section 6.**

**7. Language for processing requests:**

*[This section contains information such as: language preference(s) for requests received and/or replied to, translation timeframes and costs]*

**The BMF will only reply to requests in German or English, unless an alternative agreement is concluded specifically.**

**The BMF prefers to reply to requests primarily in German and secondarily in English.**

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**In case of substantial efforts due to extraordinary or large requests the BMF will ask to deliver information partly or only in German.**

**8. Expenses for processing requests:**

**Requesting and Requested Authority will each bear their own costs, unless an alternative agreement is concluded specifically.**

**9. Contact Point for processing requests:**

*[This section contains the details of the electronic mailbox, details of any designated contact person, contact phone number*

**Contact details of the Gambling Regulatory Authority:**

**Federal Ministry of Finance, Department IV/2 – Gambling**

**Johannesgasse 5, 1010 Vienna, AUSTRIA**

**Telephone +43 1 51433-0**

**Website**

- <https://www.bmf.gv.at>
- <https://www.bmf.gv.at/steuern/gluecksspiel-spielerschutz/gluecksspiel-spielerschutz.html>

**Contact point for processing requests:**

**Email: [post.gluecksspielmonopol@bmf.gv.at](mailto:post.gluecksspielmonopol@bmf.gv.at)**

**Please add the following subject “COOPERATION REQUEST – [Member State]”**

**10. Other:**

**Other Authorities concerned with gambling-related Rules and Regulation (federal level):**

**Revenue office for fees, excise taxes and games of chance (“Finanzamt für Gebühren, Verkehrsteuern und Glücksspiel – FAGVG”):**

- <https://www.bmf.gv.at>
- [https://service.bmf.gv.at/service/anwend/behoerden/show\\_mast.asp?Typ=SM&STyp=Bld&DisTyp=FA&Bld=W](https://service.bmf.gv.at/service/anwend/behoerden/show_mast.asp?Typ=SM&STyp=Bld&DisTyp=FA&Bld=W)

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**Financial police (“*Finanzpolizei*”); concerning enforcement measures):**

- <https://www.bmf.gv.at/betrugsbekaempfung/finanzpolizei/finanzpolizei.html>
- <https://english.bmf.gv.at/combating-fraud/Financial-Police.html>

**Federal Criminal Police Office (“*Bundeskriminalamt*”); concerning match fixing):**

- <http://www.bundeskriminalamt.at>

**Federal Ministry of Sports (“*Bundesministerium für Sport*”); concerning integrity of sports):**

- <http://www.sportministerium.at>

**Play Fair Code (“*Verein zur Wahrung der Integrität im Sports*“); concerning integrity of sports):**

- [www.playfaircode.at](http://www.playfaircode.at)

**Federal Ministry of Justice (“*Bundesministerium für Justiz*“); concerning fraud and match-fixing):**

- <https://www.justiz.gv.at/web2013/html/default/home.de.html>

**Other Statutory and Regulatory Details (federal level):**

**Gambling:**

**Federal Law on Games of Chance (“*Glücksspielgesetz – GSpG*“; BGBl. Nr. 620/1989 as last amended by BGBl. I Nr. 118/2015).**

**Regulation on Electronic Gaming Machines (“*Automatenglücksspielverordnung*“, BGBl. II Nr. 69/2012 as last amended by BGBl. II Nr. 165/2014).**

**Payment services:**

**Federal Banking Act (“*Bankwesengesetz – BWG*“; BGBl. Nr. 532/1993 as last amended by BGBl. II Nr. 117/2015)**

**Payment Services Act (“*Zahlungsdienstegesetz – ZaDiG*“; BGBl. II Nr. 66/2009 as last amended by BGBl. II Nr. 68/2015)**

**Fraud:**

**Sections 168 and 168a Austrian Criminal Code (“*Strafgesetzbuch – StGB*“; BGBl. I Nr. 60/1974 as last amended by BGBl. I Nr. 113/2015)**

**Match-fixing:**

**Sections 146, 147, 148, 165, 278 and 278a Austrian Criminal Code (“*Strafgesetzbuch – StGB*“)**

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**Other Authorities concerned with EGM outside casinos (state level):**

**Regional Governments (“Landesregierungen”; state level)**

**Burgenland:** <http://www.burgenland.at>

**Kärnten:** [http, //www.ktn.gv.at](http://www.ktn.gv.at)

**Niederösterreich:** <http://www.noel.gv.at>

**Oberösterreich:** <http://www.land-oberoesterreich.gv.at>

**Steiermark:** <http://www.steiermark.at>

**EGM Regulation (outside casinos; state level):**

State laws in accordance with section 5 GSpG provide in parallel that the Regional Government (“Landesregierung”) may grant licences for regional draws with gaming machines (electronic gaming machines – EGM outside casinos) within their territory. The licensee is subject to the supervision of the Regional Government (and the BMF in regard of taxation; section 57 subsection 4 GSpG); State laws on regional draws with EGM outside casinos:

**Burgenland:** LGBl. Nr. 2/2012

**Kärnten:** LGBl. Nr. 110/2012

**Niederösterreich:** LGBl. Nr. 41/2011

**Oberösterreich:** LGBl. Nr. 35/2011

**Steiermark:** LGBl. Nr. 100/2014

**Authorised Gambling Operators:**

“White List”:

- <https://www.bmf.gv.at/steuern/gluecksspiel-spielerschutz/in-oesterreich/gspg-konzessionaere.html>

**Österreichische Lotterien GmbH (federal level license for lotteries):**

- [www.lotterien.at](http://www.lotterien.at); [www.win2day.at](http://www.win2day.at)

**Casinos Austria AG (federal level licence for land-based casinos):**

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- [www.casinos.at](http://www.casinos.at)

***Admiral Casinos & Entertainment AG* (state level licence for EGM outside casinos):**

- [www.admiral-entertainment.at](http://www.admiral-entertainment.at)

***Excellent Entertainment AG* (state level licence for EGM outside casinos):**

- [www.e-e.ag](http://www.e-e.ag)

***PA Entertainment & Automaten AG* (state level licence for EGM outside casinos):**

- [www.pa-ag.at](http://www.pa-ag.at)

***AMATIC Entertainment AG* (state level licence for EGM outside casinos):**

- [www.amatic.com](http://www.amatic.com)

***FAIR GAMES GmbH* (state level licence for EGM outside casinos)**

**Sport Betting Regulation:**

State laws on sports betting provide in parallel that sport betting is only allowed with the permission and supervision of the Regional Government. Since sporting bets are not regarded as gambling in the strict sense, they are not subject to the rules laid down by the GSpG; State laws on sports betting:

**Burgenland: LGBl. Nr. 13/1993**

**Kärnten: LGBl. Nr. 65/2012**

**Niederösterreich: LGBl. Nr. 111/2006**

**Oberösterreich: LGBl. Nr. 106/2007**

**Salzburg: LGBl. Nr. 17/1995**

**Steiermark: LGBl. Nr. 100/2014**

**Tirol: LGBl. Nr. 58/2002**

**Vorarlberg: LGBl. Nr. 1/2008**

**Wien: LGBl. Nr. 24/2001**

**Sport Betting Authorities:**

**Regional Governments (“Landesregierungen”; state level)**

***Burgenland*: <http://www.burgenland.at>**



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***Kärnten:*** [http, //www.ktn.gv.at](http://www.ktn.gv.at)

***Niederösterreich:*** <http://www.noel.gv.at>

***Oberösterreich:*** <http://www.land-oberoesterreich.gv.at>

***Salzburg:*** <http://www.salzburg.gv.at>

***Steiermark:*** <http://www.steiermark.at>

***Tirol:*** <http://www.tirol.gv.at>

***Vorarlberg:*** <http://www.vorarlberg.at>

***Wien:*** <http://www.wien.gv.at>

Date: 27/11/2015

[Updated on:        ]

APPENDIX III

**Member State: BELGIUM**

**Gambling Regulatory Authority: The Belgium Gaming Commission**

**1. Powers of the Authority:**

*[This section contains information such as: competence and remit of Authority's authorisation and supervision responsibilities, types of gambling it is responsible for, compliance, investigation]*

**Competence and remit**

The Gaming Commission is instituted by article 9 of the Act of 7 May 1999 on games of chance, betting, gaming establishments and the protection of players: 'There is instituted within the Federal Public Justice Department, under the name of the 'gaming commission', [...] an advisory, decision-making and regulatory body in respect of games of chance [...].'

The Act of 7 May 1999 on games of chance, betting, gaming establishments and the protection of players governs all types of games of chance offered in Belgium, except the forms excluded from the scope of the Act. It provides for: the granting of licences, the administration and functioning procedures for all types of games under its remit, the rules for the functioning of games of chance, the procedures for the monitoring and supervision of games of chance, particularly by means of an appropriate computer system, and the monitoring of compliance with the terms of the Act and its Royal decrees.

**Types of gambling it is responsible for**

The Gaming Commission is competent for all types of games of chance except :

1. games in which the only stake offered to the player or better is to continue the game free of charge up to a maximum of five times;
2. card games or board or parlour games played outside casinos and gambling halls and games operated in attraction parks or by industrial fairgrounds in connection with carnivals or trade or other fairs and on analogous occasions, including games that are organised occasionally and maximum 4 times a year by a local association for a special event or by an association with a social objective or for charity, or a non-profit organisation with a social objective or for charity, and that only requires a very limited stake and that can procure for the player or better only a low-value material advantage.

A Royal decree determines for the application of the two abovementioned items, the specific conditions for the type of establishment, the type of game (it may be poker), the amount of the stake, the advantage that can be allotted and average loss per hour;

3. lotteries, within the meaning of the Lotteries Act of 31 December 1851 or articles 301, 302, 303 and 304 of the Criminal Code, or to public lotteries and competitions falling under section 3(1), paragraph 1, of the Act of 19 April 2002 on rationalisation of the functioning and administration of the National Lottery.

The Gaming Commission grants 11 types of licences : A, A+ (for casinos and online casinos), B, B+ (for gambling arcades and online gambling arcades), C (for drinking establishments), D (for the personnel working in licence A, A+, B, B+, F1, F1+ and F2 licences), F1, F1+ (for the operation of an establishment for betting and online operation of an establishment for betting), F2 (for the acceptance of bets for the account of the holder of a class F1 licence), G1 (for the operation of games of chance in television programmes) and G2 (for the operation of games of chance via the media, other than those included in television programmes).

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**Working of the Gaming Commission**

The Gaming Commission is assisted by a Secretariat. It consists of a chairman, 12 permanent members and 12 substitute members representative of 6 ministries: the minister of Justice, the minister of Finance, the minister for Economic Affairs, the ministry of the Interior, the minister for Public Health, the ministry within whose remit the National Lottery falls. The Gaming Commission gathers once a month, normally the first Wednesday of the month.

**Compliance**

Pursuant to article 20 of the Gambling Act, the Gaming Commission supervises application of and compliance with this Act and its implementing decrees.

For application of the Money-Laundering Act of 11 January 1993, the Gaming Commission constitutes the regulatory and guardian authority within the meanings of articles 21 and 22 of said Act.

As regard the compliance of gambling equipment or material, article 52 of the Gambling Act, provides the following : "Any model of equipment or apparatus that is imported or manufactured within the limits and conditions set down in a class E licence, with the intention use by a licence holder as provided in this Act, must for the purposes of selling or operating same in Belgium, be approved by the commission on the basis of the inspections carried out by one of the authorities mentioned in the second paragraph of this section. A certificate of approval is issued as evidence.

The checks on the basis of which such approval is granted, are carried out:

- either by the Meteorological Department of the Federal Public Department of Economic Affairs;
- or by a body that is accredited in accordance with the Act of 20 July 1990 governing the accreditation of institutions for conformity assessment, or is accredited in another member state of the European Union or in another country that subscribes to the Agreement on the European Economic Area, under the supervision of the Belgian Metrological Department;
- or by a body in another member state of the European Union recognised by the authorities of that member state to carry out this type of act.

The controls carried out at commissioning and in the course of use are also carried out by the authorities referred to above.

**Powers of investigation**

Pursuant to article 15. § 1. of the Gambling Act, the Gaming Commission may for the conduct of all its tasks, use the services of experts. It may instruct one or more staff members of its Secretariat to carry out a site investigation. The members of the secretariat qualifying as public officers and designated to such effect by the King, act in the capacity of officers of the criminal investigation police, auxiliary officers to the Crown Prosecutor.

The powers of the officers of the criminal investigation police and auxiliary officers of the Crown Prosecutor can only be exercised with the intention of finding and establishing offences against the Gambling Act and its implementing decrees. In the exercise of their duties, they may:

1. enter at any time of the day or night into establishments, spaces and rooms where components of the information system are located which are used for the operation of the games of chance and areas to which they must have access in order to perform their tasks; however, they only have access to inhabited premises if they have reason to believe that a violation of this Act or its implementing decrees has been committed and with the prior authorisation of a police court judge;
2. carry out all investigations, checks and questioning and make all relevant observations and

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demand the delivery of all documents that might be useful in their investigation;

3. procure all additional information that they consider relevant from operators and their staff and from the police and official departments of the state;
4. seize all items, in particular documents, evidence, books and games of chance that might serve as evidence to convict in respect of an offence against this Act or its implementing decrees or that are necessary in tracing co-perpetrators or accomplices;
5. require the assistance of the police.

Pursuant to article 15. § 2. of the Gambling Act, the police officer or the person specified in paragraph 1 who is in charge of the investigation and establishes a violation of the provisions of this Act or its implementation decrees, shall send the original of the report to the Public Prosecutor.

Where the Gaming Commission claims knowledge of an offence as regards application of and compliance with this Act and its implementing decrees, it may require that the police and the officials of the State deliver up to it all additional information that it considers relevant for the accomplishment of its task within such period as it has fixed, providing always that such officials have first obtained permission from the Crown Prosecutor.

## **2. Where relevant, any specific cooperation commitments:**

*[This section contains information such as: preferred or intended focus/aim of cooperation with the other Authorities, processing of requests where this concerns other authorities in part or in whole, requests for information in the event Requesting Authorities would not respond to same type of request (reciprocal basis/mutual cooperation?).]*

The Gaming Commission has signed a Letter of Intent (LoI) with the Dutch Gaming Authority on 26 November 2013. The LoI wants to establish principles for cooperation between the signatories to strengthen mutual surveillance and enforcement in relation to games of chance offered via information society instruments (as defined in the respective national legislation) and through the exchange of information. The LoI is intended to explore how both regulators can cooperate with the understanding that transnational challenges do not have to exclude the interests of a country, but rather that through a thoughtful co-operation with respect for each others' competencies, a better protection of society and its citizens is possible. The LoI contains no binding obligations, but gives the impetus to examine with an open mind through practical experiences how and in which areas the cooperation between regulators can be structurally embedded in order to reinforce the gaming policy which is based on local tradition.

Administrative cooperation must be based on the principle of reciprocity.

The Gaming Commission is ready to exchange information to strengthen the protection of players with gambling related problems.

## **3. Other authorities concerned with gambling-related rules and regulation:**

*[This section contains information such as: details of other relevant authorities, industry or professional regulators, financial supervisory authorities, law enforcement etc to the extent that those authorities may be involved in the cooperation ]*

The Ministry of the Interior, the Provincial Authorities and the boroughs are competent for the granting of authorisations for lotteries other than those offered by the the National Lottery. These lotteries fall under the Lotteries Act of 31 December 1851.

The National Lottery falls under the competence of the Minister of the Budget, in charge of the

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National Lottery. It is regulated under the Act of 19 April 2002 on rationalisation of the functioning and administration of the National Lottery.

The Regional Ministries of Finances are competent for determining the taxation base and rate as well as for the collection of taxes.

Pursuant to article 20 of the Gambling Act, for application of the Money-Laundering Act of 11 January 1993, the Gaming Commission constitutes the regulatory and guardian authority within the meanings of articles 21 and 22 of said Act. However, the Belgian Financial Intelligence Processing Unit (CTIF-CFI) is competent for treating the reports of suspicious transactions with regard to money-laundering.

**4. Processing of requests where this concerns land-based gambling:**

YES: X

NO: \_\_\_

**5. Information sharing:**

*[This section contains information such as: national rules regarding sharing of information in particular personal data, exemption possibilities or restrictions to disclose information normally protected under national law]*

All processing of information by the Gaming Commission is carried out in accordance with the Act of 8 December 1992 on the protection of privacy in relation to the processing of personal data and is subject to other legal requirements.

**6. Processing of information:**

*[This section contains information such as: requirements regarding information received and/or sent - transmission, handling, traceability, storage, data retention period, destruction of information that is shared and that is received; ]*

The processing and transfer of information must be in accordance with the data protection laws of the authorities involved and may be subject to other legal requirements.

When transferring information, the principle of confidentiality shall be obeyed. This means that only authorized individuals have access to the information.

The information exchanged may only be disclosed to authorities or individuals if necessary for the performance of their tasks ("Need to know" principle).

**a. Security policy requirements and controls of the Member State:**

*[This section contains information such as: any requirements regarding confidentiality, professional secrecy of information disclosed, requests for waiving of confidentiality under national law; any requirements concerning staff handling the information exchanged]*

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**b. Any specific processes or requirements regarding consent of data subject or any other documentation that may be required regarding a request:**

*[This section contains information such as: requirements specific to requests that concern a data subject, any timeframes involved with obtaining consent, any documentation that needs to accompany a request such as consent given by data subject for the provision of the information]*

**c. Any specific requirements and controls of the Authority:**

*[This section contains any further requirements of the Authority supplementary to national laws and regulation, such as those concerning the handling of the information that it shares depending on the sensitivity of the information, any encryption that may be used or required, and different process or requirements depending on the type of request(s)]*

**7. Language for processing requests:**

*[This section contains information such as: language preference(s) for requests received and/or replied to, translation timeframes and costs]*

The Gaming Commission would prefer to receive requests and reply to them in Dutch, French, English or German, in the order in which they appear.

**8. Expenses for processing requests:**

Expenses for processing requests will be assessed on a case-by-case basis.

**9. Contact Point for processing requests:**

*[This section contains the details of the electronic mailbox, details of any designated contact person, contact phone number]*

[info@gamingcommission.be](mailto:info@gamingcommission.be)

Marjolein De Paepe, marjolein.depaepe [@gamingcommission.be](mailto:@gamingcommission.be); 0032 2 213 42 78

**10. Other:**

Date: 27/11/2015

[Updated on:     ]

APPENDIX III

**Member State: REPUBLIC OF BULGARIA**

**Gambling Regulatory Authority: The State Commission on Gambling**

**1. Powers of the Authority:**

*[This section contains information such as: competence and remit of Authority's authorisation and supervision responsibilities, types of gambling it is responsible for, compliance, investigation]*

**State supervision over gambling in Bulgaria shall be exercised by the State Commission on Gambling with the Minister of Finance.**

**The Bulgarian State Commission on Gambling has been established for the purpose of inspecting the compliance with the law of the activity of the gambling organisers, the producers of gambling equipment, the distributors and service organisations for the maintenance and repair works of such equipment performed on the territory of Bulgaria.**

**The gambling market in Bulgaria consists of:**

**Lottery games (Conventional lottery, Raffles, Lottery game with numbers, Instant lottery);**

**Games of betting on the outcome of sports competitions and horse and greyhound racing;**

**Games of betting on chance events and of betting related to the accurate guessing of facts;**

**Games played on gambling machines and games at a gambling casino.**

**The games except of raffles and instant lottery may also be organized online.**

**The Gambling Act regulates the conditions and procedures for:**

**1. Organising of games;**

**2. Organising of activities of manufacturing, distribution and servicing of gambling equipment and import, distribution and servicing of gambling equipment;**

**3. Issuing, extending, revocation, and termination of licenses for these activities;**

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**2. Where relevant, any specific cooperation commitments:**

*[This section contains information such as: preferred or intended focus/aim of cooperation with the other Authorities, requests for information in the event Requesting Authorities would not respond to same type of request (reciprocal basis/mutual cooperation? – Processing of requests where this concerns other authorities, in part or in whole)*

**Bulgarian State Commission on Gambling supports the administrative cooperation between the gambling regulatory of the EEA Member States.**

**The transfer of personal data within the European Union**

**("EU") and European Economic Area ("EEA") is free and should be in compliance with the applicable Bulgarian data protection law.**

**The transfer of personal data outside of the EU and the EEA is permissible only on the condition that the recipient state can ensure an adequate level of personal data protection within its territory. The assessment concerning the adequacy of the level of personal data protection in the recipient state should be made by the Bulgarian Commission for Personal Data Protection.**

**Bulgarian State Commission on Gambling would like to:**

- **Share information on gambling operators;**
- **Share best practise;**
- **Minimize unnecessary administrative procedures;**
- **Send/receive requests regarding operators/procedures/legislations;**
- **Share data markets and statistics.**

**3. Other authorities concerned with gambling-related rules and regulation:**

*[This section contains information such as: details of other relevant authorities, industry or professional regulators, financial supervisory authorities, law enforcement etc to the extent that those authorities may be involved in the cooperation ]*

**Ministry of Finance**

**National Revenue Agency**

**State Agency for national Security**

**Ministry of Health, Ministry of Culture, Ministry of Youth and Sports and Ministry of**



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**Education and Science – funds collected for responsible gambling**

**The Bulgarian Trade Association of Manufacturers and Operators in the Gaming Industry**

**Law on Corporate Income Tax**

**4. Processing of requests where this concerns land-based gambling:**

**YES: X**

**NO:**

**5. Information sharing:**

*[This section contains information such as: national rules regarding sharing of information in particular personal data, exemption possibilities or restrictions to disclose information normally protected under national law]*

**Administrative cooperation requires a clear definition of the areas Member States can request and exchange information on and develop common actions and initiatives. The precise form of cooperation between national regulators depends on the kind of information and data that can be exchanged between the authorities. The transfer of personal data within the European Union ("EU") and European Economic Area ("EEA") is free and should be in compliance with the applicable Bulgarian data protection law.**

**The transfer of personal data outside of the EU and the EEA is permissible only on the condition that the recipient state can ensure an adequate level of personal data protection within its territory. The assessment concerning the adequacy of the level of personal data protection in the recipient state should be made by the Bulgarian Commission for Personal Data Protection.**

**6. Processing of information:**

*[This section contains information such as: requirements regarding information received and/or sent - transmission, handling, traceability, storage, data retention period, destruction of information that is shared and that is received; ]*

**The information should be used only for the purpose for which it has been shared.**

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**a. Security policy requirements and controls of the Member State:**

*[This section contains information such as: any requirements regarding confidentiality, professional secrecy of information disclosed, requests for waiving of confidentiality under national law; any requirements concerning staff handling the information exchanged]*

**The Authorities undertake to ensure there are appropriate measures in place for the secure transmission and storage of the exchange of information, in particular in order to protect personal data.**

**b. Any specific processes or requirements regarding consent of data subject or any other documentation that may be required regarding a request:**

*[This section contains information such as: requirements specific to requests that concern a data subject, any timeframes involved with obtaining consent, any documentation that needs to accompany a request such as consent given by data subject for the provision of the information]*

**Will be assessed on a case-by-case basis. The precise form of cooperation between national regulators depends on the kind of information and data that can be exchanged between the authorities. The requests should be answered as soon as possible.**

**c. Any specific requirements and controls of the Authority:**

*[This section contains any further requirements of the Authority supplementary to national laws and regulation, such as those concerning the handling of the information that it shares depending on the sensitivity of the information, any encryption that may be used or required, and different process or requirements depending on the type of request(s)]*

**There are no specific requirements for processing of information like encryption according to the Bulgarian data protection law.**

**7. Language for processing requests:**

*[This section contains information such as: language preference(s) for requests received and/or replied to, translation timeframes and costs]*

**Bulgarian or English**

**8. Expenses for processing requests:**

- Requesting and Requested Authority will each bear their own costs.

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**9. Contact Point for processing requests:**

*[This section contains the details of the electronic mailbox, details of any designated contact person, contact phone number*

[m.ivanova@dkh.minfin.bg](mailto:m.ivanova@dkh.minfin.bg) Marina Ivanova

[dkh@dkh.bg](mailto:dkh@dkh.bg)

+359298595804

**10. Other:**

Date: 27/11/2015

[Updated on:     ]

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**Member State: REPUBLIC OF CROATIA**

**Gambling Regulatory Authority: Ministry of finance – Tax Administration**

**1. Powers of the Authority:**

Ministry of finance – Tax Administration is a competent authority set up by the Act on Games of Chance (Official Gazette no. 87/09, to 143/14, *applicable since 1 January 2010 - further in text The Act*). Its legal mandate is to regulate on-line and land-base games of chance (lottery, casino games, slot-machine games and sports betting games) in the territory of Republic of Croatia exercising its statutory functions in:

- concessions issuing and management;
- regulation of gambling services and products;
- tax and fee collection;
- supervision;
- cash flow analysis;
- safeguard of public faith and legitimate interests of citizens – players.

Games of chance in Republic of Croatia can be organised in accordance with The Act, the Decision of the Government of the Republic of Croatia and the authorization of the Ministry of Finance. The Republic of Croatia shall transfer its right to organise all games of chance (casino games, slot-machine games and sports betting games) to Hrvatska Lutrija d.o.o. (Croatian Lottery Ltd.), a company founded by it. The right to organise the games of chance may be obtained, based on decision and authorization, by other companies with their registered offices in the Republic of Croatia.

Ministry of finance – Tax Administration does not have investigational powers when it comes to criminal offences and cannot carry out criminal prosecutions.

**2. Where relevant, any specific cooperation commitments:**

Croatian authority recognises that gambling is an international industry. Therefore, Croatian authority underlines the importance of regulator to regulator cooperation, especially with regard to online gambling that inherently crosses state borders.

This body will cooperate with other EU regulatory bodies on licensing, compliance and enforcement case work by responding to requests for information or assistance and collaboration in the area detailed in Appendix II of The Agreement and will cooperate as openly as possible within the limitations of Croatian legislation and in the field of competence of this body.

The legal and regulatory framework of each authority will be respected and the objectives and approach agreed by each authority.

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**3. Other authorities concerned with gambling-related rules and regulation:**

1. Ministry of the Interior (<http://www.mup.hr/1269.aspx>) responsible for criminal matters:
  - (a) a criminal investigation or
  - (b) criminal proceedings;
2. Croatian Data Protection Agency (DPA) responsible for carrying out administrative and professional tasks regarding to personal data protection (<http://azop.hr/data-protection-agency/>);
3. Anti-Money Laundering Office (AMLO) (<http://www.mfin.hr/en/anti-money-laundering-office>) responsible for AML matters, established according to AMLCFT Law, as special and operational independent unit within Ministry of Finance;
4. Customs Administration (<http://www.carina.hr/Pocetna/index2.aspx>) responsible for actions against illegal land-base gambling offers;
5. Ministry of Science, Education and Sports ( <http://public.mzos.hr/Default.aspx?sec=2433>) responsible for sport integrity and match-fixing issues.
6. Ministry of Social Policy and Youth ( <http://www.mspm.hr/kontakti>) responsible for youth protection issues.

**4. Processing of requests where this concerns land-based gambling:**

YES:   X  

NO:     

**5. Information sharing:**

All requests are treated on a case by case basis.

*The General Tax Act ("Official Gazette", No. 147/08, to 73/13) shall be applied in relation to this Arrangement, in particular regarding personal data issues, along with the General Administrative Procedure Act ("Official Gazette", No. 47/09) if not regulated otherwise by General Tax Act.*

Regarding personal data protection issues, all activities arising from this Arrangement are to be undertaken only if permitted or not prevented under applicable laws and protocols of the respective Member States or relevant Community (i.e. European) legislation, protocols or case-law. This means that Directive 95/46/EC (25 October 1995) with regard to the processing of personal data applies, as will relevant subsequent legislation, as well as the Croatian implementing measures.

This body is subject to national *Act on Personal Data Protection (Official Gazette, No. 103/03)* thus is obliged to undertake appropriate technical, staffing and organisational measures aimed at protecting personal data, and to determine the obligation of all persons entrusted with the processing of personal data to maintain the confidentiality of these data. There may be other restrictions depending of requested information.

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**6. Processing of information:**

A request should as a minimum include the following pieces of information:

- the purpose of the request;
- if onward disclosure of information provided to the requesting Authority is a possibility and if this is the case, the purpose of disclosure;
- how to process information to the requesting authority using protection measures such as encrypted email.

Ministry of finance – Tax Administration may use protection such as WinZip (a password protected zipped document, with the password being provided separately).

**a. Security policy requirements and controls of the Member State:**

Ministry of finance - Tax Administration has implemented measures to ensure information security relying on the general policy and the rules and standards that are generally accepted in the IT profession.

**b. Any specific processes or requirements regarding consent of data subject or any other documentation that may be required regarding a request:**

No specific requirements and control

**c. Any specific requirements and controls of the Authority:**

No specific requirements and control

**7. Language for processing requests:**

This body would prefer to receive requests in English or Croatian language.

**8. Expenses for processing requests:**

Ministry of finance – Tax Administration expect the Requesting and Requested Authority to each bear their own costs.

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**9. Contact Point for processing requests:**

[gambling.info@porezna-uprava.hr](mailto:gambling.info@porezna-uprava.hr)

**10. Other:**

Date: 27/11/2015

[Updated on:        ]

APPENDIX III

**Member State: CYPRUS**

**Gambling Regulatory Authority: National Betting Authority (Εθνική Αρχή Στοιχημάτων)**

**1. Powers of the Authority:**

**The National Betting Authority (then named “NBA”) is an independent authority that was established in July to 2012 with the adoption of The Betting Law of 2012, L106 (I)/2012 (here after as the Law); that regulates sports betting, offline (Class A) and online (Class B) excluding horse racing bets and prohibits slot machines, online casino, games of chance, betting exchange, spread bets and betting services on dog racing.**

**The Ministry of Finance is responsible for the legislation and its amendments (regulations and directives); NBA is responsible for the licensing and supervision of betting bookmakers.**

**According to the Law, NBA mandate, consists and not limited to the following:**

- **Regulating betting activities.**
- **Examine applications and granting licences to bookmakers of class A and B (Both classes licence sport betting, class A is the exercise of betting in shops and class b is for online betting).**
- **Collecting tax and contribution paid by Class A or B licensed bookmakers, 13% on the net proceeds from the licensed Class A or B bookmakers’ bet for the period of corresponding accounting period (one month).**
- **Keeps records of licensed shops and authorised representatives of bookmakers**
- **Inspecting and supervise Class A and Class B licensed authorised representatives and holders of licensed premises to comply with the provisions of the Law.**
- **Inspections of non licensed premises**
- **Promotion of responsible gambling**
- **Fight illegal gambling**
- **Revoking or cancelling licenses following procedures deriving from the Law**
- **Notify internet service providers to block every internet website address (URL) which offers betting activity that is not covers by class A or B licensed bookmakers and /or services prohibited by the law.**
- **Examining complains of players.**
- **Issuing regulations and directives for more effective application of the Law**

**Cyprus has 550 licensed betting shops and 500 licensed authorised bookmakers. A list of licensed shops is publicly available on the Authority’s website, [www.nba.com.cy](http://www.nba.com.cy) (only available in Greek).**



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**According to the Law betting in Cyprus is defined as any type of bet on sporting event or other events where number of natural person participate, which is carried out following a licence for Class A or B.**

**The legislation gives the power to the Authority to cancel licenses in case of criminal conviction.**

**2. Where relevant, any specific cooperation commitments:**

**The NBA as is newly established and have not yet licensed Class B(online betting bookmakers) realises the necessity of cross boarder communication in order to achieve high level protection of its players and ensure the prevention of money laundering, thus supports the initiative of the Commission to facilitate administrative cooperation between gambling regulatory authorities of EEA Member States. The importance of regulators cooperation is welcomed especially for online betting, for applicants who have prior obtain license from an EU Member State regulatory Authority. NBA wishes to have an established channel of communication and mutual understanding for providing information regarding illegal and irregular betting, to prevent illegality, crime, fraud and the exchange of information about the regulatory practices regarding AML, KYC, advertising standards etc. Also wherever possible the exchange of data for relevant markets. Therefore, NBA underlines the importance of regulator to regulator cooperation, especially with regard to online gambling that inherently crosses state borders.**

**The exchange of information will be on voluntary basis and on case to case upon request.**

**3. Other authorities concerned with gambling-related rules and regulation:**

**NBA works in cooperation with several domestic authorities, including the Ministry of Finance, the Ministry of Justice and Public Order (law enforcement agencies- police).**

**According to the legislation NBA is with cooperation with:**

- The Advisory Authority for Combating Money Laundering and Terrorist Financing for matters concerning the prevention and suppression of Money Laundering Activities Law.**
- Cooperate and discuss with international organizations on matters in relation to the protection of young persons and vulnerable groups form betting**

**Also NBA cooperates and deliberates with various organizations and state**

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**services to ensure the correct and effective application for the provision of the Betting Law**

**4. Processing of requests where this concerns land-based gambling:**

YES:

NO:

**5. Information sharing:**

**Information sharing it shall be in compliance with the national legislation and data protection legislation and regulations.**

**Other restrictions may apply depending on the information requested, examination process being case to case basis.**

**As part of the application forms for the Bookmakers or Authorized Representatives, a signed consent form is requested in order for personal data of the applicants to be kept in the NBA record files for application proceeding purposes and license approval. Also data regarding licenses, issuing, cancelation or revoking will be made available to the Commercial Banks which operate in Cyprus.**

**6. Processing of information:**

**The provisions of the Processing of Personal Data (Protection of Individuals) Law 138(I) 2001 are followed when processing personal data. As regards to data concerning companies licensed from the Authority the above legislation does not apply.**

**a. *Security policy requirements and controls of the Member State:***

**All information will be shared following the provision of the Personal Data Law as stated above.**

**b. *Any specific processes or requirements regarding consent of data subject or any other documentation that may be required regarding a request:***

**Applicants signed a consent form with their application giving the right to the authority to share the information provided to the NBA as kept in their records**

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**c. Any specific requirements and controls of the Authority:**

**As above**

**7. Language for processing requests:**

**Greek and English are the preferable languages.**

**8. Expenses for processing requests:**

**NBA prefers the Requesting and Requested Authority to each bear their own costs which may arise in the course of this Cooperation Arrangement.**

**9. Contact Point for processing requests:**

**The official email account of NBA will be used primarily as contact point:**  
**[info@nba.com.cy](mailto:info@nba.com.cy)**

**Under internal discussion whether NBA should act a central contact point of communication.**

**10. Other:**

Date: 27/11/2015

[Updated on:        ]

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**Member State: CZECH REPUBLIC**

**Gambling Regulatory Authority: Ministry of Finance**

**1. Powers of the Authority:**

*Ministry of Finance of the Czech Republic (referred to as “Ministry of Finance”), as a an administrative body, which regulates gambling in the Czech Republic, is mainly responsible for issuing licences for gambling operators. Moreover, it also conducts background checks, including those of board members and shareholders, to ensure, that licence to operate gambling is only granted to trustworthy and sufficiently capitalized legal persons. The Ministry of Finance investigates any non-compliance with licence conditions. It is also responsible for withdrawal of the issued licences. It also provides methodological governance to financial administration bodies exercising public supervision over compliance with Act No. 202/1990 Coll. (referred to as “Lottery Act”) by operators of gambling.*

*The main objectives while supervising the area of gambling in the Czech Republic are as follows:*

- *Preventing gambling from being associated with crime and disorder or being used to support crime.*
- *Protection of youth and players from being harmed, exploited by gambling.*
- *Minimizing the risk of player becoming addicted, since addiction to gambling brings serious social consequences.*
- *Ensuring orderly operation of gambling and protect players from deceit and fraud.*

**2. Where relevant, any specific cooperation commitments:**

*The Ministry of Finance wishes to cooperate with other European regulatory bodies in order to achieve a high level of protection of consumers (players, minors and the vulnerable, fight against addictions), to ensure the preservation of public order (prevention of fraud, anti-money laundering) and to achieve a common understanding of the applicable laws, regulations and requirements implemented by each European country and to establish mutual trust and a good working relationship between European regulatory bodies thus facilitating the performance of their respective functions.*

*The Ministry of Finance is also open to share information about its approach toward granting licences and licence conditions. We are also keen on putting material, such as drafts of Acts in the public domain and on CIRCA library where appropriate. Sharing of information may be rejected in the situation, where the sharing is not allowed by the Czech law.*

*Concerning criminal matters, Ministry may provide information received by it in the exercise of its functions to a person if the provision is for the purpose of criminal investigation, or criminal proceedings.*

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**3. Other authorities concerned with gambling-related rules and regulation:**

*The Ministry of Finance works with a range of partners with whom it has agreements for effective co-operation and the exchange of information.*

*This includes various range of domestic administrative bodies, such as:*

- *Municipal offices,*
- *Revenue Authorities (<http://www.financnisprava.cz/en/>),*
- *Police of the Czech Republic (<http://www.policie.cz/clanek/Police-of-the-Czech-Republic.aspx>),*
- *Anti-money laundering body - Financial Analytical Unit (<http://www.mfcr.cz/en/about-ministry/organisation-chart/dane-a-cla-sekce-05/dept-24-financial-analytical-unit>).*

**4. Processing of requests where this concerns land-based gambling:**

YES:   X  

NO:     

**5. Information sharing:**

*National rules of sharing of information is governed by the Act 106/1999 Coll. (Free Access to Information Act), which sets up the requirements for the request. Request for the provision of information can be made in writing, including using services of electronic communication (email, electronic filing room).*

*According to aforesaid Act, the Ministry of Finance shares information, unless the Act prohibits sharing.*

*This can occur in following situations:*

- *Protection of secret information according to legal framework of the Czech Republic.*
- *Protection of trade secret according to Commercial Corporations Act (Act No. 90/2012 Coll.).*
- *Protection of confidentiality of proprietorial situation of the subject.*
- *Other situations enumerated in § 11 Act 106/1999 Coll., Ministry of finance applies discretion to decide on provision of information (this includes, for instance providing information about running criminal proceedings).*

*According to aforesaid Act, processing of personal data is permitted only with consent of data subject. There may be other restrictions depending of requested information, all requests are treated on a case-by-case basis.*

**6. Processing of information:**

*Request for the provision of information can be made in writing, including using services of electronic communication (email, etc.). Ministry of Finance, as requested authority, shall send an acknowledgement of receipt of the request within maximum ten days.*

*To facilitate assistance, the requesting Authority should specify in any written request:*

- *Information or other assistance requested (identity of persons, specific questions to be asked etc.);*
- *if information is provided by the requesting Authority for confirmation or verification, the information and the kind of confirmation or verification sought;*

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- *the purpose for which the information or other assistance is sought;*
- *to whom, if anyone, onward disclosure of information provided to the requesting Authority is likely to be necessary and, in relation to onward disclosure to a person who is not a permitted onward recipient, the purpose such disclosure would serve.*

*Each request for assistance will be assessed on a case-by-case basis by Ministry of Finance to determine whether assistance can be provided. Ministry of Finance shall aim to reply with requested information to requesting Authority within 25 days after getting the request.*

*Depending on the sensitivity of requested information, Ministry of Finance shall use some form of encryption or other protection, such as encrypted email protocol, encrypted web protocol and/or other forms of encryption. Confidential or sensitive information may be treated separately from other information that does not carry higher level of sensitivity.*

*Information provided to the Ministry of Finance will only be used for lawful and legitimate purposes and will be protected in line with the requirements of the Czech Republic and internationally recognised best practice. Information will be held securely and will only be accessed on a need to know basis by suitably vetted staff.*

**a. Security policy requirements and controls of the Member State:**

*Transfer of personal data from Czech Republic is permitted only to a country which has a sufficient level of data protection.*

*Transfer of personal data is permitted to the Member States of the European Union and the States party to the Agreement of the European Economic Area, and to countries whose level of data protection has been evaluated as sufficient by the European Commission. Transfer of personal data is not permitted to a country whose level of data protection has been evaluated as insufficient by the European Commission.*

**b. Any specific processes or requirements regarding consent of data subject or any other documentation that may be required regarding a request:**

*Handling of personal data is governed by the Act No. 101/2000 Coll. (Personal Data Protection Act) and Ministry of Finance shall only provide personal data to the Requesting Authority, if Personal Data Protection Act does not prohibit such a provision.*

**c. Any specific requirements and controls of the Authority:**

*See Section 6. Processing of information*

**7. Language for processing requests:**

*English*

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**8. Expenses for processing requests:**

*Normally, Ministry of Finance will bear its own costs and expect the requesting/requested authority to do so as well, unless an alternative agreement is concluded specifically. Large and/or disproportionate costs are to be discussed with the requesting authority beforehand.*

**9. Contact Point for processing requests:**

*Ondrej Plesmid; [ondrej.plesmid@mfcz.cz](mailto:ondrej.plesmid@mfcz.cz), +420 257 044 551*

*Tereza Cejpova; [tereza.cejpova@mfcz.cz](mailto:tereza.cejpova@mfcz.cz), +420 257 044 715*

**10. Other:**

Date: 27/11/2015

[Updated on:        ]

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**Member State: DENMARK**

**Gambling Regulatory Authority: Danish Gambling Authority (DGA)**

**1. Powers of the Authority:**

*[This section contains information such as: competence and remit of Authority's authorisation and supervision responsibilities, types of gambling it is responsible for, compliance, investigation]*

The Danish Gambling Authority (DGA) is an independent government agency residing under the Danish Ministry of Taxation. The responsibility of the DGA is to ensure a proper and well-regulated gambling market in Denmark. The DGA supervises compliance with Act no. 848 of 1 July 2010 on Gambling (Danish Gambling Act), Act. no. 223 of 22 March 2011 on Gambling in Greenland (Greenlandic Gambling Act), Act no. 1504 of 27 December 2009 on public poker tournaments as amended, secondary legislation established in accordance with the acts and the terms of licenses granted by the DGA under the Acts.

The purpose of the Danish Gambling Act and the Greenlandic Gambling Act as well as the main focus areas of the DGA is:

- i) to maintain the consumption of gambling services at a moderate level;
- ii) to protect young people and other vulnerable people from being exploited through gambling or developing a gambling addiction;
- iii) to protect players by ensuring that gambling is provided in a fair, responsible and transparent manner; and
- iv) to ensure public order and to prevent gambling as a means to support crime.

The DGA works across a range of different fields, including:

- administration and granting of licences to Danske Lotteri Spil A/S, the Danish Class Lottery (Klasselotteriet A/S), betting (online as well as land based), online casinos, gaming machines (AWP), land based casinos, public poker tournaments and charitable lotteries;
- administration and granting of licences to provide public poker tournaments;
- supervision of the gambling providers and the Danish gambling market;
- enforcement of the Danish Gambling Act section 59(4) cf. section 24 and the Greenlandic Gambling Act section 45(1)(1), stating that provision of pyramid schemes is considered a criminal offence (Danish legislation does not operate with sub-categories such as "misdemeanor", "felony", "indictable offence" or the like known in some common law countries);
- gathering of knowledge about international gambling development.

Exceptions and limitations

The Acts do not cover land-based tournament backgammon, bank premium bond accounts, premium bonds, betting on the future value of financial assets (share prices, securities, commodities and the like), gaming for small amounts of money in private homes or games licensed under Executive Order no. 502 of 17 June 2005 on Public Amusements.

According to section 23(1) of Consolidated Act No. 956 of 20 August 2015 on Police Activities, public amusements, including roulette, games of chance and tombola falls under the scope of the Minister of Justice. The Danish police (chief of police) grant licences subject to Executive Order no. 502 of 17



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June 2005 on Public Amusements.

The DGA does not handle complaints from players/consumers. However, in some cases it is possible to file a complaint to the Consumer Complaints Board, cf. section 3 below.

The DGA does not administer or enforce Danish tax legislation or marketing legislation in general. Hence, reference is to the Danish Tax Authority (SKAT) and the Danish Consumer Ombudsman respectively, cf. section 3 below.

The DGA has the jurisdiction to inspect premises used by the licence holder as regards provision and organisation of gambling activities and to inspect their technical equipment and accounting records as well as associated documents that may be of relevance to the inspection, no matter if these are available as hardcopy or in electronic form. The licence holder and his employees shall provide the necessary instructions and assistance to the DGA in connection with the inspection. The DGA may order the licence holder to disclose information about gambling activities and request submission of certain material. Third party suppliers of equipment used for the provision of gambling activities shall provide the DGA with information on their deliveries to the licence holders covered by the Act, cf. Danish Gambling Act section 47.

The DGA does not have investigational powers when it comes to criminal offences and cannot carry out criminal prosecutions. Thus, the DGA cooperates with the Danish police and the Danish Prosecution Service, including the Danish FIU.

The DGA does not supervise or administer gambling regulation in the Faroe Islands.

## **2. Where relevant, any specific cooperation commitments:**

*[This section contains information such as: preferred or intended focus/aim of cooperation with the other Authorities, processing of requests where this concerns other authorities in part or in whole, requests for information in the event Requesting Authorities would not respond to same type of request (reciprocal basis/mutual cooperation?)].*

The DGA strongly supports the initiative of the Commission to facilitate administrative cooperation between the gambling regulatory authorities of the EEA Member States. Thus, the DGA wishes to cooperate as openly as possible within the limitations of Danish legislation. In expectation of the wish of every signing authority to support the initiative, neither do we have any intended focus / aim nor as such a conditioning of cooperation on a reciprocal basis.

If possible, the DGA shall be of assistance when it comes to redirection of requests on other (bordering) legal areas to the relevant Danish authority/-ies. However, being an independent government agency we are not able to commit the authority in question.

The DGA continuously publish relevant material at [www.spillemyndigheden.dk](http://www.spillemyndigheden.dk), including a list of licence holders, guidelines, information on problem gambling treatment and the possibility of exclusion from gambling, newsletters, statistics etc. English versions of the Danish and Greenlandic acts on gambling as well as the bill for a regulation on gambling, a supplementary report and some of the executive orders in force are available at the website as well. Please note that the English versions are unofficial translations.

The DGA has already uploaded regulatory information to the CIRCA database and will continue to do

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so where suitable.

The DGA treats requests on a case-by-case basis. The main focus of the assessment will be on whether data protection exemptions apply.

The DGA may be of assistance when it comes to redirection of requests on other (bordering) legal areas to the relevant Danish authority/-ies. However, being an independent government agency we are not able to commit the authority in question.

### 3. Other authorities concerned with gambling-related rules and regulation:

*[This section contains information such as: details of other relevant authorities, industry or professional regulators, financial supervisory authorities, law enforcement etc to the extent that those authorities may be involved in the cooperation ]*

The DGA cooperates with a wide range of Danish authorities, including:

#### The Danish Tax Authority

The Danish Tax Authority (SKAT) is an independent government agency residing under the Danish Ministry of Taxation. SKAT administers and enforces tax legislations. SKAT handles all tasks relating to direct and indirect taxes, customs, debt collection and tax assessment of real estate and vehicles. SKAT conducts registration of licence holders as well as inspection and collection of gambling duties.

Contact information:

[www.skat.dk](http://www.skat.dk)

Phone (main): +45 72 22 18 18

#### The Danish Consumer Ombudsman

The Danish Consumer Ombudsman is an independent public authority that supervises compliance with Danish marketing legislation in general, including marketing practices within the field of gambling.

Contact information:

[www.consumerombudsman.dk](http://www.consumerombudsman.dk)

Phone (hotline): + 45 41 71 51 51

Email: [forbrugerombudsmanden@kfst.dk](mailto:forbrugerombudsmanden@kfst.dk)

Mail: Consumer Ombudsman, Carl Jacobsens Vej 35, DK-2500 Valby

#### The Danish Competition and Consumer Authority

The Danish Competition and Consumer Authority enforces the Danish Competition Act, endorses larger business mergers and instructs companies to revoke agreements that limit competition.

Contact information:

[www.kfst.dk](http://www.kfst.dk)

Phone:+45 41 71 50 00

Email: [kfst@kfst.dk](mailto:kfst@kfst.dk)

Mail: Danish Competition and Consumer Authority, Carl Jacobsens Vej 35, 2500 Valby

#### The Danish FSA

The Danish FSA is part of the Ministry of Business and Growth and acts as secretariat for the Financial

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Business Council, the Danish Securities Council and the Money and Pension Panel. The main task of the FSA is to supervise compliance with financial legislation by financial undertakings and issuers of securities as well as investors on the securities markets. The FSA contributes to the preparation of financial legislation, and collects and disseminates knowledge about the financial sector.

Contact information:

[www.finanstilsynet.dk](http://www.finanstilsynet.dk)

Phone: +45 33 55 82 82

Email: [Finanstilsynet@ftnet.dk](mailto:Finanstilsynet@ftnet.dk)

Mail: Finanstilsynet (Danish FSA) Aarhusgade 110, 2100 Copenhagen Denmark

The Danish FIU

Contact information:

Phone: 72 68 90 00

Email: [fiu@politi.dk](mailto:fiu@politi.dk)

Mail: [Statsadvokaten for Særlig Økonomisk og International Kriminalitet](#), Hvidvasksekretariatet (The Danish FIU also known as The Danish Money Laundering Secretariat under the State Prosecutor for Serious Economic Crime), Kampmannsgade 1, 1604 København V.

The Consumer Complaints Board

The Consumer Complaints Board is an independent complaints board which considers consumer complaints (money claims/quantifiable to a sum of money) related to goods and services purchased from traders. The Consumer Complaints Board will consider a complaint if the consumer has already in vain attempted to solve the problem with the trader. Consumers are able to file complaints to the Consumer Complaints Board online via 'My complaint' (in Danish: Min sag) at [www.forbrug.dk](http://www.forbrug.dk). Amount limits apply.

Contact information:

<http://www.forbrug.dk/Klagemuligheder/Forbrugerklagenævnet/Klag-til-Forbrugerklagenævnet>

Police

The police in Denmark, the Faroe Islands and Greenland constitute one national force, employed directly by the state. The Minister of Justice, who is the chief police authority in Denmark, exercises powers through the National Commissioner and the Commissioners of the police districts.

Contact information:

[www.politi.dk](http://www.politi.dk) including contact information on the individual districts in Denmark and Greenland.

**4. Processing of requests where this concerns land-based gambling:**

YES:   X  

NO:

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## 5. Information sharing:

*[This section contains information such as: national rules regarding sharing of information in particular personal data, exemption possibilities or restrictions to disclose information normally protected under national law]*

The DGA may exchange necessary information with the customs and tax administration, other public authorities as well as foreign authorities for the purpose of supervision carried out by the respective authorities regarding enterprises etc. covered by the Danish Gambling Act. Such information may be supplied in electronic form and may be subject to integration of registers and comparison of information for control purposes, cf. section 49(1) of the Danish Gambling Act.

However, the statutory authority to exchange information is limited to requested information on legal persons who already provide or intends to provide gambling activities in the (country of) domicile of the requesting gambling authority. Furthermore, limitations on the information exchange are set, as in order to carry out the exchange the requested pieces of information shall be deemed necessary for registration and supervision purposes, e.g. as part of the assessment on whether to grant or revoke a licence. Please be advised, that the intention of the legal framework in force is not for the DGA to collect (and share) information on players.

In addition, the exchange of personal data shall be processed in accordance with good practices for the processing of data, data must be collected for specified, explicit and legitimate purposes and further processing shall not be incompatible with these purposes.

Reference to the [Danish Act on Processing of Personal Data](#) (Act no. 429 of 31 May 2000 as amended) and the [Danish Public Administrations Act](#) (Act no. 433 of 22 April 2014) for more/detailed information on the processing of personal data and the outlined limitations.

## 6. Processing of information:

*[This section contains information such as: requirements regarding information received and/or sent - transmission, handling, traceability, storage, data retention period, destruction of information that is shared and that is received; ]*

A request should as a minimum include the following pieces of information:

- the purpose of the request;
- if consent has been given (documentation attached);
- if onward disclosure of information provided to the requesting Authority is a possibility and if this is the case, the purpose of disclosure; and
- how to process information to the requesting authority using protection measures such as encrypted email.

The DGA makes use of appropriate technical and organisational security measures in order to protect data against accidental or unlawful destruction, loss or alteration and against unauthorised disclosure, abuse or other processing in violation of the provisions laid down in Act no. 429 of 31 May 2000 as amended on Processing of Personal Data.

Depending on the sensitivity of the requested pieces of information, the DGA may use encryption or an alternative form of protection measure when answering the request. Likewise, the DGA may condition an information exchange on the use of such encryption or alternative protection measures when communicating with the DGA or receiving information from the authority. Please be advised, that by using the contact form at [www.spillemyndigheden.dk/en/contact](http://www.spillemyndigheden.dk/en/contact) the email sent to the DGA is encrypted.

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**a. Security policy requirements and controls of the Member State:**

*[This section contains information such as: any requirements regarding confidentiality, professional secrecy of information disclosed, requests for waiving of confidentiality under national law; any requirements concerning staff handling the information exchanged]*

As part of the public administration in Denmark, the DGA is subject to Executive Order no. 528 of 16 June 2000 on security measures (in pursuance of the Danish Act on Processing of Personal Data) when processing personal data for the public administration wholly or partially by automatic means. Generally speaking, the DGA shall implement appropriate technical and organizational security measures to protect data against accidental or unlawful destruction, loss or alteration and against unauthorized disclosure, abuse or other processing in violation of the provisions laid down in the Danish Act on Processing of Personal Data.

The DGA shall comply with ISO: 27001 Information Security Standard.

**b. Any specific processes or requirements regarding consent of data subject or any other documentation that may be required regarding a request:**

*[This section contains information such as: requirements specific to requests that concern a data subject, any timeframes involved with obtaining consent, any documentation that needs to accompany a request such as consent given by data subject for the provision of the information]*

The DGA requires documentation if the data subject for provision of information has given consent.

Licensing checks

For best practices purposes when it comes to the processing of detailed information on licensees in Denmark the DGA normally expects the requesting authority to obtain the consent of the operator in question.

**c. Any specific requirements and controls of the Authority:**

*[This section contains any further requirements of the Authority supplementary to national laws and regulation, such as those concerning the handling of the information that it shares depending on the sensitivity of the information, any encryption that may be used or required, and different process or requirements depending on the type of request(s)]*

Reference to sections 6-7, a-b above.

**7. Language for processing requests:**

*[This section contains information such as: language preference(s) for requests received and/or replied to, translation timeframes and costs]*

The DGA prefers to receive requests in Danish or English, alternatively accompanied by English or Danish translation of the request or the main elements thereof.

**8. Expenses for processing requests:**

Normally, the DGA will bear its own costs and expect the requesting/requested authority to do so as well, unless an alternative agreement is concluded specifically. Large and/or disproportionate costs are to be discussed with the requesting authority beforehand.

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**9. Contact Point for processing requests:**

*[This section contains the details of the electronic mailbox, details of any designated contact person, contact phone number*

The DGA requests that the contact form at the DGA website <https://spillemyndigheden.dk/en/contact> be used. When requesting information please add the following subject "EEA Member State request for information". By using the contact form, the email encrypts. The request is distributed to the relevant office and member of staff.

**10. Other:**

-

Date: 27/11/2015

[Updated on:         ]

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**Member State: REPUBLIC OF ESTONIA**

**Gambling Regulatory Authority: Estonian Tax and Custom Board**

**1. Powers of the Authority:**

Estonian Tax and Custom Board (ETCB) issues gambling licences, collects gambling tax and is almost entirely responsible for supervision (gambling tax audits, equipment and system controls, actions against illegal gambling organizers, players' and self restricted persons' rights protection, blocking illegal online gambling sites etc) except criminal investigations, anti-money laundering investigations and gambling advertisement supervision.

Operator background checks, including those of board members and shareholders, are carried out before licensing, because by Estonian Gambling Act requires that license to organise gambling games is only granted to trustworthy and sufficiently capitalized legal persons.

**2. Where relevant, any specific cooperation commitments:**

We wish to cooperate with other European regulatory bodies in order to achieve a high level of protection of consumers (players, minors and the vulnerable, fight against addictions), to ensure the preservation of public order (prevention of fraud) and to achieve a common understanding of the applicable laws, regulations and requirements implemented by each European country and to establish mutual trust and a good working relationship between European regulatory bodies thus facilitating the performance of their respective functions.

Where requests are made to the ETCB but the information is held by one of our regulatory partners, we shall endeavour to facilitate these requests, by passing these on or by providing relevant contact details.

**3. Other authorities concerned with gambling-related rules and regulation:**

Estonian Police and Border Guard Board (in criminal proceedings) (<https://www.politsei.ee/en/>); Estonian Financial Intelligence Unit (<https://www.politsei.ee/en/organisatsioon/rahapesu-andmeburoo/>) (anti-money laundering proceedings); Estonian Consumer Protection Board (<http://www.tarbijakaitseamet.ee/en>) (gambling advertisement supervision).

**4. Processing of requests where this concerns land-based gambling:**

YES:   X  

NO:

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**5. Information sharing:**

ETCB can't share personal and company tax information (except information about outstanding tax liabilities) and information about self-restricted persons.

Estonian Tax and Custom Board is subject to [the Personal Data Protection Act](#).

According to Estonian Personal Data Protection Act processing of personal data is permitted only with the consent.

There may be other restrictions depending of requested information, all requests are treated on a case-by-case basis.

**6. Processing of information:**

Requests for the provision of information or other assistance will be made in writing or by sending an e-mail, unless otherwise agreed and confirmed within five business days.

To facilitate assistance, the requesting Authority should specify in any written request:

- the information or other assistance requested (identity of persons, specific questions to be asked etc.);
- if information is provided by the requesting Authority for confirmation or verification, the information and the kind of confirmation or verification sought;
- the purpose for which the information or other assistance is sought;
- to whom, if anyone, onward disclosure of information provided to the requesting Authority is likely to be necessary and, in relation to onward disclosure to a person who is not a permitted onward recipient, the purpose such disclosure would serve;

Each request for assistance will be assessed on a case-by-case basis by ETCB to determine whether assistance can be provided. Reply with requested information is sent to requesting Authority latest within 30 days after getting the request.

Depending on the sensitivity of information to be exchanged, ETCB may use some form of encryption or other protection such as:

- WinZip (a password protected zipped document, with the password being provided separately)
- Hard copy information via a commercial courier

Information provided to the ETCB will only be used for lawful and legitimate purposes and will be protected in line with the requirements of Estonia and internationally recognised best practice. Information will be held securely and will only be accessed



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on a need to know basis by suitably staff.

Information provided and/or sent is stored digitally in ETCB systems, which IT protection are compliant to Estonian IT security class ISKE K1T2S2 (more info about ISKE: <https://www.ria.ee/iske-en>).

**a. Security policy requirements and controls of the Member State:**

Transfer of personal data from Estonia is permitted only to a country which has a sufficient level of data protection.

Transfer of personal data is permitted to the Member States of the European Union and the States party to the Agreement of the European Economic Area, and to countries whose level of data protection has been evaluated as sufficient by the European Commission. Transfer of personal data is not permitted to a country whose level of data protection has been evaluated as insufficient by the European Commission.

**b. Any specific processes or requirements regarding consent of data subject or any other documentation that may be required regarding a request:**

*[This section contains information such as: requirements specific to requests that concern a data subject, any timeframes involved with obtaining consent, any documentation that needs to accompany a request such as consent given by data subject for the provision of the information]*

Estonian Tax and Custom Board is subject to [the Personal Data Protection Act](#). Act processing of personal data is permitted only with the consent.

ETCB would expect the Requesting Authority to provide a copy of the consent before sending requested personal information.

**c. Any specific requirements and controls of the Authority:**

See section 7.

**7. Language for processing requests:**

English.

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**8. Expenses for processing requests:**

If the expenses of fulfilling a request are likely to be substantial, the requested Authority may, as a condition of agreeing to give assistance under this agreement, require the requesting Authority to make a contribution to costs.

**9. Contact Point for processing requests:**

Ranno Aednurm; [ranno.aednurm@emta.ee](mailto:ranno.aednurm@emta.ee), tel +352 6762023

Eve Kivi; [eve.kivi@emta.ee](mailto:eve.kivi@emta.ee); tel +352 2572

**10. Other:**

Date: 27/11/2015

[Updated on:        ]

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**Member State: REPUBLIC OF FINLAND**

**Gambling Regulatory Authority: The Ministry of the Interior and The National Police Board,  
Gambling Administration**

**1. Powers of the Authority:**

*[This section contains information such as: competence and remit of Authority's authorisation and supervision responsibilities, types of gambling it is responsible for, compliance, investigation]*

In Finland, the Ministry of the Interior is responsible for the legislation regarding the running of lotteries, including the gambling activities. The rules of play are for example issued in a decree of the Ministry of the Interior.

The National Police Board (hereinafter the NPB), especially its Gambling Administration, is responsible for the supervision of all gambling activities. The competence of the NPB is defined in the Lotteries Act (1047/2001).

The Lotteries Act includes the definition of a lottery. According to section 2, paragraph 1 of the Act, a lottery means an activity in which participants may win a prize of monetary value based, in full or in part, on chance and in which there is a charge for participation.

What is provided in the Lotteries Act concerning lotteries also applies to running casino activities and keeping casino games, slot machines, non-money prize machines and other game machines and game equipment available for public use against a charge where players are able to win a prize of monetary value (section 2, paragraph 2 of the Lotteries Act). What is provided in the Lotteries Act concerning lotteries also applies to 1) lotteries which take place abroad, to the extent that their tickets are sold or supplied in Finland and 2) lotteries which take place in the province of Åland, to the extent that their tickets are also sold or supplied elsewhere in Finland (section 2, paragraph 3 of the Lotteries Act).

In Finland operating gambling and other lotteries is restricted by the Lotteries Act. There are three gaming operators that are legally allowed to operate lotteries: Veikkaus Oy, Slot Machine Association (RAY) and Fintoto Oy. Operating lotteries by other operators is thus illegal. Veikkaus Oy has the exclusive right to run money lotteries, pools and betting, whereas the exclusive right of RAY includes keeping slot machines available for use, operating casino games and running casino activities. Fintoto Oy has the sole right to operate totalisator betting in Finland.

Åland Island has a special, autonomous status in Finland as a demilitarised, self-governing region. Åland has enacted its own Lotteries Act No. 10/1966, which is separated from the Finnish legislation. The provisions on lottery activities on Åland are therefore separate from those of the mainland Finland. The Åland Government has granted the province's Slot Machine Association, Ålands Penningautomatförening (PAF) a licence for operating casino and gaming activity on Åland, onboard ships and on the internet. The lottery activities on Åland are supervised by The Government of Åland.

The NPB has the competence to supervise the operation of lottery activities and the marketing thereof in Finland (apart from Åland). The NPB is, according to section 42, paragraph 2 of the Lotteries Act, responsible for the national supervision of the operation of lotteries and compiling statistics on lottery activities. The NPB may give statements and instructions on the operation of lotteries and the supervision thereof.

Local police departments supervise lotteries enforced on their precinct (section 42, paragraph 3 of the Lotteries Act). Electronic systems of supervision must be used when needed in supervising the operating of gambling

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(section 42, paragraph 4 of the Lotteries Act).

According to section 14 b, paragraph 3 of the Lotteries Act, the responsibility of the NPB is to supervise that the provisions on marketing of gambling activities of this Act and the Act on Consumer Protection (38/1978) are complied with. Gambling operators must submit yearly a report on the marketing of the gambling activities to the Ministry of the Interior and to the NPB.

The NPB appoints official supervisors to supervise gaming activities, and they attend to their duties subject to civil-servant liability (section 43, paragraph 1 of the Lotteries Act).

Official supervisors shall supervise the compliance of gaming activities with the rules of play issued in a decree of the Ministry of the Interior under section 13 c of the Lotteries Act and shall confirm the pools, betting and totalisator betting results and amount of winnings in each round. Official supervisors shall also supervise the draw and mixing of tickets for money lotteries and confirm the result of the draw, unless a public notary performs these tasks on the consent of the NPB (section 43, paragraph 2 of the Lotteries Act).

According to section 48, paragraph 1 of the Lotteries Act, a player may submit a request to the NPB in writing for a recommended decision on a dispute with legal gambling operator concerning the payment of winnings.

The operators responsible for lotteries have the duty to regularly submit information on certain matters to the authorities. According to section 53, paragraph 1 of the Lotteries Act, the gambling operators must submit yearly their plan of action, budget for the following year and documents of the financial statement immediately after its completion to the ministry laid down by law for dealing with matters concerning the distribution of proceeds of the gaming operator in question, the Ministry of Finance, the Ministry of the Interior and the NPB.

A gambling operator must also submit yearly to the ministry laid down by law for dealing with matters concerning the distribution of proceeds of the gaming operator in question, the Ministry of the Interior and the NPB a report of the development of its gaming activities and the measures it has taken to decrease the social and health-related harms caused by gaming (section 53, paragraph 2 of the Lotteries Act).

The operator responsible for slot machines, casino games and casino activities must submit to the Ministry of Social Affairs and Health and the NPB copies of the records of meetings of the gambling operator and of the meetings of the board as well as other information which is needed for the supervision of the activities and the use of profits (section 53, paragraph 3 of the Lotteries Act).

The gambling operators must also submit the information on operating the lotteries referred to in section 3, point 1–7 of the Lotteries Act for the NPB for the purpose of compiling statistics and the information needed for the purpose of follow-up and studying of the problems caused by participating in lotteries for the Ministry of Social Affairs and Health (section 53, paragraph 4 of the Lotteries Act).

The NPB has the competence to issue bans for illegal operating of gambling and for illegal marketing of gambling and also to impose conditional fines in order to make the ban more effective.

Running a lottery in a manner other than referred to in sections 3(1)–(11) or 56 of the Lotteries Act is prohibited (section 62, paragraph a of the Lotteries Act). According to section 62 a, paragraph 1 of the Lotteries Act, the NPB may prohibit the implementation of gambling activities if: 1) gambling activities are implemented by a party other than a gambling operator referred to in section 11 of the Act; 2) the implementation of gambling activities violates prohibitions laid down in subsections 1–4 of section 62 of the Act; or 3) the implementation of gambling activities violates the Act or a decree issued under the Act in ways other than those referred to in section 62 b of the Act.

According to section 62 b, paragraph 1 of the Lotteries Act the NPB may also prohibit any marketing of

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gambling that violates section 14 b of the Act.

The NPB may reinforce the prohibition referred to in sections 62 a or 62 b of the Act by issuing a notice of a conditional fine (section 62 c, paragraph 1 of the Lotteries Act).

The National Police Board will order the payment of any conditional fine issued to reinforce the prohibition referred to in section 62 a. Upon application by the NPB, the Market Court will order the payment of any conditional fine issued to reinforce the prohibition referred to in section 62 b (section 62 c, paragraph 2 of the Lotteries Act).

In September 2015, a reform project on the legislation on gambling will be initiated in the course of which the gambling system as a whole as well as the tasks and competences of the authorities will be reviewed.

## 2. Where relevant, any specific cooperation commitments:

*[This section contains information such as: preferred or intended focus/aim of cooperation with the other Authorities, requests for information in the event Requesting Authorities would not respond to same type of request (reciprocal basis/mutual cooperation?)*

There has been close, unofficial cooperation between the Nordic countries for more than 20 years, and Finland has been an active part of the cooperation.

## 3. Other authorities concerned with gambling-related rules and regulation:

*[This section contains information such as: details of other relevant authorities, industry or professional regulators, financial supervisory authorities, law enforcement etc to the extent that those authorities may be involved in the cooperation ]*

Operating gambling illegally and breaching certain other provisions in the Lotteries Act is criminalized in the Finnish Penal Code (39/1889, chapter 17, sections 16 a and 16 b). Certain milder offences against the Lotteries Act, punishable by fines, are criminalized in the Lotteries Act (section 64). The police has the competence to investigate alleged criminal acts or actions, whereas the public prosecutor performs the consideration of charges and may proceed to the court with the case. The Gambling Administration of the NPB may issue a request for a criminal investigation to the police if it finds that a crime or an offence has been committed.

The Ministry of the Interior is also responsible for the legislation of anti-money laundering. The National Bureau of Investigation has a special unit, Financial Intelligence Unit, which is responsible for detecting and preventing money laundering and terrorist financing.

As described in point 1 (Powers of Authority), the local police districts have competence to supervise lotteries, excluding gambling, enforced on their precincts (section 42, paragraph 3 of the Lotteries Act). If a lottery is enforced on the territory of two or more precincts, the NPB has complete competence of supervision.

The activities and finance as well as the use of proceeds of the gambling operators are directed and supervised by the ministries laid down by law for dealing with matters concerning the distribution of proceeds of the operators. Veikkaus Oy is supervised by the Ministry of Education and Culture, RAY by the Ministry of Social Affairs and Health and Fintoto Oy by the Ministry of Agriculture and Forestry.

The gambling operators are themselves responsible for the supervision of their selling agents in that they supervise the age limit of gaming and comply with the marketing provisions.

The Finnish Competition and Consumer Authority has general competence in matters concerning consumer

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protection and for example marketing to consumers and may in some cases cooperate with the NPB.

An evaluation group, affiliated to the Ministry of Social Affairs and Health, consisting of experts in gambling issues is about to be appointed in the fall 2015 for a set period to evaluate the negative effects of gambling. The tasks of the evaluation group shall be 1) to prepare statements for the Ministry of the Interior on the risks of harms of games concerning the decrees issued for the operation of games and 2) to evaluate the harms caused by the operation of gambling and to prepare statements on the matter. An expert from the Ministry of Social Affairs and Health will be appointed as the secretary of the evaluation group and experts representing the relevant authorities, research institutions and the third sector as other members of the group.

**4. Processing of requests where this concerns land-based gambling:**

YES:   X  

NO:     

**5. Information sharing:**

*[This section contains information such as: national rules regarding sharing of information in particular personal data, exemption possibilities or restrictions to disclose information normally protected under national law]*

The basic principles and provisions on the publicity and sharing of information by the authorities are laid down in the Act on the Openness of Government Activities (621/1999). The documents of the authorities are basically public unless they are secret according on the provisions in the Act 621/1999 or in another act. Section 24 of the Act on the Openness of Government Activities describes the documents which are secret by the law itself.

The right to one's privacy is guaranteed in the Constitution of Finland (731/1999). According to section 10 of the Constitution, provisions on the protection of personal data are to be laid down by an Act. This means that authorization for the authorities to deliver personal data to other authorities or private actors has to be laid down by an Act.

The provisions of the Personal Data Act (523/1999) are to be followed generally when processing personal data unless a specific law has been enacted in the field concerned. The Personal Data Act applies to the automatic processing of personal data (section 2). It applies also to other processing of personal data where the data constitute or are intended to constitute a personal data file or a part thereof. The processing of personal data is basically allowed only with the consent of the person in question or if certain other grounds for the processing, described in the Act, are met (section 8 of the Personal Data Act). The Act also includes provisions on e.g. specific restrictions on processing personal data in certain cases (e.g. chapter 3), as well as the right of the registered person to check one's data (chapter 6) and the duty of care of the controller (i.e. the operator of the register; chapter 7).

Some authorities, such as the police and the prosecutor, have extensive rights to receive data which is needed for the performance of their duties. For many other authorities, the right to deliver and to receive personal data has to be specifically laid down in the law. This means that the grounds for the delivery and acceptance of personal data by the authorities must be determined in the provisions of an act, as well as the extent of the data to be delivered or accepted.

The National Police Board, i.e. the authority responsible for the supervision of gambling in Finland, is a part of the Finnish police organization. When automatically or otherwise processing necessary personal data in the course of performing the tasks of the police defined in the Police Act (872/2011), the authorities must apply the specific Act on the Processing of Personal Data by the Police (761/2003), if a register of persons or a part of a register of persons is comprised of or is supposed to be comprised of the personal data. The act includes provisions on for example the rights of the registered person (chapter 7), on using and delivering the data (chapter 4) and on processing personal data in connection with international police cooperation (chapter 6).

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**6. Processing of information:**

*[This section contains information such as: requirements regarding information received and/or sent - transmission, handling, traceability, storage, data retention period, destruction of information that is shared and that is received; ]*

The provisions of the Personal Data Act (523/1999) are to be followed when processing personal data (see point 6 above) unless a specific act applies to the authority in question. According to the key principle of processing personal data, the processing of the data is basically allowed only with the consent of the person in question or if certain other grounds for the processing, described in the Act, are met (section 8 of the Personal Data Act).

According to section 34 of the Personal Data Act, if a personal data file is no longer necessary for the operations of the controller, it shall be destroyed, unless specific provisions have been issued by an Act or by lower-level regulation on the continued storage of the data contained therein or the file is transferred to be archived in accordance with section 35 of the Act.

In addition to the Personal Data Act, there may, as mentioned, be specific provisions on the processing of personal data in the legislation concerning different authorities (i.e. the police).

**a. Security policy requirements and controls of the Member State:**

*[This section contains information such as: any requirements regarding confidentiality, professional secrecy of information disclosed, requests for waiving of confidentiality under national law; any requirements concerning staff handling the information exchanged]*

The Finnish authorities must follow the Personal Data Act (523/1999) and/or other relevant legislation on sharing (personal) data.

**b. Any specific processes or requirements regarding consent of data subject or any other documentation that may be required regarding a request:**

*[This section contains information such as: requirements specific to requests that concern a data subject, any timeframes involved with obtaining consent, any documentation that needs to accompany a request such as consent given by data subject for the provision of the information]*

According to the key principle of processing personal data, the processing of the data is basically allowed only with the consent of the person in question or if certain other grounds for the processing, described in section 8 of the Personal Data Act, are met.

**c. Any specific requirements and controls of the Authority:**

*[This section contains any further requirements of the Authority supplementary to national laws and regulation, such as those concerning the handling of the information that it shares depending on the sensitivity of the information, any encryption that may be used or required, and different process or requirements depending on the type of request(s)]*

The Finnish authorities ask that the requests for the provision of information or other assistance shall be made in writing or by sending an e-mail, unless otherwise agreed.

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**7. Language for processing requests:**

*[This section contains information such as: language preference(s) for requests received and/or replied to, translation timeframes and costs]*

The preferred languages of the processing requests are English, Finnish or Swedish. The coverage of expenses will be assessed on a case-by-case basis.

**8. Expenses for processing requests:**

Expenses for processing requests will be assessed on a case-by-case basis.

**9. Contact Point for processing requests:**

*[This section contains the details of the electronic mailbox, details of any designated contact person, contact phone number]*

The National Police Board, Gambling Administration, e-mail: arpajaishallinto@poliisi.fi

Contact person:

The National Police Board, Gambling Administration, Senior Adviser Leena Mäkipää, tel. +358 295 481565, leena.makipaa@poliisi.fi

**10. Other:**

Ministry of the Interior:

<http://www.intermin.fi/>

On gambling/lotteries:

[http://www.intermin.fi/en/security/gambling/lotteries\\_act](http://www.intermin.fi/en/security/gambling/lotteries_act)

The National Police Board, Gambling Administration:

[http://www.poliisi.fi/licences/gambling\\_administration\\_department](http://www.poliisi.fi/licences/gambling_administration_department)

Date: 27/11/2015

[Updated on:            ]



APPENDIX III

**Commitments of the Supreme Gambling Authorities and the Glücksspielkollegium of the Länder to Administrative Cooperation**

**Member State: Germany**

**1. Competence and mandate of the Authorities**

Germany is a federal republic consisting of 16 Länder. Each Land is responsible for licencing, compliance and enforcement regarding all types of gambling within its territory.

The supreme gambling supervisory authorities (“oberste Glücksspielaufsichtsbehörden”) of the Länder are listed below:

Baden-Württemberg: Innenministerium Baden-Württemberg

Bavaria: Bayerisches Staatsministerium des Innern, für Bau und Verkehr

Berlin: Senatsverwaltung für Inneres und Sport

Brandenburg: Ministerium des Innern des Landes Brandenburg

Bremen: Senator für Inneres

Hamburg: Behörde für Inneres und Sport

Hesse: Hessisches Ministerium des Innern und für Sport

Lower Saxony: Niedersächsisches Ministerium für Inneres und Sport

Mecklenburg-Western Pomerania: Ministerium für Inneres und Sport Mecklenburg-Vorpommern

North Rhine-Westphalia: Ministerium für Inneres und Kommunales des Landes Nordrhein-Westfalen

Rhineland-Palatinate: Ministerium des Innern, für Sport und Infrastruktur des Landes Rheinland-Pfalz

Saarland: Ministerium für Inneres und Sport des Saarlandes

Saxony: Sächsisches Staatsministerium des Innern

Saxony-Anhalt: Ministerium für Inneres und Sport des Landes Sachsen-Anhalt

Schleswig-Holstein: Ministerium für Inneres und Bundesangelegenheiten des Landes Schleswig-Holstein

Thuringia: Thüringer Ministerium für Inneres und Kommunales

A further distribution of responsibilities within the Land may be regulated by state law.

The principle of each Land being responsible for the administration of gambling within its territory does not apply for:

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- the granting of the licence for sports betting and the permit for horse race betting on the Internet: responsible is Hesse
- the issuing of the permit to conduct advertising for lotteries and sports betting on the Internet and on television: responsible is North Rhine-Westphalia
- the granting of the permit for nationwide charity lotteries: responsible is Rhineland-Palatinate
- the stopping of cash flows regarding unlawful gambling offered in more than one Land: responsible is Lower Saxony

In these cases, where a common assessment is necessary, the Interstate Treaty on Gambling ("Glücksspielstaatsvertrag – GlüStV") provides for a uniform procedure among the Länder with one specific state authority acting for all Länder (§ 9a GlüStV). The relevant decisions are taken by the College of Games of Chance ("Glücksspielkollegium") of the Länder in cooperation with the responsible authority. The Glücksspielkollegium consists of 16 members (one representative per Land having one vote), being nominated by the respective supreme gambling authority. The decisions of the Glücksspielkollegium are taken by a two-third majority and bind the acting authority.

According to § 1 of the Administrative Agreement to the State Treaty on Gambling ("Verwaltungsvereinbarung zum Glücksspielstaatsvertrag – VwVGlüStV") the Glücksspielkollegium not only makes the final decisions regarding the permits and licences for which the uniform procedure applies, but also performs related supervisory duties and develops the advertising directives ("Werberichtlinien").

Further cooperation between the Länder has been established in other areas, such as enforcement of gambling law and evaluation. For these purposes, specific working groups were created. In addition, an advisory committee of experts especially in gambling addiction and a sports advisory committee were founded. To support the cooperation between the Länder and the Glücksspielkollegium, a common administrative office ("Gemeinsame Geschäftsstelle – GGS") located in the Hessian Ministry of the Interior and Sport and financed by all Länder, was founded. It also represents Germany in the Gaming Regulators European Forum (GREF).

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**2. Cooperation commitments**

The supreme gambling authorities and the Glücksspielkollegium wish to cooperate and exchange information with the gambling regulatory authorities of other EU and EEA Member States to intensify and improve the compliance and enforcement of the rules applicable in Germany.

They are willing to share information, notably regarding licencing, compliance and regulatory enforcement, in the ways detailed below:

Information is given upon request by the gambling regulatory authorities of other EU and EEA Member States on a case by case basis. As a first step, all sharing of information is considered to be mutual on a voluntary basis in the sense that the exchange of information shall not be a condition for the cooperation.

The primary focus shall lie on the following core issues with the objective to enhance administrative cooperation step by step:

Licencing and compliance matters: Information required for the purposes of licensing or compliance functions, notably licence conformity, audit report, financial statements; Process and reasons for suspension, termination and withdrawal of licences

Regulatory enforcement and criminal matters: Information required for the purposes of enforcement or criminal proceedings; Tools, measures and procedures to ensure sincerity of bets related to events and competitions, and to prevent and combat betting-related match-fixing

Cooperative investigations for multijurisdictional issues

Protection of consumers, players and minors: Tools, measures and procedures to monitor commercial communications; Research about gambling and associated risks such as addiction

Other: Market data (collection and purpose)

When exchanging information, the legal and regulatory framework of the other authorities as well as the objectives and approaches set out in the cooperation commitments by the authorities will be respected.

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**3. Other authorities potentially concerned with gambling-related rules and regulation**

In Germany federal gambling-related regulation only comprises the criminal code, the taxation of lotteries and sports and horse race betting as well as technical standards in the commercial law regarding gaming machines in cooperation with the National Metrology Institute of Germany (“Physikalisch-Technische Bundesanstalt – PTB”). For all other areas, the legal framework is set by the Länder.

The execution of the laws falls under the responsibility of the Länder. They are also responsible for the judiciary and criminal prosecution within their territory. However, in some areas cooperation not only with other Länder, but also with federal authorities may be required for an effective fulfilment of the tasks assigned to the Länder.

This applies particularly to the field of money laundering, where the supreme gambling authorities are responsible for enforcement and the supervision of gambling operators, but may cooperate on the basis of the Money Laundering Act (“Geldwäschegesetz – GwG”) with the Federal Criminal Police Office (“Bundeskriminalamt – BKA”), the Federal Financial Supervisory Authority (“Bundeanstalt für Finanzdienstleistungsaufsicht – BaFin”) and the Federal Ministry of Finance (“Bundesfinanzministerium – BMF”). The BKA also functions as the Financial Intelligence Unit (FIU) for Germany. Together with the supreme gambling authorities of the Länder the BMF published instructions for handling the provisions regarding gambling on the Internet pursuant to § 9a, § 9b und § 9c GwG as well as the requests for exemption according to § 16 (7) GwG („Hinweise des Bundesministeriums der Finanzen und der zuständigen Aufsichtsbehörden der Länder zum Umgang mit den Sondervorschriften zum Glücksspiel im Internet gem. § 9a, § 9b und § 9c GwG sowie den Befreiungsanträge nach § 16 Abs. 7 GwG – AuA“).

Moreover, an exchange of information takes place concerning gambling advertisement with the state media authorities (“Landesmedienanstalten”) on the basis of common guidelines („Gemeinsame Leitlinien der obersten Glücksspielaufsichtsbehörden der Länder und der Landesmedienanstalten zur Zusammenarbeit bei der Aufsicht über Glücksspielwerbung im privaten Rundfunk und Telemedien privater Anbieter”) as well as the German Advertising Standards Council (“Deutscher Werberat”).

Where necessary, a request for information is sent to and/or cooperation is initiated with other domestic partners not listed, e.g. other authorities or independent institutes.

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**4. Processing of requests where this concerns other authorities, in part or in whole**

Yes:  X

No: \_\_\_\_

Where the requested information is (partly) held by another authority, the Contact Point shall endeavour to obtain this information and pass it on to the requesting authority. If this is not successful, the Contact Point will facilitate those requests wherever possible, by forwarding them to the other authority or providing relevant contact details.

**5. Processing of requests where this concerns land-based gambling**

Yes:  X

No: \_\_\_\_

**6. Information sharing**

§ 9 (3) GlüStV has laid the foundation for a cooperation of the Länder in the supervision of games of chance with competent gambling authorities of the EU and EEA Member States. According to this provision, the Länder may exchange data with these authorities for this purpose to the extent necessary to fulfil their duties.

Supplementary requirements for the transfer of personal data are set out in the Data Protection Acts (“Datenschutzgesetze”) of the Länder. Depending on the authority acting, the respective Data Protection Act applies.

Since the State of Hesse is under the rules for the uniform procedure responsible for the licence regarding sports betting as well as the permission for horse race betting on the Internet, the relevant provisions of the Hessian Data Protection Act („Hessisches Datenschutzgesetz – HDSG“) shall be outlined to illustrate how state law regulates the transfer of personal data.

According to the HDSG, the processing of personal data may only take place if permitted under this law or any other legal regulation that overrules this law (§ 7 (1) No. 1 and 2 HDSG), the data subject has given unambiguous consent (§ 7 (1) No. 3 HDSG) or the personal data are stored in generally accessible sources or intended for publication by the data subject (§ 3 (4) HDSG). Since § 9 (3) GlüStV provides for an overruling law in this sense, the transfer of personal data in this context is generally permissible. However, it is subject to the following restrictions: Personal data may only be transferred if and as far as necessary for the performance of the tasks of the transferring or receiving authority (§ 11 (1) HDSG). In principle, personal data may only be further processed for the purposes they were collected or stored for (§ 13 (1) HDSG). An explicit exemption is given for supervisory and controlling functions (§ 13 (4) HDSG). The responsibility for the legitimacy of the

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transfer lies with the transferring authority (§ 14 HDSG).

Outside the scope of the Directive 95/46/EC, a transfer of personal data may only take place if the recipient ensures an adequate level of data protection, the transfer is exclusively in the interest of the data subject or another exemption laid down in § 17 (2) HDSG applies, notably if the data subject has consented to the transfer. For the decision on the adequacy of the level of protection, the Hessian Data Protection Commissioner must be heard. Furthermore, the recipient must be informed that he may process the transferred data only for purposes compatible with the purposes they were transferred for.

## 7. Processing of information

For the processing and transfer of information the following aspects must be considered:

### Organizational and legal framework

- The processing and transfer of information must be in accordance with the data protection laws of the authorities involved.
- The principle “Need to know” shall be obeyed; this means that information may only be disclosed to authorities or individuals if necessary for the performance of their tasks.
- The principle of data minimisation shall be obeyed; this means that as little information as possible shall be transferred.

### Technical aspects regarding the transfer of data

When transferring information, the following protection targets shall be obeyed:

- Authenticity (confirmed source of information)
- Integrity (no modification of information in the transfer process)
- Confidentiality (only authorized individuals have access to the information)

For these protection targets to be reached, an electronic signature as well as established encryption techniques shall be used. The latter include procedures based on digital certificates, e.g. the Public-Key-Infrastructure (PKI) according to the Standard X.509. There are extensions for established programs available for the PKI in relation to the user-based transfer via email as well as the automatic transfer between servers.

### Technical aspects regarding the storage of data

The storage of signed information does not require any further measures. Since the

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encryption of data may be affected by a change of the people working with these data, the storage of encrypted data shall be avoided. To ensure confidentiality, recourse to the used operating system is necessary.

**8. Language for processing requests**

The Contact Point would prefer to receive requests and reply to them in German or English.

**9. Expenses for processing requests**

Requesting and Requested Authority will each bear their own costs.

Yes:  X

No:    

**10. Contact Point for processing requests**

Ministerium für Inneres und Sport des Landes Sachsen-Anhalt  
Referat 21 – Recht der Gefahrenabwehr  
Dr. Martin Patz  
Halberstädter Str. 2/am „Platz des 17. Juni“  
39112 Magdeburg  
Tel: +49 391 567 5267  
Fax: +49 391 567 5454  
E-Mail: gluecksspiel@mi.sachsen-anhalt.de

**DATE:13.11.2015**

**[UPDATED ON: ...]**

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**Member State: GREECE**

**Gambling Regulatory Authority: HELLENIC GAMING COMMISSION**

**1. Powers of the Authority:**

*[This section contains information such as: competence and remit of Authority's authorisation and supervision responsibilities, types of gambling it is responsible for, compliance, investigation]*

**The Hellenic Gaming Commission (HGC)** is an Independent Public Authority, initially set up by Law 3229/2004. Its competences were further complemented by Law 4002/2011. Its remit is to regulate and supervise games of chance as well as amusement games or games of skill, which are conducted either online or land-based in Greece. In the above context, HGC has four main tasks: (1) to ensure the legality of the provision of gaming services, (2) to prevent illegality and crime in organizing and conducting games, (3) to protect the public and social interest, (4) to achieve a high level of social protection. Hence, HGC creates and offers significant added value to society, by taking measures and initiatives to:

- i. protect consumers, players, minors and vulnerable groups of the population
- ii. prevent and combat the development of gambling-related disorders
- iii. minimize eventual economic harm that may result from compulsive or excessive gambling
- iv. develop an ongoing dialogue with social and other competent bodies for the prevention of addiction to gambling and the protection of players
- v. prevent, deter and suppress crime related directly or indirectly to gaming activities, with the cooperation of the competent police and judicial authorities
- vi. build trust between State and citizens.

**I. Greek offline gambling market, consists of:**

1. Ten (10) casino enterprises, each with a separate permanent license issued by the Greek state;
2. A state monopoly which is conducted by concessionaires (OPAP Group of Companies and ODIE S.A.), on the following gaming sectors:
  - a) Lottery (Popular lottery, National lottery, State or New Year's Eve Lottery and Scratch ticket), conducted by Hellenic Lotteries S.A.
  - b) Numerical Games and Football Forecasting Games (Joker, Lotto, Proto, Extra Five, Super 3, Kino, Bingo Lotto, Propo, Propogoal) conducted by OPAP S.A.



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- c) Land-based betting conducted by OPAP S.A. through a network of local agents.
- d) 35.000 VLT machines, through specific venues (Gaming Halls), 16.500 to be conducted directly by OPAP S.A. and 18.500 to be conducted by 4 to 10 VLT sub-concessionaires.
- e) Mutual Horse Racing Betting, which is conducted by the Hellenic Horseracing Organization S.A. (ODIE S.A.), a sector of the gaming market recently granted to OPAP S.A. through a public international tender.

**II. Greek online gambling market, consists of:**

- 1) Online fixed-odd betting, which is conducted by OPAP S.A. in accordance with the Decision No. 105/2/16-5-2014 of the HGC.
- 2) Online gambling, which is currently conducted by 24 companies, holders of licenses issued by other EU or EEA gaming Authorities, who have the right to conduct such games of chance for an interim period (under the provisions of article 50, paragraph 12 of Law 4002/2011).

**2. Where relevant, any specific cooperation commitments:**

*[This section contains information such as: preferred or intended focus/aim of cooperation with the other Authorities, processing of requests where this concerns other authorities in part or in whole, requests for information in the event Requesting Authorities would not respond to same type of request (reciprocal basis/mutual cooperation?).]*

- 1. The information provided by HGC is intended to:
  - a) assist inspections effected by the Authorities with regard to licensed gaming operators. Such inspections particularly concern licensees' compliance with their obligations;
  - b) assist administrative investigations into suspicious betting activities, fraud, money laundering, match fixing, tax evasion or other criminal activities related to gambling;
  - c) prevent misleading advertisement, marketing and commercial communication;
  - d) assist inspections and/or examinations of licensees' facilities and/or equipment;
  - e) confirming and/or verifying information provided by the Requesting Authorities;
  - f) achieving a common understanding of the applicable laws, regulations and requirements, specifically with regard to the online gambling;
  - g) provide market data in the context of researches and/or surveys;
  - h) achieve a high level of protection of consumers, players, minors and other groups of vulnerable people and the prevention of gambling-related crime and addiction.
- 2. The information provided by HGC may only be used for the purpose(s) stated in the initial

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request.

3. Each request will be assessed on a case-by-case basis by HGC in order to determine whether information can be provided under the terms of this Arrangement and pursuant to any applicable national laws, regulations and/or bilateral or multilateral state commitments. In any case, where the request cannot be fulfilled in part or in whole, HGC will consider whether there may be other kind of assistance, which can be provided by any other competent authority within its jurisdiction.

4. HGC is not committed to provide any of the above information in case the Requesting Authority does not respond to the same type of HGC's requests and/or refuses to take a proportional set of actions during assessment of HGC's requests.

5. Where requests, which have been submitted to HGC under this Arrangement, are related to information held by other national authorities, HGC shall endeavor to facilitate these requests, by passing them to the respective authorities or by providing to the Requesting Authority relevant contact details.

**3. Other authorities concerned with gambling-related rules and regulation:**

*[This section contains information such as: details of other relevant authorities, industry or professional regulators, financial supervisory authorities, law enforcement etc to the extent that those authorities may be involved in the cooperation]*

HGC works closely with various national partners in order to perform its regulatory functions. These partners include law enforcement agencies, local tax authorities and other regulators, such as:

- Ministry of Finance
- Ministry of Citizen Protection
- Ministry of Justice, Transparency and Human Rights
- The Hellenic Data Protection Authority
- The Hellenic Financial Intelligence Unit
- The Greek National Council for Radio and Television
- The General Secretariat for Transparency and Human Rights
- The Special Secretariat for Financial and Economic Crime Unit.

**4. Processing of requests where this concerns land-based gambling:**

YES:   X  

NO:

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**5. Information sharing:**

*[This section contains information such as: national rules regarding sharing of information in particular personal data, exemption possibilities or restrictions to disclose information normally protected under national law]*

Information sharing will be pursuant to the Directive 95/46/EC (25 October 1995), as well as to the Greek implementing measures (Law 2472/1997 and article 34 of Law 4002/2011).

Only personal data which is processed by HGC can be shared. Personal data which is processed by other competent national authorities or information that has been classified as confidential cannot be shared without preliminary permission, in writing.

**6. Processing of information:**

*[This section contains information such as: requirements regarding information received and/or sent - transmission, handling, traceability, storage, data retention period, destruction of information that is shared and that is received; ]*

Requests for the provision of information shall be made in writing via a commercial courier/post or by e-mail and confirmed within ten (10) working days.

In each request the requesting Authority shall specify:

- detailed information requested;
- the kind of confirmation or verification sought;
- the purpose(s) for which the information is sought;
- recipients to whom the information provided is likely to be disclosed and the purpose(s) that such a disclosure would serve.

Depending on the sensitivity of information to be exchanged, HGC may use some form of encryption or other protection such as:

- WinZip (a password protected zipped document, with the password being provided separately).
- Hard copy information via a commercial courier.

Information provided to the HGC will only be used for lawful and legitimate purposes and will be protected according to the requirements of national laws and regulations. Information will be held securely and will only be accessed on a need to know basis by authorized staff.

The following points apply to the manner in which information will be shared and stored by each party:

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1. This process does not cover information that is already in the public domain.
2. Procedures for notifying the other party of the transmission and receipt of sensitive information shall ensure all exchanges of information are traceable.
3. Any specific technical and customary standards for the packaging, transmission, recording and reading of exchanged information shall be explicitly stated, otherwise standard commercial solutions shall be applied.
4. Shared information must not be further disclosed to any other party or used for a purpose alternative or different to the already stated purpose(s) without the written consent of the originating party, unless required to do so by law.
5. Both parties shall ensure that, to the best of their knowledge, shared information is as accurate, up to date and adequate for the purpose(s) disclosed and where one party discovers this not to be the case, it will inform in writing the originating party to that effect.
6. Exceptions to this process shall only be permitted where they are agreed to in writing by both parties, where there is a clear requirement (e.g. time-sensitive operations) or where harm or injury could otherwise occur.

**Information storage**

1. Both parties agree upon the time period that shared information should be retained in order to achieve the objectives of the disclosure.
2. Both parties shall ensure that received information is attributable and traceable to the other by marking or referencing.
3. Both parties shall apply security controls to all processing of shared information including transmission, storage and destruction and shall ensure that personal data shall be protected.
4. Both parties shall ensure that the staff handling shared information is appropriately trained and authorized.

**a. Security policy requirements and controls of the Member State:**

*[This section contains information such as: any requirements regarding confidentiality, professional secrecy of information disclosed, requests for waiving of confidentiality under national law; any requirements concerning staff handling the information exchanged]*

According to the article 34 of the Law 4002/2011, HGC staff who acquires access to operators' or players' data are bound by terms of secrecy and confidentiality. Such data may be used exclusively for monitoring and compliance issues.

As far as personal data is concerned, HGC and its staff are subject to Laws 2472/1997, 3051/2002 and 3741/2006, the regulations issued thereof and the Presidential Decree

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**b. Any specific processes or requirements regarding consent of data subject or any other documentation that may be required regarding a request:**

*[This section contains information such as: requirements specific to requests that concern a data subject, any timeframes involved with obtaining consent, any documentation that needs to accompany a request such as consent given by data subject for the provision of the information]*

Processing of personal data is permitted only with the consent of data subject.

HGC would expect the Requesting Authority to provide a consent given by an HGC licensee, when requests are submitted to HGC with regard to licensing matters.

Both parties agree that such a consent is not required when the requested information is intended to assist inspections and/or operations relating to criminal offences.

**c. Any specific requirements and controls of the Authority:**

*[This section contains any further requirements of the Authority supplementary to national laws and regulation, such as those concerning the handling of the information that it shares depending on the sensitivity of the information, any encryption that may be used or required, and different process or requirements depending on the type of request(s)]*

See Section 6.

**7. Language for processing requests:**

*[This section contains information such as: language preference(s) for requests received and/or replied to, translation timeframes and costs]*

HGC prefers to receive and reply in Greek or English language.

**8. Expenses for processing requests:**

Requesting and Requested Authority will each bear their own costs. Exceptionally, additional costs (e.g. costs of an expert) may be agreed upon in writing with the Requesting Authority, depending on the complexity of the particular case, the involvement of other organizations or bodies, or other possible/relevant factors.

**9. Contact Point for processing requests:**

*[This section contains the details of the electronic mailbox, details of any designated contact person, contact phone number]*

**Mr. Ioannis Christofidis (e-mail): [i.christofidis@gamingcommission.gov.gr](mailto:i.christofidis@gamingcommission.gov.gr)**

**And/or**

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Mrs. Katerina Kokla (e-mail): [k.kokla@gamingcommission.gov.gr](mailto:k.kokla@gamingcommission.gov.gr)

**10. Other:**

Date: 27/11/2015

[Updated on:         ]

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**Member State: ITALIAN REPUBLIC**

**Gambling Regulatory Authority: Customs and Monopolies Agency (Agenzia delle dogane e dei monopoli)**

**1. Powers of the Authority:**

The Authority (then named “AAMS – Autonomous Administration of State Monopolies”) was involved for the first time in the regulation of gambling activities since 1988, when it managed the national lotteries; since 1994 it managed lotto and instant lotteries. In 2002, regulatory powers over all gambling activities (with exception of the 4 land-based casinos) have been assigned to AAMS (under the control of the Ministry of Economy and Finance), which holds since then the governance of the public gambling, managing it directly or transferring such management to private bodies, granting them concessions or authorisations.

On the 1<sup>st</sup> December, 2012, AAMS has merged with the Customs Agency, into the Customs and Monopolies Agency (Agenzia delle dogane e dei monopoli – ADM).

The legal mandate of the Authority, is:

- concessions issuing and management;
- regulation of gambling products;
- cash flow analysis;
- tax collection;
- player protection.

This mandate is implemented through:

- public gambling market regulation;
- constant improvement of the gambling offer;
- regulation of distribution channels;
- control and monitoring via a central system;
- promotion of responsible gambling;
- safeguard of public faith and legitimate interests of citizens-players, including the processing of players’ complaints;
- fight of illegal or irregular gambling.

The Italian four land-based casinos do not fall under the Agency’s competence.

In Italy the definition of gambling covers all games in which players can win money:

- Lotto games (“Lotto”, “10eLotto”);
- Lotteries with national jackpot (“Superenalotto”, “Win for Life”);
- Instant Lotteries (Scratch cards)

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- Sports betting (tote and fixed odds);
- Betting on horse races (tote and fixed odds);
- Betting on virtual/simulated events;
- Gaming machines (AWPs and VLTs) (retail only);
- Bingo
- Skill games, including poker (online only);
- Casino games, including slots (online only);
- Betting exchanges (online only)

**2. Where relevant, any specific cooperation commitments:**

The Italian authority recognises that gambling is an international industry. Therefore, ADM underlines the importance of regulator to regulator cooperation, especially with regard to online gambling that inherently crosses state borders.

ADM cooperates with other regulatory authorities in the EEA and beyond, in order to contribute to a legal and crime-free gambling market, the prevention of gambling addiction and the protection of consumers (players, minors and other groups of vulnerable people) in Italy.

In 2010 ADM undersigned an administrative cooperation agreement with France's authority (Autorité de régulation des jeux en ligne – ARJEL), that sets the rules of the information exchange between the two bodies.

The aim of the agreement includes (but is not limited to):

- organisation of working groups to facilitate information exchange among the authorities;
- temporary staff exchange;
- information exchange about the regulatory practices (e.g. KYC, AML, players funds protection, fraud prevention, advertising standards etc.) and the data of the respective markets;
- organisation of study reports to be published jointly;
- information exchange on possible match-fixing cases;
- information on the reliability of companies/individuals licensed in different jurisdictions;
- cross-enforcement of the national laws on licensed operators offering cross-border gambling.

Informal cooperation with other authorities is offered and requested on an almost daily basis, being it essential to achieve ADM's mission.

ADM is part of a group of regulators who meet regularly on an informal basis (Spain, Portugal, France, Germany, UK and Austria) in order to share information and best practices.



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Where requests under this Arrangement are made to ADM that relate to information held by one of our domestic partners, ADM shall endeavour to facilitate those requests, by passing on these requests or by providing relevant contact details.

**3. Other authorities concerned with gambling-related rules and regulation:**

ADM works in conjunction with several other national authorities, including the Ministry of Internal Affairs, and the law enforcement agencies (military and financial police).

Other regulators are also involved: competition, data protection, Bank of Italy, sports bodies.

More specifically, ADM cooperates with:

**The Italian Competition Authority (Autorità garante della concorrenza e del mercato – AGCM)**

AGCM is an independent body aimed at the citizens' welfare. The Authority has different competences: it enforces rules against anticompetitive agreements; it may send official opinions to the Government, the Parliament, the Regions and Local Authorities whenever existing or proposed legislative and administrative measures restrict competition; it protects consumers from misleading advertising, comparative advertising or unfair commercial practices; it enforces rules against conflicts of interest for Government officials.

Contact information

Address: Piazza G. Verdi, 6/a, 00198 Rome

Phone: +39.06.85.82.11

**The Italian Communications Regulatory Authority (Autorità per le garanzie nelle comunicazioni – AGCOM)**

AGCOM is an independent body aimed at guaranteeing the pluralism and to protect the fundamental freedoms in the markets of telecommunications, audiovisual, publishing and postal service.

Contact information

Address in Rome: Via Isonzo 21/b, 00198 Rome

Phone: +39.06.69.64.41.11

Email: [sg@agcom.it](mailto:sg@agcom.it)

**Financial intelligence unit – The Bank of Italy**

Italy's Financial Intelligence Unit (FIU) was established at the Bank of Italy by Legislative Decree 231/2007, in accordance with the international rules and criteria envisaging the presence in each State of a financial intelligence gathering unit, with complete operational and administrative autonomy, and responsible for combating money laundering and terrorist financing.

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Contact information

*Address: Largo Bastia 35, 00181 Rome*

*Phone: +39.06.47921*

*Email: uif@bancaditalia.it*

**Italian National Olympic Committee (Comitato olimpico nazionale italiano – CONI)**

CONI, by authority of the International Olympic Committee (IOC), provides discipline, regulation and management of national sports activities. Coni is a public entity responsible for the organization and strengthening of national sports and the promotion of maximum proliferation of sport.

Contact information

*Address: Piazza Lauro De Bosis 15, 00135 Rome*

*Phone: +39.06.36851*

**Council of Ministers Cabinet – Sports office**

Special department aimed at supporting the execution of the functions in the field of sports.

Contact information

*Address: Via della Ferratella in Laterano, 51 - 00184 - Rome*

*Phone: +39 06.6779.2595*

**Italian Finance Police (Guardia di Finanza)**

The Italian Finance Police is a special Police directly depending from the Ministry of Economy and Finance (MEF). It is organized as a military asset and it is part of the Italian Army and the Police force.

The functions of the Italian Finance Police consist on the prevention, the investigation and the report of tax evasion issues and financial violations as for the monitoring of the observance of the dispositions related to political and economic interests and the maritime safety related to Italian Finance Police's purposes.

Contact information

*Phone: 117 for public utility; toll-free number for information 800.66.96.66*

*Email: urp@gdf.it*

**The Italian Revenue Agency (Agenzia delle Entrate)**

The Italian Revenue Agency is responsible for the management and inspection of Italian taxes as for the controversy related to them with the aim of pursuing the maximum fulfillment of fiscal duties from citizens' tax payers.

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**Processing of requests where this concerns land-based gambling:**

**YES:**   x  

**NO:**     

**4. Information sharing:**

All activities arising from this Arrangement are to be undertaken only if permitted or not prevented under applicable laws and protocols of the respective Member States or relevant Community (i.e. European) legislation, protocols or case-law. This means, as stated in 6.1. of the Arrangement, that Directive 95/46/EC (25 October 1995) with regard to the processing of personal data applies, as well as the Italian implementing measures.

Only information that is available to ADM and not subject to the abovementioned regulations can be shared with the parties to the Cooperation Arrangement.

Information shared in this Arrangement should be considered confidential and cannot be disclosed or produced other than in pursuance of the provisions of the Arrangement.

As for personal data, in Italy personal data processing is regulated by the legislative decree n. 196 of 2003, which stipulates the conditions where requests involving personal data can be fulfilled. In fact, this policy considers that personal data need a specific consent from the subject concerned about it and specifies that the consent must be prior, explicit and free in order to be unequivocal.

Also when the information is related to an operator, it is necessary to have the consent of the company in order to share information about them.

Exceptions are foreseen for requests in specific scenarios (e.g criminal and administrative investigation) that are handled case-by-case.

**5. Processing of information:**

A request should as a minimum include the following pieces of information:

- the purpose of the request;
- if consent has been given (documentation attached);
- if onward disclosure of information provided to the requesting Authority is a possibility and if this is the case, the purpose of disclosure; and
- how to process information to the requesting authority using protection measures such as encrypted email.

In Italy, the Privacy Policy identifies rules when personal's data management is authorized and what are the security measures to follow when personal data are processed. The privacy policy considers in fact that personal data can be processed only after a specific consent that represents the authorization for processing personal data.

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As regards the directive 95/46/EC (and its implementation in Italy), personal data must be processed fairly and in a legitimate way and must be registered for specific, clear and legitimate purposes. In addition, personal data must be appropriate, relevant, not exceeding the necessary information requested for the specific purpose, they must be correct and, if necessary, updated. They must be stored for a “necessary” time and exclusively for the purpose requested.

The subject responsible for data processing must adopt appropriate measures to protect data from accidental or unlawful destruction, accidental loss, alteration and from unauthorized disclosure or access.

Depending on the sensitivity of the requested pieces of information, encryption or an alternative form of protection measure may be adopted when answering the request.

**a. Security policy requirements and controls of the Member State:**

Information considered as general information (legislation, market data, games rules or consumer protection rules), can be used as “public” so can be used making mention of the source, except the cases where it is expressly mentioned that the information is confidential.

When the information affects a specific operator or personal data, the information will be considered confidential and may not be disclosed publicly.

From a security point of view, for data processed with automatic means or traditional ones (hardcopy archives), appropriate technical and organizational security measures are generally adopted to protect data against accidental or unlawful destruction, accidental loss, alteration and from unauthorized disclosure or access.

**b. Any specific processes or requirements regarding consent of data subject or any other documentation that may be required regarding a request:**

*[This section contains information such as: requirements specific to requests that concern a data subject, any timeframes involved with obtaining consent, any documentation that needs to accompany a request such as consent given by data subject for the provision of the information]*

**See Sections 7-7a.**

**c. Any specific requirements and controls of the Authority:**

*[This section contains any further requirements of the Authority supplementary to national laws and regulation, such as those concerning the handling of the information that it shares depending on the sensitivity of the information, any encryption that may be used or required, and different process or requirements depending on the type of request(s)]*

**See Sections 7-7a.**

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**6. Language for processing requests:**

Italian (preferred), English

**7. Expenses for processing requests:**

ADM prefers the Requesting and Requested Authority to each bear their own costs which may arise in the course of this Cooperation Arrangement, unless an alternative prior agreement is concluded specifically.

**8. Contact Point for processing requests:**

Agenzia delle dogane e dei monopoli

Ufficio gioco a distanza (Remote gaming office)

Email: [monopoli.giocoadistanza@aams.it](mailto:monopoli.giocoadistanza@aams.it)

**9. Other:**

Date: 27/11/2015

[Updated on:        ]

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**Member State: REPUBLIC OF LATVIA**

**Gambling Regulatory Authority: The Lotteries and Gambling Supervision Inspection of Latvia.**

**1. Powers of the Authority:**

Lotteries and Gambling Supervisory Inspection (hereinafter referred to as the Inspection) is an authority of direct administration under supervision of the Ministry of Finance. Functions of the Inspection - to license the arrangement of games, to take an account of and supervise automates and equipment of games of chance, to monitor and to control the arrangement of games. Activities of the Inspection are managed by the Director of Inspection. The control and supervision over the manner in which the gambling and lottery organizers are following the Gambling Law, other laws and regulations and the rules of gambling or lottery is being provided by the Lotteries and Gambling Supervisory Inspection under procedure established by the Cabinet of the Ministers, and by the State Revenue Service under procedure established by the "Law on State Revenue Service", and by the State Police under procedure established by the law "On Police".

**2. Where relevant, any specific cooperation commitments:**

We wish to cooperate with other European regulatory bodies in order to achieve a common understanding of the applicable laws, regulations and requirements implemented by each European country and to establish mutual trust and a good working relationship between European regulatory bodies thus facilitating the performance of their respective functions. It will be very useful to exchange practical experience of controlling and supervising gambling market, therefore expert visits between regulators are indispensable.

Where requests are made to the Lotteries and gambling supervisory inspection but the information is held by institution, we shall endeavour to facilitate these requests, by passing these on or by providing relevant contact details.

**3. Other authorities concerned with gambling-related rules and regulation:**

State Police (in criminal proceedings) <http://vp.gov.lv/?langid=1> ; State Revenue service (<https://vid.gov.lv/default.aspx?hl=2> ); Latvian Consumer Protection Centre (<http://www.ptac.gov.lv/en> ) (gambling advertisement supervision), Latvian FIU

**4. Processing of requests where this concerns land-based gambling:**

YES:  X

NO:

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**5. Information sharing:**

Inspection can't share information about self-restricted persons to public.

Inspection is subject to the Personal Data Protection Law.

According to Latvian Personal Data Protection Law, processing of personal data is permitted only with consent of data subject.

There may be other restrictions depending of requested information, all requests are treated on a case-by-case basis.

**6. Processing of information:**

Requests for the provision of information or other assistance will be made in writing or by sending an e-mail, unless otherwise agreed and confirmed within five business days.

Each request for assistance will be assessed on a case-by-case basis by Inspection to determine whether assistance can be provided. Reply with requested information is sent to requesting Authority latest within 30 days after getting the request. All relevant information is available in English <http://www.iaui.gov.lv/en> .

**a. Security policy requirements and controls of the Member State:**

No specific requirements and control

**b. Any specific processes or requirements regarding consent of data subject or any other documentation that may be required regarding a request:**

Processing of personal data is permitted only with the consent of data subject.

**c. Any specific requirements and controls of the Authority:**

No specific requirements and control

**7. Language for processing requests:**

Prefer to receive requests in English or Latvian language.

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**8. Expenses for processing requests:**

On a case-by –case basis

**9. Contact Point for processing requests:**

Ms. Signe Birne; [signe.birne@iaui.gov.lv](mailto:signe.birne@iaui.gov.lv), tel +371 67504955

Mr. Janis Ungurs; [janis.ungurs@iaui.gov.lv](mailto:janis.ungurs@iaui.gov.lv); tel +371 67504952

e-mail; [pasts@iaui.gov.lv](mailto:pasts@iaui.gov.lv)

**10. Other:**

<http://www.iaui.gov.lv/en>

Date: 27/11/2015

[Updated on:        ]



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**Member State: REPUBLIC OF LITHUANIA**

**Gambling Regulatory Authority: GAMING CONTROL AUTHORITY UNDER THE MINISTRY OF FINANCE OF THE REPUBLIC OF LITHUANIA**

**1. Powers of the Authority:**

*[This section contains information such as: competence and remit of Authority's authorisation and supervision responsibilities, types of gambling it is responsible for, compliance, investigation]*

**Gaming Control Authority** (hereinafter GCA) - the GCA is a separate body under the Ministry of Finance of the Republic of Lithuania. GCA:

- issues, cancels gaming and national lottery licences and permissions to open gaming machine halls, bingo halls and gaming establishments (casinos), supplements, changes and cancels such permits;
- exercises control over gambling and national lotteries in order to ensure fair and transparent execution of licensed activities and the protection of the rights and legitimate interests of gamblers and lottery players;
- keeps registers of gaming equipment, gaming premises;
- imposes sanctions on gaming companies as set out in Laws and other legal acts regulating the operation of gaming and lotteries. The Code of Administrative Offences entitles the GCA to draw up a statement of violation which shall be submitted to the court for further consideration. The court is responsible for the adoption of a decision to impose a financial penalty or not and about the amount if any imposed.

The main function of the GCA are set up in the [Gaming Law](#) and in the [Law on Lotteries](#).

**2. Where relevant, any specific cooperation commitments:**

*[This section contains information such as: preferred or intended focus/aim of cooperation with the other Authorities, processing of requests where this concerns other authorities in part or in whole, requests for information in the event Requesting Authorities would not respond to same type of request (reciprocal basis/mutual cooperation?)].*

GCA wishes to cooperate with EU regulatory institutions as we understand the importance of administrative cooperation in order to achieve the common essential tasks – safe and harmless environment for customers, lawful, responsible, fair, transparent and free from crime service providers and its' activity in terrestrial and cyber environment.

The interinstitutional cooperation would enhance the professional experience of regulators to carry out the functions related to supervision, control and regulation of the market, to combat illegal activity, to prevent gambling problems (to protect vulnerable people from gambling addiction).

The regulators could request each other for assistance by communicating with the companies licensed by one of the agreement parties, by investigating cases of illegal gambling and searching for responsible persons domiciled or residing in one or other EU state. Also sharing or exchange of good practices in the field of supervision and control of the organization of lotteries and gambling (including public campaigns to prevent crime, match-fixing, money

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laundering or problem gambling and the costs and effects of such campaigns); sharing or exchange of information, which is relevant for the drafting of legislation as well as the improvement of the supervision and control of the organization of gambling and lotteries (including license conditions, provisions establishing the regulation of online gambling, issues of technical nature, such as national standards, testing and certification); sharing or exchange of information relevant to the prevention of gambling addiction (including gaming addiction studies, statistics, methodological materials etc.).

In case the request is outside the GCA remit we are ready to provide mediation and support by accessing the right addressee by passing the relevant request or by providing the contact details.

### 3. Other authorities concerned with gambling-related rules and regulation:

*[This section contains information such as: details of other relevant authorities, industry or professional regulators, financial supervisory authorities, law enforcement etc to the extent that those authorities may be involved in the cooperation ]*

Ministry of Finance (<http://www.finmin.lt/web/finmin/finrink/veikla/losim>). Responsible for the legal framework of gaming and lotteries.

State Tax Inspectorate (<https://www.vmi.lt/cms/en/about-vmi?accessibility=false&lang=lt>). Responsible for gambling tax administration.

Financial Crime Investigation Service under the Ministry of the Interior (<http://www.fntt.lt/en/138>). Cooperation in money laundering and terrorism financing prevention area.

GCA has concluded a number of domestic agreements in the field of control and supervision of gaming and lotteries and now GCA works with other governmental bodies and other institutions related to these in the area of competence:

Police Department under the Ministry of the Interior of the Republic of Lithuania (<http://www.policija.lt/>)

Department of Physical Education and Sport under the Government of the Republic of Lithuania (<http://www.kksd.lt/index.php?2128482091>)

Ministry of the Interior of the Republic of Lithuania (<http://www.vrm.lt/eng/Activities/602/12/99>)\

Prosecutor General (<http://www.prokuraturos.lt/tabid/108/pid/1/Default.aspx>)

Sports federations

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**4. Processing of requests where this concerns land-based gambling:**

YES:  X

NO:    

**5. Information sharing:**

*[This section contains information such as: national rules regarding sharing of information in particular personal data, exemption possibilities or restrictions to disclose information normally protected under national law]*

When sharing information, it shall be ensured compliance with the national legislation governing the state, official or commercial secret, and data protection.

Considering this only information permitted or not prevented under applicable laws, regulations and requirements can be provided. In this respect, obligations regarding information sharing shall respect Protection of personal data and privacy, of confidential information, of State, official or commercial secret.

According to [Law On Legal Protection Of Personal Data](#), which transposes provisions of Directive 95/46/EC into national legislation, Article 35, Personal data to data recipients in the Member States of the European Union or other countries of the European Economic Area shall be transferred on the same conditions and in accordance with the same procedure as is applicable to data recipients in the Republic of Lithuania.

There may be other restrictions related to requested information. All requests shall be treated individually on a case-by-case basis.

**6. Processing of information:**

*[This section contains information such as: requirements regarding information received and/or sent - transmission, handling, traceability, storage, data retention period, destruction of information that is shared and that is received]*

The Authorities will ensure that, to the best of their knowledge, shared information is as accurate, up to date and adequate.

Requests for the provision of information or other assistance will be made in writing by sending a signed letter of request (per post or scanned copy per email) or an e-mail, unless otherwise agreed.

Requests should be made to the designated Contact Point for processing requests.

To facilitate assistance, the requesting Authority should specify in any written request:

- the information or other assistance requested (identity of persons, specific questions to be asked etc.);
- if information is provided by the requesting Authority for confirmation or verification, the information and the kind of confirmation or verification sought;
- the purpose for which the information or other assistance is sought;
- to whom, if anyone, onward disclosure of information provided to the requesting Authority is

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likely to be necessary and, in relation to onward disclosure to a person who is not a permitted onward recipient, the purpose such disclosure would serve.

Each request for information or assistance will be assessed individually by GCA to determine whether assistance can be provided. Requests will normally be fulfilled within agreed term but not longer than within 30 days after receiving of the request if practicable and unless otherwise required.

The GCA:

- Provides the required information in the agreed or otherwise required period of time, or
- Provides a response in case the request is outside the GCA remit informing about the further steps – seeking for information in other authorities; forwarding of the request to competent institution. GCA ensures either mediation or it can provide the appropriate contact details for the requesting Authority, if required.
- Provides an explanation for refusal in case of refuse of the request.

Information provided to the GCA will only be used for lawful and legitimate purposes and will be protected in line with the requirements of confidentiality, protection of commercial secret and personal data.

Shared information must not be further disclosed to any other party or used for a purpose alternative to any one stated without the consent of the originating party, unless required to do so by law.

Information will be held securely and will only be accessed on a need to know basis by authorized staff.

Depending on the sensitivity of information to be exchanged, GCA may use some form of encryption or other protection such as:

WinZip (a password protected zipped document, with the password being provided separately);

Hard copy information via a commercial courier.

**a. Security policy requirements and controls of the Member State:**

*[This section contains information such as: any requirements regarding confidentiality, professional secrecy of information disclosed, requests for waivering of confidentiality under national law; any requirements concerning staff handling the information exchanged]*

Information under request will be submitted if it is not prohibited from doing so by applicable legal acts regulating personal data protection (Law on legal protection of personal data), professional and commercial secrecy (Civil Code), state secret and confidentiality requirements under national law (Law on state secrets and official secrets).

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**b. Any specific processes or requirements regarding consent of data subject or any other documentation that may be required regarding a request:**

*[This section contains information such as: requirements specific to requests that concern a data subject, any timeframes involved with obtaining consent, any documentation that needs to accompany a request such as consent given by data subject for the provision of the information]*

No specific requirements unless otherwise agreed.

**c. Any specific requirements and controls of the Authority:**

*[This section contains any further requirements of the Authority supplementary to national laws and regulation, such as those concerning the handling of the information that it shares depending on the sensitivity of the information, any encryption that may be used or required, and different process or requirements depending on the type of request(s)]*

No specific requirements unless otherwise agreed.

**7. Language for processing requests:**

*[This section contains information such as: language preference(s) for requests received and/or replied to, translation timeframes and costs]*

English

**8. Expenses for processing requests:**

Requesting and Requested Authority will each bear their own costs which may arise in course of this agreement.

**9. Contact Point for processing requests:**

*[This section contains the details of the electronic mailbox, details of any designated contact person, contact phone number]*

Ms. Skirmante Paukstiene

Chief Specialist

Division of Legislation, Staff and General Affairs

Gaming Control Authority under the Ministry of Finance of the Republic of Lithuania

E-mail: [skirmante.paukstiene@lpt.lt](mailto:skirmante.paukstiene@lpt.lt)

Phone +370 5 233 62 46

Fax +370 5 233 62 25

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**10. Other:**

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Date: 27/11/2015

[Updated on:        ]

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**Member State: REPUBLIC OF MALTA**

**Gambling Regulatory Authority: Malta Gaming Authority**

**1. Powers of the Authority:**

*[This section contains information such as: competence and remit of Authority's authorisation and supervision responsibilities, types of gambling it is responsible for, compliance, investigation]*

The Malta Gaming Authority (the 'MGA' or the 'Authority') is a statutory body established by the Lotteries and Other Games Act (Cap 438 of the Laws of Malta) to regulate all forms of online and land-based gaming in Malta including casinos, betting, lotteries, bingo, gaming devices, commercial communication games, amusement machines and the National Lottery. The Act specifies the functions and powers of the Authority which are elaborated upon in the various subsidiary legislation issued under the Act as well as in the Gaming Act (Cap 400 of the Laws of Malta), which regulates land-based casinos.

The MGA's mandate consists of the issuing of licenses for the operation of all games within its remit as well as the supervision of all such licensees to ensure compliance with all relevant laws and regulations and to ensure that games are operated and advertised in a fair, responsible and lawful manner. It has the power to inquire into the suitability of all licensees and applicants for licences to ensure their fit and properness and to use all powers vested in it to ensure that games licensed in Malta are compliant with Maltese law and kept free from criminal activity.

The MGA is also responsible for advising the Minister on new developments, needs and risks in gaming and to advise the Minister on the making of regulations.

**2. Where relevant, any specific cooperation commitments:**

*[This section contains information such as: preferred or intended focus/aim of cooperation with the other Authorities, processing of requests where this concerns other authorities in part or in whole, requests for information in the event Requesting Authorities would not respond to same type of request (reciprocal basis/mutual cooperation?).]*

The MGA concurs that the sharing of best practices and developments with other regulatory authorities is of great benefit as it enables entities to become accustomed to different laws and approaches to regulation and helps build mutual trust. The sharing of information can also help improve regulatory mechanisms implemented by the different authorities to the ultimate benefit of consumers.

The MGA is founded on the principles to ensure (i) the fairness of games; (ii) that players are protected, including the protection of minors and vulnerable persons and (iii) the prevention of crime. The MGA also bases itself on the importance of regulating the provision of gaming and betting services and ensuring that the right level of regulation is applied to facilitate the regulated gambling offer. The MGA has always believed that increased cooperation with other regulatory authorities in matters relating to gaming, particularly cross-border gaming will further help it achieve its underlying objectives.

In its cooperation with other regulatory authorities, the MGA intends to focus on the sharing of

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information as regards the integrity of gaming and betting activity and involved persons, the protection of players and vulnerable persons, the reduction of unnecessary administrative burdens faced by operators both in pre- and post-licensing scenarios including but not limited to duplication of requirements, the reduction of costs and the sharing of best practices.

The extent of the information which can be shared will have to be determined on a case-by-case basis given that sensitive and confidential information will often be the subject of requests. Reference must be made to Article 20 of the Act which prevents the Authority from disclosing information in its possession unless certain specified circumstances exist. As a general rule, upon receiving a written request from a regulatory authority, the MGA would be willing to collaborate and will do all that is possible, within the parameters which the law allows it, to provide the information requested. Where particular operators are concerned, it is imperative that the consent of the same is obtained, whether by the Requesting Authority or the MGA, before the information is shared. It is also desirable that the request will include as much information as possible on the assistance requested, including the purpose for which it is sought, detailed further below.

In assessing requests received, the Authority will take into account a number of matters:

- Whether the request is in conformity with any relevant cooperation arrangement applicable thereto;
- Any matters specified by the laws, regulations and other requirements in relation to the MGA's remit, jurisdiction and position (in particular those relating to confidentiality and professional secrecy, data protection and privacy, commercial secrecy and any claim of privilege and procedural fairness, and EU legal principles) as well as any contracts which the MGA has entered into which may be relevant to the subject of the request;
- Whether the provision of assistance is inconsistent with the rights conferred by law on the relevant operator or operators concerned;
- Whether the provision of assistance would be burdensome so as to disrupt or be prejudicial to the proper performance of the Authority's functions in accordance with the parameters established by law;
- Whether it would be contrary to the public interest or the essential national interest of the Authority's jurisdiction;
- The extent of the sharing of information allowed by the relevant national laws;
- Whether the request would lead to the prosecution of, or the taking of disciplinary or other enforcement action against, a person who in the opinion of the Authority is otherwise already dealt with in relation to the alleged breach.

In its general cooperation efforts, the MGA considers the following details to be important and thus to be included in a request, without prejudice to the above restrictions and any other formalities which may be required on a case-by-case basis:

- The purpose of the request, including, where appropriate, a description of the conduct or suspected conduct which gives rise to the request;
- Details of the applicable law, regulation, or requirement to the administration of which the request is relevant;
- The link between the specified rule, or law, and the regulatory functions of the requesting



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Authority;

- The relevance of the requested assistance to the specified rule or law.

It has been considered in the past that depending on the situation at hand, a joint investigation by the relevant authorities may be more appropriate. In these cases, the objectives of the investigation or enquiry as the case may be and the procedure to be followed should be agreed to previous to the enquiry.

It must be further noted that in view of the other authorities which may be involved in the information-gathering process (see Section 3), there may be some difficulty in obtaining all the relevant information. The MGA will facilitate and assist on a case-by-case basis and it will not rule out the possibility of processing a request which concerns other authorities. The MGA maintains open channels of communications with these authorities, agencies and associations as needed during various stages of the licensing and supervision process within its remit but it must be said that while the MGA will endeavour to obtain the relevant information based on the relations it already holds, this may be limited depending on the relationship and relevant law.

**3. Other authorities concerned with gambling-related rules and regulation:**

*[This section contains information such as: details of other relevant authorities, industry or professional regulators, financial supervisory authorities, law enforcement etc to the extent that those authorities may be involved in the cooperation ]*

The MGA collaborates with a number of other authorities and entities for the purpose of sharing information within the confines of the law. These include government agencies such as the Financial Intelligence Analysis Unit (FIAU), the Malta Financial Services Authority (MFSA) which also houses the Companies Registry, the Malta Competition and Consumer Affairs Authority (MCCAA) which has a role in the regulation of misleading advertising and the Malta Communications Authority (MCA).

The MGA also cooperates with the Malta Police Force undergoing criminal investigations and proceedings. Most of the collaboration in these mentioned circumstances are governed and required by law with the aim of preventing crime and corruption.

Finally, the MGA also collaborates with sports organisations, such as the Malta Football Association (MFA) and the Maltese Council for Sport (*Kunsill Malti għall-Isport (KMS)*) in matters relating to protection of the integrity of sports and sports betting.

**4. Processing of requests where this concerns land-based gambling:**

YES: \_x\_\_

NO: \_\_\_

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## 5. Information sharing:

*[This section contains information such as: national rules regarding sharing of information in particular personal data, exemption possibilities or restrictions to disclose information normally protected under national law]*

In accordance with Article 20 of the Act, all information disclosed to the MGA or any member, officer or employee thereof, and any document produced in pursuance of the Act shall be considered secret and confidential and cannot be disclosed or produced other than in pursuance of the provisions of the Act. Another exception is laid down by the law in cases where the police request such information for the investigation or prosecution of an offence against the Act, a court of law requests such information in any criminal proceedings for an offence against the Act or in civil proceedings relating to the operation, promotion or sale of gaming (in Malta).

As a matter of policy, in the case of operator-specific requests or where the request refer to a group of operators, should the subject person/s whom the information concerns consent to the information being shared, the MGA does not find any issue in sharing it.

Data Protection Act (Cap 440 of the Laws of Malta): The MGA is a data controller under the terms of the Data Protection Act (the 'DPA'). It may only process 'personal data' for the purpose required by the Authority in pursuance of its functions and legal obligations. The DPA implements the principles for data quality and legitimate processing of data required by Directive 95/46 **on the protection of individuals with regard to the processing of personal data and on the free movement of such data.**

Professional Secrecy Act (Cap 377 of the Laws of Malta): The purpose of the PSA is to reinstate and widen a general prohibition on the disclosure of secrets found in the Criminal Code. The Authority is covered by the PSA and its employees can only disclose information in their possession in certain specified circumstances such as during court proceedings.

Other Rules: A number of other rules apply through further subsidiary legislation as regards the processing for personal data in police and judicial matters.

## 6. Processing of information:

*[This section contains information such as: requirements regarding information received and/or sent - transmission, handling, traceability, storage, data retention period, destruction of information that is shared and that is received; ]*

The DPA provides a number of requirements regarding the processing of personal data (see above). Specific rules also exist for the processing of data for statistical purposes.

### a. Security policy requirements and controls of the Member State:

*[This section contains information such as: any requirements regarding confidentiality, professional secrecy of information disclosed, requests for waivering of confidentiality under national law; any requirements concerning staff handling the information exchanged]*

Still under discussion with relevant authorities

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**b. Any specific processes or requirements regarding consent of data subject or any other documentation that may be required regarding a request:**

*[This section contains information such as: requirements specific to requests that concern a data subject, any timeframes involved with obtaining consent, any documentation that needs to accompany a request such as consent given by data subject for the provision of the information]*

According to Maltese law and policy, the data subject must always be aware that data relating to himself is being processed, meaning that his consent is always required. The Authority always asks for this consent before the processing of any of the information relating to the subject, where relevant. The type of documentation required is decided on a case-by-case basis.

However the requesting Authority is expected to at least specify the following:

- The information or other assistance requested (identity of persons, specific questions to be asked, etc)
- If information is provided by the requesting authority for confirmation or verification, the information and the kind of confirmation or verification sought
- The purpose for which the information or other assistance is sought and confirmation that the information provided will be used solely for the purpose for which it was requested

Any other matters specified by the MGA, and by applicable laws, regulations and requirements.

**c. Any specific requirements and controls of the Authority:**

*[This section contains any further requirements of the Authority supplementary to national laws and regulation, such as those concerning the handling of the information that it shares depending on the sensitivity of the information, any encryption that may be used or required, and different process or requirements depending on the type of request(s)]*

These requirements and processes are currently under review.

**7. Language for processing requests:**

*[This section contains information such as: language preference(s) for requests received and/or replied to, translation timeframes and costs]*

The MGA prefers to receive requests in English.

**8. Expenses for processing requests:**

The MGA is of the view that each Authority is to bear its own costs. In the case where substantial costs are likely to be incurred by the MGA in pursuance of a particular request, the Requesting Authority may be asked to reimburse or contribute towards such costs.

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**9. Contact Point for processing requests:**

*[This section contains the details of the electronic mailbox, details of any designated contact person, contact phone number]*

Until further notice, the designated contact person is:

Corinne Gatt

[corinne.m.gatt@mga.org.mt](mailto:corinne.m.gatt@mga.org.mt)

**10. Other:**

[Empty box for additional information]

Date: 27/11/2015

[Updated on:         ]

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**Member State: KINGDOM OF THE NETHERLANDS**

**Gambling Regulatory Authority: *Kansspelautoriteit* (The Netherlands Gaming Authority)**

**1. Powers of the Authority:**

*[This section contains information such as: competence and remit of Authority's authorisation and supervision responsibilities, types of gambling it is responsible for, compliance, investigation]*

*Kansspelautoriteit* (The Netherlands Gaming Authority, NGA) is an independent governance body set up by the Gaming and Betting Act 2012. Its remit is to supervise and regulate games of chance in the European part of the Kingdom of the Netherlands. NGA has a threefold task: (1) to regulate legal supply, (2) to prevent gambling addiction, illegality and crime (related to gambling), and (3) to protect and inform consumers in the Netherlands.

The Netherlands has a regulated (legal) offline gambling market, that consists of:

- a casino monopoly with 14 casinos (Holland Casino);
- a state lottery (De Staatsloterij);
- three larger national good causes lotteries (Nationale Postcodeloterij, BankGiro Loterij, VriendenLoterij);
- a monopoly on scratch cards, lotto and sports betting (De Lotto, Toto)
- a monopoly on horse racing (Runnerz)
- private operators of 42.000 slot machines in arcades, bars and restaurants.

Online gambling is prohibited in the Netherlands.

**2. Where relevant, any specific cooperation commitments:**

*[This section contains information such as: preferred or intended focus/aim of cooperation with the other Authorities, processing of requests where this concerns other authorities in part or in whole, requests for information in the event Requesting Authorities would not respond to same type of request (reciprocal basis/mutual cooperation?).]*

*Kansspelautoriteit* (The Netherlands Gaming Authority, NGA) recognises that gaming is an international industry. Therefore, NGA underlines the importance of regulator to regulator cooperation, especially with regard to online gambling that inherently crosses state borders.

NGA wishes to cooperate with other regulatory authorities of the EEA Member States in order to contribute to a legal gambling market, the prevention of gambling addiction, illegality and crime (related to gambling) and the protection of consumers (players, minors and other groups of vulnerable people) in the Netherlands.

To this end, NGA will focus on:

- combatting illegal operators (i.e. operators without a licence of NGA);
- ensuring a high level of consumer protection, including measures against unlawful gam(bl)ing, misleading advertisement and marketing, and problem gam(bl)ing;

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- ensuring the preservation of public order (prevention of fraud, money laundering, match fixing and other crimes) and;
- achieving a common understanding of the applicable laws, regulations and requirements, specifically with regard to online gambling.

NGA aims at the practical realisation of cross –border supervision and enforcement. Therefore, “assistance”, as mentioned in section 4.1 of the key terms, also means for NGA cooperation between regulatory authorities in order to be able to enforce cross-border administrative fines, warnings and other measures and exchange of information about specified operators (especially those operators with a licence in an other jurisdiction who also hold, or apply for, a licence in the Netherlands).

**3. Other authorities concerned with gambling-related rules and regulation:**

*[This section contains information such as: details of other relevant authorities, industry or professional regulators, financial supervisory authorities, law enforcement etc to the extent that those authorities may be involved in the cooperation ]*

*Kansspelautoriteit* (The Netherlands Gaming Authority, NGA) works with various domestic partners in order to be able to supervise and regulate games of chance in the European part of the Kingdom of the Netherlands. These partners include law enforcement agencies (such as public prosecutors office and police), tax and border authorities and other regulators (for example with regard to consumers, data protection or financial markets).

Where requests under this Arrangement are made to *Kansspelautoriteit* (The Netherlands Gaming Authority, NGA) that relate to information held by one of our domestic partners, NGA shall endeavour to facilitate those requests, by passing on these requests or by providing relevant contact details.

**4. Processing of requests where this concerns land-based gambling:**

YES:   x  

NO:     

**5. Information sharing:**

*[This section contains information such as: national rules regarding sharing of information in particular personal data, exemption possibilities or restrictions to disclose information normally protected under national law]*

All activities arising from this Arrangement are to be undertaken only if permitted or not prevented under applicable laws and protocols of the respective Member States or relevant Community (i.e. European) legislation, protocols or case-law. This means, as stated in section 6 of the Arrangement, that Directive 95/46/EC (25 October 1995) with regard to the processing of personal data applies, as well as the Dutch implementing measures (Data

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Protection Act of 6 July 2000, *Wet bescherming persoonsgegevens*, and – with regard to *Kansspelautoriteit* [The Netherlands Gaming Authority, NGA]) – Data Protection Regulation of 29 April 2014, *Reglement bescherming persoonsgegevens Kansspelautoriteit*).

Only information that is available to *Kansspelautoriteit* (The Netherlands Gaming Authority, NGA) can be shared with the parties to the Arrangement.

**6. Processing of information:**

*[This section contains information such as: requirements regarding information received and/or sent - transmission, handling, traceability, storage, data retention period, destruction of information that is shared and that is received; ]*

The Data Protection Act of 6 July 2000 (*Wet bescherming persoonsgegevens*) provides that personal data may be collected and processed for specific, explicitly defined and legitimate purposes. Any further processing of data may only take place for purposes that are compatible with the purposes for which the personal data was initially collected.

The processing of personal data must be secured in an appropriate and legal manner.

The Data Protection Regulation of 29 April 2014 provides *Kansspelautoriteit* (The Netherlands Gaming Authority, NGA) with a legally binding framework for data protection.

**a. Security policy requirements and controls of the Member State:**

*[This section contains information such as: any requirements regarding confidentiality, professional secrecy of information disclosed, requests for waiving of confidentiality under national law; any requirements concerning staff handling the information exchanged]*

*Kansspelautoriteit* (The Netherlands Gaming Authority, NGA) follows the formulations of the Decree on information security in central Government 2007 (*Besluit Voorschrift Informatiebeveiliging Rijksdienst 2007*, ViR) and the Decree information security in central Government – special information (*Besluit Voorschrift informatiebeveiliging Rijksdienst – bijzondere informatie*, ViR-bi) with regard to securing and processing of information.

**b. Any specific processes or requirements regarding consent of data subject or any other documentation that may be required regarding a request:**

*[This section contains information such as: requirements specific to requests that concern a data subject, any timeframes involved with obtaining consent, any documentation that needs to accompany a request such as consent given by data subject for the provision of the information]*

The Data Protection Act of 6 July 2000 (*Wet bescherming persoonsgegevens*) requires the processing of personal data to be transparent, which implies that data subjects should at least be informed of the processing of their personal data and of the goal of this processing.

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**c. Any specific requirements and controls of the Authority:**

*[This section contains any further requirements of the Authority supplementary to national laws and regulation, such as those concerning the handling of the information that it shares depending on the sensitivity of the information, any encryption that may be used or required, and different process or requirements depending on the type of request(s)]*

Shared information should only be used for the purpose disclosed and should only be retained for the legally obliged period (i.e. the time needed for the realisation of the goals for which the information is processed).

**7. Language for processing requests:**

*[This section contains information such as: language preference(s) for requests received and/or replied to, translation timeframes and costs]*

*Kansspelautoriteit* (The Netherlands Gaming Authority, NGA) prefers to receive and reply in Dutch or English.

**8. Expenses for processing requests:**

*Kansspelautoriteit* (The Netherlands Gaming Authority, NGA) prefers the Requesting and Requested Authority to each bear their own costs which may arise in the course of this Cooperation Arrangement.

**9. Contact Point for processing requests:**

*[This section contains the details of the electronic mailbox, details of any designated contact person, contact phone number]*

[info@kansspelautoriteit.nl](mailto:info@kansspelautoriteit.nl)

**10. Other:**

Date: 27/11/2015

[Updated on:         ]



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**Member State: KINGDOM OF NORWAY**

**Gambling Regulatory Authority: Norwegian Gaming Authority**

**1. Powers of the Authority:**

*[This section contains information such as: competence and remit of Authority's authorisation and supervision responsibilities, types of gambling it is responsible for, compliance, investigation]*

The regulated Norwegian gaming market consists of the following:

- Norsk Tipping: State monopoly for Lotto, Viking Lotto, Eurojackpot, sportsbetting, gaming terminals, interactive I-gaming, scratch tickets and other number games (Keno, Extra)
- Norsk Rikstoto: State monopoly for all games related to equestrian activities
- Private lotteries: Bingo, scratch tickets, gaming on ferries, pre-drawn and post-drawn lotteries, Norwegian poker championship and other minor lotteries

There are no landbased casinos in Norway.

*Lotteritilsynet* (The Norwegian Gaming Authority (NGA)) is an independent public body established pursuant to the Lottery Act of 1995 and has the authority to undertake the following:

- granting of licenses for private lotteries
- control and supervision of compliance for all forms of all regulated gaming in Norway
- enforcement of national gaming law via administrative sanctions upon illegal activities, inter alia, marketing and non-Norwegian regulated gaming offers
- undertaking of government policy related to problem gambling

**2. Where relevant, any specific cooperation commitments:**

*[This section contains information such as: preferred or intended focus/aim of cooperation with the other Authorities, processing of requests where this concerns other authorities in part or in whole, requests for information in the event Requesting Authorities would not respond to same type of request (reciprocal basis/mutual cooperation?).]*

The intended focus/aim of our cooperation pursuant to the agreement is to strengthen supervision of the Norwegian gaming market, including protection of consumers (players, minors and other groups of vulnerable people) and the prevention of illegal activities related to gambling, inter alia, illegal marketing and prevention of fraud, money laundering and the manipulation of sport result.

For NGA, this agreement may also entail cooperation between authorities in order to be able to enforce cross-border administrative fines, warnings and other measures, and exchange of information about specified operators.

The NGA may be of assistance when it comes to the forwarding of requests to other relevant

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Norwegian authorities.

**3. Other authorities concerned with gambling-related rules and regulation:**

*[This section contains information such as: details of other relevant authorities, industry or professional regulators, financial supervisory authorities, law enforcement etc to the extent that those authorities may be involved in the cooperation ]*

Ministry of Culture

Overarching responsibility for legislation and regulations related to Norsk Tipping and private lotteries

Ministry of Agriculture and Food

Overarching responsibility for legislation and regulations related to Norsk Rikstoto

NGA cooperates with law enforcement agencies and other public authorities and regulators, e.g. consumer protection and tax authorities.

**4. Processing of requests where this concerns land-based gambling:**

YES:   X  

NO:     

**5. Information sharing:**

*[This section contains information such as: national rules regarding sharing of information in particular personal data, exemption possibilities or restrictions to disclose information normally protected under national law]*

Only information that is available to NGA can be shared with the parties to the Cooperation Arrangement

The handling of personal data is regulated by Act of 14<sup>th</sup> April 2000 No. 31 on the processing of personal data (Personal Data Act) which has implemented Directive 95/46/EC (25 October 1995).

According to the Act, personal data may only be processed if the data subject has consented thereto, or there is statutory authority for such processing, or the processing is necessary in order to fulfill certain purposes stipulated in law.

Sensitive personal data may only be processed if the processing satisfies one of the conditions set out in law.

Personal data which are processed must only be used for explicitly stated purposes that are objectively justified by the activities of the controller, and cannot be not used subsequently for purposes that are incompatible with the original purpose of the collection, without the consent of the data subject. Furthermore, data which are processed must be adequate, relevant and not excessive in relation to the purpose of the processing, must be accurate and up-to-date, and cannot be stored longer than necessary for the purpose of the processing.

Personal data may only be transferred to countries which ensure an adequate level of protection of the data. Countries which have implemented Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data meet the requirement as regards an adequate level of protection.

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Reference to the Norwegian Act on Processing of Personal Data for more/detailed information on the processing of personal data:

<http://www.datatilsynet.no/English/Regulations/Personal-Data-Act/>

**6. Processing of information:**

*[This section contains information such as: requirements regarding information received and/or sent - transmission, handling, traceability, storage, data retention period, destruction of information that is shared and that is received; ]*

**a. Security policy requirements and controls of the Member State:**

*[This section contains information such as: any requirements regarding confidentiality, professional secrecy of information disclosed, requests for waiving of confidentiality under national law; any requirements concerning staff handling the information exchanged]*

The Act of 10<sup>th</sup> February 1967 relating to procedure in cases concerning the public administration (Public Administration Act) and the Act 19<sup>th</sup> May 2006 no. 16 relating to the right of access to documents held by public authorities and public undertakings [Freedom of Information Act] contain codes of professional secrecy and place limits on government and public employees disclosing certain forms of information concerning; inter alia:

- 1) an individual's personal affairs, or
- 2) technical devices and procedures, as well as operational or business matters which for competition reasons it is important to keep secret in the interests of the person whom the information concerns.

Reference to the Public Administration Act <http://app.uio.no/ub/ujur/oversatte-lover/data/lov-19670210-000-eng.pdf> and the Freedom of Information Act <http://app.uio.no/ub/ujur/oversatte-lover/data/lov-20060519-016-eng.pdf> for more detailed information on professional secrecy.

**b. Any specific processes or requirements regarding consent of data subject or any other documentation that may be required regarding a request:**

*[This section contains information such as: requirements specific to requests that concern a data subject, any timeframes involved with obtaining consent, any documentation that needs to accompany a request such as consent given by data subject for the provision of the information]*

**c. Any specific requirements and controls of the Authority:**

*[This section contains any further requirements of the Authority supplementary to national laws and regulation, such as those concerning the handling of the information that it shares depending on the sensitivity of the information, any encryption that may be used or required, and different process or requirements depending on the type of request(s)]*

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**7. Language for processing requests:**

*[This section contains information such as: language preference(s) for requests received and/or replied to, translation timeframes and costs]*

The NGA can handle requests for information in Danish, English and Swedish.

**8. Expenses for processing requests:**

The Requesting and Requested Authority must each bear their own costs which may arise in the course of this Cooperation Arrangement.

**9. Contact Point for processing requests:**

*[This section contains the details of the electronic mailbox, details of any designated contact person, contact phone number]*

**Deputy Director General Linda Vøllestad Westbye:** [lvw@lotteritilsynet.no](mailto:lvw@lotteritilsynet.no)

**NGA:** Tlf: + 47 57 82 80 00    **E-mail:** [postmottak@lottstift.no](mailto:postmottak@lottstift.no)

**10. Other:**

Date: 27/11/2015

[Updated on:         ]

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**Member State: REPUBLIC OF POLAND**

**Gambling Regulatory Authority: MINISTRY OF FINANCE (Gambling Market Regulation Department)**

**1. Powers of the Authority:**

*[This section contains information such as: competence and remit of Authority's authorisation and supervision responsibilities, types of gambling it is responsible for, compliance, investigation]*

**In Poland, the gambling regulatory authority is the Gambling Market Regulation Department in the Ministry of Finance. Its competencies include gambling market supervision and the policy of gaming taxes.**

**The Finance Minister is directly responsible for the granting of licences to land based casinos, and for granting permits to betting (online as well as land based), cash bingo halls and poker tournaments.**

**The Minister of Finance supervises the Customs Service.**

**The Custom Chambers' Directors grant the permits for raffle lotteries, audiotеле lotteries, raffle bingo and promotion lotteries.**

**The tasks of the Customs Service include conducting controls of compliance with the rules governing the organization and conducting of gambling activities, of the compatibility of these activities with the granted concession or permit and approved regulations; as well as the dimension and collection of gaming tax and additional payments levied on the games within the state monopoly.**

**The Polish Financial Intelligence Unit is also located within the Ministry of Finance of Poland. However, the exchange of information within its jurisdiction follows the rules specified in the Act on counteracting money laundering and terrorist financing**

**2. Where relevant, any specific cooperation commitments:**

*[This section contains information such as: preferred or intended focus/aim of cooperation with the other Authorities, processing of requests where this concerns other authorities in part or in whole, requests for information in the event Requesting Authorities would not respond to same type of request (reciprocal basis/mutual cooperation?).]*

**The Finance Ministry supports the initiative of the Commission to facilitate administrative cooperation between the gambling regulatory authorities of the EEA Member States.**

**The Ministry of Finance wishes to cooperate with other European regulatory bodies as openly as possible within the limitations of Polish legislation in order:**

**(a) to share information on gambling operators**

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- (b) to protect consumers, minors and ensure the integrity of games**
- (c) to minimize, where possible, any unnecessary administrative burdens**
- (d) to identify and share best practices**
- (e) to establish mutual trust and a good working relationship between European regulatory bodies.**

**3. Other authorities concerned with gambling-related rules and regulation:**

*[This section contains information such as: details of other relevant authorities, industry or professional regulators, financial supervisory authorities, law enforcement etc to the extent that those authorities may be involved in the cooperation ]*

**The Ministry of Finance within the framework of this cooperation shall coordinate the information exchange with the following offices involved in the gambling sector:**

- **The Ministry of Treasury – responsible for the enforcement of state monopoly in the scope of number games, cash lotteries and telebingo;**
- **The Ministry of Health, the Ministry of Culture and National Heritage, the Ministry of Sport and Tourism – responsible of the use of funds collected from additional payments.**

**4. Processing of requests where this concerns land-based gambling:**

YES:   X  

NO:     

**5. Information sharing:**

*[This section contains information such as: national rules regarding sharing of information in particular personal data, exemption possibilities or restrictions to disclose information normally protected under national law]*

**When sharing information, complete compliance with applicable Polish laws and protocols shall be ensured.**

**Considering this, only information permitted or not forbidden under applicable laws, regulations and requirements can be provided.**

**It is stipulated, that there may be other restrictions related to requested information.**

**All received requests shall be treated individually on a case-by-case basis.**

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**6. Processing of information:**

*[This section contains information such as: requirements regarding information received and/or sent - transmission, handling, traceability, storage, data retention period, destruction of information that is shared and that is received; ]*

**Requests for cooperation shall be made in writing and sent via e-mail.**

**In each request the requesting Authority shall specify all information required in the Uniform Cooperation Request Form.**

**Each cooperation request will be assessed individually by the Ministry of Finance to determine whether assistance can be provided.**

**Information shared by the Minister of Finance must not be further disclosed to third parties or used for a purpose alternative to the one stated in the request without consent of the originating party.**

**a. Security policy requirements and controls of the Member State:**

*[This section contains information such as: any requirements regarding confidentiality, professional secrecy of information disclosed, requests for waiving of confidentiality under national law; any requirements concerning staff handling the information exchanged]*

**Requested information will be shared if it is not prohibited from doing so by applicable national legal acts regulating data protection issues.**

**b. Any specific processes or requirements regarding consent of data subject or any other documentation that may be required regarding a request:**

*[This section contains information such as: requirements specific to requests that concern a data subject, any timeframes involved with obtaining consent, any documentation that needs to accompany a request such as consent given by data subject for the provision of the information]*

**Requested information will be shared if it is not prohibited from doing so by applicable national legal acts regulating data protection issues.**

**c. Any specific requirements and controls of the Authority:**

*[This section contains any further requirements of the Authority supplementary to national laws and regulation, such as those concerning the handling of the information that it shares depending on the sensitivity of the information, any encryption that may be used or required, and different process or requirements depending on the type of request(s)]*

**Depending on the sensitivity of information to be exchanged, the Ministry of Finance may use some form of encryption or other protection such as:**

- **WinZip (a password protected zipped document, with the password being provided)**

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separately);

- **Hard copy information sent by commercial courier**

**7. Language for processing requests:**

*[This section contains information such as: language preference(s) for requests received and/or replied to, translation timeframes and costs]*

**The Polish Minister of Finance will accept cooperation requests in Polish or English language.**

**8. Expenses for processing requests:**

**Requesting and Requested Authority will each bear their own costs which will be assessed on a case-by-case basis. If the expenses of fulfilling a request are to be substantial, the Ministry of Finance may require the requesting Authority to make a contribution towards costs.**

**9. Contact Point for processing requests:**

*[This section contains the details of the electronic mailbox, details of any designated contact person, contact phone number]*

**Ministry of Finance Republic of Poland  
Gambling Market Regulation Department**

**[GamblingPoland@mf.gov.pl](mailto:GamblingPoland@mf.gov.pl)**

Contact persons:

Marta Ziarko, tel. +48 22 964 43 21

Pawel Bieńkowski, tel. + 48 22 694 36 51

**10. Other:**

Date: 27/11/2015

[Updated on:         ]



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**Member State: KINGDOM OF SPAIN**

**Gambling Regulatory Authority: Directorate General for the Regulation of Gambling (DGOJ)**

**1. Powers of the Authority:**

The Directorate General for the Regulation of Gambling (DGOJ) is the Spanish national gambling authority, regulated by the Law 13/2011, May 27<sup>th</sup>.

DGOJ is the Department, within the Ministry of Finance and Administration – *Ministerio de Hacienda y Administraciones Públicas*-, which, under the supervision of the Secretary of State of Finance and ultimately the Minister, regulates, authorises, monitors and supervises, controls and, if necessary, sanctions gambling activities of a state scope in the Spanish State.

These include:

- Nation-wide lotteries, whether retailed land-based or online.
- Online gambling, as long as its scope is not restricted to particular Spanish regions.

Most notably, this does not include land-based gambling such as casinos, gambling or bingo parlours or betting shops.

Functions related to gambling within a state scope (hereafter “gambling” or “gambling activities”) include :

- The proposal –or the direct passing according to the appropriate regulatory level- of regulations governing gambling, governing administrative, technical, consumer and responsible gaming requirements.
- Dealing with application procedures for granting licenses (permanent) and authorisations (ad hoc, like raffles, charity-based gambling activities) to conduct gambling activities.
- Assuring compliance via the permanent monitoring, control, inspection, and if necessary, sanctioning of gambling-related activities when of a statal nature.
- Enforcing gambling regulation via sanctioning procedures.
- Dealing with sanctioning procedures also in matters of gambling relating to the sales points of the National Lottery and Betting Organisation.

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- **Management of gambling records, databases.**

**In particular, DGOJ's competences are carried out as follows:**

- **Operators' licensing.** This competence is referred to online operators who want to develop its services in the whole national territory. This includes examining the properness of the technical and operational requirements set out in Spanish regulation (on gaming platform, gaming elements, data flows to the operator and the like) via the validation (standardization or "homologation") of the certifications provided by an accredited testing house, at two stages of the licensing process (the "project" and "real data" stages); and throughout the course of the license whenever there is a "fundamental change" involved.
- **Regulation of the different games:**
  - a. **Casino games** (slot machines, black jack, poker, roulette, baccarat "*punto y banca*").
  - b. **Bingo.**
  - c. **Betting** (sport and horse racing pool betting, fixed-odd betting and betting exchanges).
  - d. **Raffles** (not allowed on a permanent basis).
  - e. **Contests.**
- **Inspection, auditing and supervision powers.** The certified elements must be audited every two years. In any case, permanent monitoring of operators' activities is carried out, fundamentally via the ICS (Internal Control System) data feeding mechanism. Equally, the DGOJ can carry out inspections activities, whether remotely or physically, at any time in order to control the observance of the license's terms by operators.
- **Disciplinary power about authorized and illegal operators.** If non-compliance is evident and there is a breach of law, the DGOJ has to initiate the corresponding sanctioning file to the operator. Sanctions may run up to 50 million Euro if very grave. Equally, the DGOJ can penalize any operator who offers gambling services without previous authorization (illegal operator).

**Gambling advertising and responsible gaming about operators with DGOJ's authorization, via both a co-regulation mechanism and regulatory provisions.**

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**2. Where relevant, any specific cooperation commitments:**

DGOJ recognizes the cross-border nature of the online gambling industry and so has to date signed several cooperational MoU with other jurisdictions in Europe and beyond. Likewise, DGOJ wishes to cooperate with other EU regulatory bodies to ensure that the remote gambling industry is crime free, gambling facilities are provided fairly and openly and those under the legal age for gambling and other vulnerable people are protected.

To this end, there is a significant wealth of information (often available in English) on the Spanish online gambling market and regulations, the DGOJ's mission and functioning procedures, data figures, licensed operators and the like in our public website, <http://www.dgojuego.minhap.gob.es/en> . Equally, the DGOJ will be as open as possible about its approach, licensing conditions and processes, placing –as has been the case to date- material in the public domain and on CIRCA where appropriate.

In this context, DGOJ welcomes this co-operational initiative and bears the expectation that it will provide for a reliable basis on that respect.

From a substantial perspective, in the context of this agreement, DGOJ is willing to co-operate with other participants, upon the principle of mutual equality and reciprocity, on a case-by-case basis, mainly in the following areas:

- Information sharing, whether of a regulatory or market-like nature when it is not public or when there is an outright difficulty in accessing or interpreting it (in the opposite case, a sufficient reference to it via circa or public pages will be the course of action to be expected).
- Information sharing in the context of administrative files regarding the granting of licenses to access to the market, for example as some information may be appropriate to evaluate the fitness and properness of candidates.
- Information sharing about specific operators, as a tool to fight against gambling considered illegal either according to our domestic jurisdiction or to the Requesting Authority's scope; with the limits of existing provisions on Personal Data and other specific regulation potentially applicable.
- Information sharing as regards other potential implications from operators or individual's behaviours other than from the corresponding gambling regulation (eg Money Laundering or match-fixing issues), within the procedural and substantive limits set out below and always in compliance

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with the corresponding applicable regulations.

- Administrative cooperation from a broader and more loose perspective, such as experience interchanges and informal questions or advice.
- Where relevant and respectful with each jurisdiction's corresponding framework, enforcement action.

The DGOJ may take part in multi-jurisdictional co-operation under this framework provided the general and operational specifications set out in this Gateway are in place.

**3. Other authorities concerned with gambling-related rules and regulation:**

At the state level, there are several institutions which are in charge of issues that are connected with gambling:

- National Service for Prevention of Money-Laundering (SEPBLAC). This organization depends on the Ministry of Economy and Competitiveness and is Spain's Financial Intelligence Unit

([http://www.sepblac.es/ingles/acerca\\_sepblac/acercade.htm](http://www.sepblac.es/ingles/acerca_sepblac/acercade.htm)).

One of the areas that this Unit pays special attention is money-laundering in gambling activities.

- High Council of Sports (Consejo Superior de Deportes – CSD). This Council may have a role when it comes to sport integrity or match-fixing issues.

(<http://www.csd.gob.es/csd/informacion-en/02structure-of-the-csd/01definition-and-areas-of-competence/>). The CSD can report any case of match-fixing (even when it is not related with betting) to the sport disciplinary authorities, federative or national.

**4. Processing of requests where this concerns land-based gambling:**

YES: \_\_\_

NO: X

**5. Information sharing:**

It is important to stress that requests with a "gambling content" will be processed for certain (provided the rest of applicable requirements are met) when the relevant authority is the state-level one, hence DGOJ. This implies:

- The processing of requests concerning land-based gambling is not covered.

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- In the case that the request is related to an issue which is included in one of the competences of those authorities mentioned under heading 3 of this Gateway, or any other organization from the State Administration, DGOJ will specify the correct authority to send the request. DGOJ will normally, unless extraordinary circumstances occur, consider the possibility of channeling the request herself, informing the Requesting Authority in any case.
- When the source of the requested information is one of the autonomous administrations, DGOJ will so inform the requesting authority. If the request refers to a general gambling (not specifically related to landbased gambling) or online gambling issue in relation to a particular Autonomous Community, DGOJ may however decide to channel it considering all relevant factors on a case to case basis, in which case it will inform the Requesting Authority.
- Only requests coming from Gambling Authorities within the current cooperational scheme will be dealt with under the present framework.

Requests regarding individual data must count on and indeed exhibit the consent of the person affected, according to the Spanish Organic Law about personal data protection (*Ley Orgánica 15/1999, de 13 de diciembre, de protección de datos de carácter personal, LOPD*).

As a previous disclaimer:

- The transfer of personal data from DGOJ is permitted only to a country which has an analogous level of data protection.
- The transfer of personal data is permitted to the Member States of the European Union and the States party to the Agreement of the European Economic Area, and to countries whose level of data protection has been evaluated as sufficient by the European Commission.
- The transfer of personal data is not permitted to a country whose level of data protection has been evaluated as insufficient by the European Commission.

When the information is related to an operator, equally the consent of the company is required to share information about them.

Operator or individual-specific requests outside the above scenarios (ie criminal or administrative investigations) will be dealt with on a case-by-case assessment depending on the nature of the content requested and the limits internal provisions

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set out in such regard.

A request should as a minimum include the following pieces of information:

- The purpose of the request;
- If consent has been given (documentation attached);
- If onward disclosure of information provided to the requesting Authority is a possibility and if this is the case, the purpose of disclosure; and

How to process information to the requesting authority using protection measures such as encrypted email.

**6. Processing of information:**

**General issues and data protection**

When the content of the request includes information which is either public or, while not being public, does not however imply commercial secrets of any nature and in any case is not protected by personal data regulations, there is not any specific obligation about its processing, so that could be handed and stored without limitation.

Regarding personal data issues, all activities arising from this Arrangement are to be undertaken only if permitted or not prevented under applicable laws and protocols of the respective Member States or relevant Community (i.e. European) legislation, protocols or case-law. This means that Directive 95/46/EC (25 October 1995) with regard to the processing of personal data applies, as will relevant subsequent legislation, as well as the Spanish transposing instruments (currently the aforementioned Ley Orgánica 15/1999) and implementing measures.

Only information that is available to DGOJ and is not included by the mentioned scenarios may be shared with the parties to the Cooperation Arrangement.

Depending on the sensitivity of the requested pieces of information, encryption or an alternative form of protection measure may be asked for when answering the request. Likewise, the DGOJ may condition an information exchange on the use of such encryption or alternative protection measures when communicating with the DGA or receiving information from the authority.

**Criminal procedures**

Information for the purpose of criminal procedures in the Requesting Authority's

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jurisdiction may be shared with other requesting authorities for the specific purpose disclosed in the request after a case-by-case assessment, including compliance with applicable national laws.

The requesting authority must describe the suspected behavior which is investigated as well as the relevance of the information requested for the national authority in the context of the criminal investigation as well as the relation between the suspicious conduct with DGOJ's functions.

Confidential information on Spain's specific criminal procedures details and files for the interest of a Requesting Authority is not included under this instrument.

**Data on self-excluded individuals**

Finally, DGOJ is not allowed to share non-aggregate information related to self-excluded individuals without express consent of the person self-excluded.

***a. Security policy requirements and controls of the Member State:***

Information which is considered as general information (law, market data, games' rules or consumer protection rules), can be used as "public" so can be used making mention of the source, excepting the cases where the DGOJ refers expressly to the requesting authority that the information is confidential.

When the information affects to a specific operator or personal data, the information will be considered as confidential and may not be disclosed publicly. In this case, the information must be transferred in a safe way, eg any encrypted method that guarantee handling and traceability of the communication. The information must be stored securely by trained staff and deleted after the intended use.

As regards internal security policy measures, DGOJ as part of the Spanish Administration is subject to the legal and operational framework on National Security Scheme, affecting electronic communications, and will deal with all requests in a so-compliant fashion.

***b. Any specific processes or requirements regarding consent of data subject or any other documentation that may be required regarding a request:***

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If the information is readily available, the request will be answered within the deadline stated in the Cooperation Arrangement. If it is not available, that circumstance will be communicated before the time deadline expires to the requesting authority. The request will be answer as soon as possible.

*c. Any specific requirements and controls of the Authority:*

**7. Language for processing requests:**

Spanish and English

**8. Expenses for processing requests:**

Requesting and Requested Authority will each bear their own costs. It is expected that those will be accommodated within each one's mainstream operational organization, devoting internal resources at each one's discretion, always within reasonable limits. If any received request supposes an extraordinary expense whether from the economic and HR perspective, beyond any rational expectation, DGOJ may reject it unless the cost is borne by the Requesting Authority.

**9. Contact Point for processing requests:**

Mr. Juan Espinosa – Deputy General Director of Gambling Regulation (Head of Unit)

Mr. Rosa Godino – Deputy Head of Unit

Mr. David García – Technical Advisor

Email: dgoj.sgregulacion@minhap.es

Phone number: (+34) 91.425.08.10

Address: Dirección General de Regulación del Juego. C/ Atocha, 3. 28012 Madrid (Spain)

**10. Other:**

Date: 27/11/2015

[Updated on:            ]



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**Member State: KINGDOM OF SWEDEN**

**Gambling Regulatory Authority: The Swedish Gambling Authority (Lotteriinspektionen)**

**1. Powers of the Authority:**

*[This section contains information such as: competence and remit of Authority's authorisation and supervision responsibilities, types of gambling it is responsible for, compliance, investigation]*

**The Swedish Gambling Authority is the authority which has been given the task of ensuring the legality, safety and reliability of the Swedish gaming and gambling market. We aim to provide consumers with the tools needed for fair gambling by maintaining a transparent and balanced gambling market in addition to reducing the potentially harmful social effects which gambling may entail. Our goal is to contribute to a reduction of illegal gambling and lottery operations.**

**Our commission is to:**

- **Provide consumers with the tools needed for fair gaming by maintaining a transparent and balanced gambling market in addition to reducing the potentially harmful social effects which gambling may entail.**
- **Work towards a sound and safe gambling market.**
- **Contribute to a reduction of illegal gambling and lottery operations.**

**Our tasks:**

- **Grant permits for national lotteries, gambling and gaming machines, restaurant casinos as well as certain bingo permits.**
- **Grant type approval to lottery tickets as well as to equipment for surveillance and drawing.**
- **Have overall responsibility for compliance and supervision of gambling and lottery operations, including casinos.**
- **Provide training and information on gambling and lottery legislation.**
- **Inform the government of the developments in the Swedish and foreign gambling markets.**

**The Swedish Gambling Authority exercises its commission under the Lotteries Act (1994:1000), the Act on arrangements for certain gambling machines (1982:636) and the Casino Act (1999:355).**

**What we don't do**

**The Swedish Gambling Authority will gladly answer general questions concerning the Swedish lottery legislation as well as general questions in regards to gambling and**

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lottery operations. However, we do not:

- Offer detailed answers for specific questions concerning gambling and lottery activities.
- Give concrete legal advice in questions regarding the development of new business models or business ideas to market players or individuals who intend to start a lottery or gambling operation.
- Resolve consumer complaints concerning money lost on placed bets or from a gambling machine. Complaints of this kind may instead be a question for the Swedish Consumer Agency.
- The Gambling Authority works with granting permits as well as supervising Swedish lotteries. Consequently, it is not possible for the Gambling Authority to supervise lotteries arranged abroad.

**2. Where relevant, any specific cooperation commitments:**

*[This section contains information such as: preferred or intended focus/aim of cooperation with the other Authorities, processing of requests where this concerns other authorities in part or in whole, requests for information in the event Requesting Authorities would not respond to same type of request (reciprocal basis/mutual cooperation?)].*

**The intended focus/aim of our cooperation pursuant to this agreement is to strengthen supervision of the Swedish gambling market, including protection of consumers (players, minors and other groups of vulnerable people) and the prevention illegal activities related to gambling.**

**3. Other authorities concerned with gambling-related rules and regulation:**

*[This section contains information such as: details of other relevant authorities, industry or professional regulators, financial supervisory authorities, law enforcement etc to the extent that those authorities may be involved in the cooperation ]*

**Police (in criminal proceedings) (<http://www.polisen.se>);**

**Prosecutors (in criminal proceedings) (<http://www.aklagare.se>);**

**Swedish Economic Crime Authority (financial crimes)  
(<http://www.ekobrottsmyndigheten.se>);**

**Swedish Tax Agency (taxes) (<http://www.skatteverket.se>)**

**Swedish Consumer Agency (marketing and consumer questions)  
(<http://www.konsumentverket.se>);**

**National Board for Consumer Disputes (consumer complaints) (<http://www.arn.se>)**

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**4. Processing of requests where this concerns land-based gambling:**

YES:  X

NO:    

**5. Information sharing:**

*[This section contains information such as: national rules regarding sharing of information in particular personal data, exemption possibilities or restrictions to disclose information normally protected under national law]*

**The possibility for the Swedish Gambling Authority to share information is restricted by the Public Access to Information and Secrecy Act (2009:400). The areas that could be restricted are; inspection plans, police reports; financial and other personal information concerning permit holders and their business partners. The handling of personal information is also regulated by the Personal data Act (1998:204)**

**6. Processing of information:**

*[This section contains information such as: requirements regarding information received and/or sent - transmission, handling, traceability, storage, data retention period, destruction of information that is shared and that is received; ]*

**Requests for the provision of information or other assistance must be made by sending an e mail <https://lotteriinspektionen.se/en/contact>. When requesting information please add the following subject "EEA Member State request for information".**

**The requesting Authority should specify in any written request:**

- **the information or other assistance requested (identity of persons, specific questions to be asked etc.);**
- **the purpose for which the competent authority needs information or other assistance;**
- **in case that the applicant will forward the information to other persons or authorities shall so indicate in the request;**

**Each request for assistance will be dealt on a case-by-case basis by the Swedish Gambling Authority to determine whether assistance can be provided. Reply with requested information will be sent to requesting Authority latest within 20 working days after getting the request.**

**Information provided to the Swedish Gambling Authority will only be used for lawful and legitimate purposes and the data will be secured in accordance with laws and regulations of the Kingdom of Sweden.**

**The information given is regulated by Public Access to Information and Secrecy Act (2009:400). The areas that could be restricted in this case are all information that could disturb Sweden's relations with foreign entities.**

**Otherwise, the information will be held securely and will only be accessed on a need to**

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**know basis by authorized staff.**

**a. Security policy requirements and controls of the Member State:**

*[This section contains information such as: any requirements regarding confidentiality, professional secrecy of information disclosed, requests for waiving of confidentiality under national law; any requirements concerning staff handling the information exchanged]*

**Transfer of personal data from Sweden is permitted only to a country which has a sufficient level of data protection. Transfer of personal data is permitted to the Member States of the European Union and the States party to the Agreement of the European Economic Area, and to countries whose level of data protection has been evaluated as sufficient by the European Commission. Transfer of personal data is not permitted to a country whose level of data protection has been evaluated as insufficient by the European Commission.**

**b. Any specific processes or requirements regarding consent of data subject or any other documentation that may be required regarding a request:**

*[This section contains information such as: requirements specific to requests that concern a data subject, any timeframes involved with obtaining consent, any documentation that needs to accompany a request such as consent given by data subject for the provision of the information]*

**The Swedish Gambling Authority is subject to the Personal data Act (1998:204).**

**Processing of personal data is permitted only with the consent of data subject. Decision making on the adequate level of protection of personal data in a third country, is the responsibility of the National Supervisory Body which must to determine all circumstances relating to the transfer of personal data.**

**c. Any specific requirements and controls of the Authority:**

*[This section contains any further requirements of the Authority supplementary to national laws and regulation, such as those concerning the handling of the information that it shares depending on the sensitivity of the information, any encryption that may be used or required, and different process or requirements depending on the type of request(s)]*

**See section 6.**

**7. Language for processing requests:**

*[This section contains information such as: language preference(s) for requests received and/or replied to, translation timeframes and costs]*

**The Swedish Gambling Authority prefers to receive requests in Swedish or English.**

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**8. Expenses for processing requests:**

**Normally, the Swedish Gambling Authority will bear its own costs and expect the requesting/requested authority to do so as well, unless an alternative agreement is concluded specifically. Large and/or disproportionate costs are to be discussed with the requesting authority beforehand.**

**Copies (physical or electronic) of public documents are distributed free up to nine copies.**

**9. Contact Point for processing requests:**

*[This section contains the details of the electronic mailbox, details of any designated contact person, contact phone number*

**The Swedish Gambling Authority requests that the contact form at the SGA website <https://lotteriinspektionen.se/en/contact> be used. When requesting information please add the following subject “EEA Member State request for information” (see section 7). The request will be distributed to the relevant member of staff.**

**10. Other:**

Date: 27/11/2015

[Updated on:        ]

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**Member State: UNITED KINGDOM**

**Gambling Regulatory Authority: Gambling Commission (for Great Britain and, in respect of the National Lottery, Northern Ireland).**

**1. Powers of the Authority:**

The Commission is a statutory body set up by the Gambling Act 2005. Its remit is to regulate virtually all commercial gambling and lotteries in Great Britain, apart from spread betting. This includes the UK National Lottery and any remote gambling services that are made available to consumers in Great Britain (and Northern Ireland for the National Lottery).

In exercising its statutory functions it must have regard to and uphold the licensing objectives set out in section 1 of the Gambling Act 2005.

These are replicated below

- Prevent gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime
- Ensure that gambling is conducted in a fair and open way
- Protect children and other vulnerable persons from being harmed or exploited by gambling

Section 22 of the 2005 Act places a statutory duty on the Commission to have regard to the licensing objectives when carrying out its regulatory function.

The Commission licences gambling operators, assessing the suitability of those organisations and individuals applying for licences, investigates any non-compliance with licence conditions or any issues going to the continuing suitability of an operator or individual to hold a licence, and investigates and prosecutes criminal offences set out in the Gambling Act 2005.

In regard to the UK National Lottery, we have statutory duties under the National Lottery & etc Act 1993 to protect the integrity of the Lottery; protect players; and maximise funds to good causes. We also run the competition for the licence and select the operator of the Lottery

**2. Where relevant, any specific cooperation commitments:**

*[This section contains information such as: preferred or intended focus/aim of cooperation with the other Authorities, processing of requests where this concerns other authorities in part or in whole, requests for information in the event Requesting Authorities would not respond to same type of request (reciprocal basis/mutual cooperation?).]*

The Commission wishes to cooperate with other EU regulatory bodies to ensure that the remote gambling industry is crime free, gambling facilities are provided fairly and openly and those under the legal age for gambling and other vulnerable people are protected. To this end the Commission will be as open as possible about its approach, licence conditions and processes putting material in the public domain and on CIRCA where appropriate.

It will cooperate with other EU regulatory bodies on licensing, compliance and enforcement case work by responding to requests for information or assistance and collaboration in the

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ways detailed below:

All requests are treated on a case by case basis. The Commission in making a request for information or considering a request has to consider which of the data protection exemptions apply on the particular facts of the case and whether a case has been made out for disclosure of personal data.

Licensing matters

If a regulator wishes to be provided with details of an operator licensed in Great Britain / or on which information is held (for example because they previously applied for or held a licence) for the purpose of licensing checks, the Commission will normally require the consent of that operator for information to be shared although in most cases the operator will have given consent for such information to be provided or sought from other regulatory bodies.

The Commission would expect the Requesting Authority to provide a copy of the consent given by the operator.

Compliance and regulatory enforcement matters

The Commission will share information for the purposes of compliance providing there is no bar on onward disclosure from the party that provided the information, and providing it is for a similar purpose to that which we collected it for. Typically an operator will have given consent for such information sharing when applying to be licensed subject to normal data protection provisions.

Criminal matters

The Commission may provide information received by it in the exercise of its functions to a person if the provision is for the purpose of—

- (a) a criminal investigation (whether in the United Kingdom or elsewhere), or
- (b) criminal proceedings (whether in the United Kingdom or elsewhere).

If a request for assistance as described in this document relates to criminal matters, the following further details will be contained in the request:

1. a description of the conduct or suspected conduct which gives rise to the request;
2. details of the applicable law, regulation or requirement to the administration of which the request is relevant;
3. the link between the specified rule or law and the regulatory functions of the Requesting Authority;
4. the relevance of the requested assistance to the specified rule or law; and
5. whether it is desired that, to the extent permitted by the laws applying to the Requested Authority, any persons from the country of the Requesting Authority should be present during interviews which form part of an investigation, and whether it is desired that such persons should be permitted to participate in the questioning.

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Grounds for Refusal

The assistance set out in this agreement can be refused when:

1. The request of the requesting Authority may infringe the sovereignty and the public order of the requested Authority;
2. The dissemination of the requested information may affect the course of proceedings initiated by the requested Authority against an operator;
3. The information which is requested by the requesting Authority is exclusively for the requested Authority.

Cooperative investigations

There may be instances where an issue of licensing, regulatory compliance or criminal conduct in the United Kingdom and another jurisdiction is identified (for instance, where a gambling service provider holds licences in multiple jurisdictions). In such instances, the Commission may approach another authority with a view to sharing information and conducting parallel or cooperative investigations to ensure an effective and efficient approach.

The legal and regulatory framework of each authority will be respected and the objectives and approach agreed by each authority.

Requests to co-operate on an investigation, including the proposed duration and logistical arrangements, will be included in the Uniform Information Request Form.

Regulatory Partners

Where requests are made to the Commission but the information is held by one of our regulatory partners, we shall endeavour to facilitate these requests, by passing these on or by providing relevant contact details.

**3. Other authorities concerned with gambling-related rules and regulation:**

*[This section contains information such as: details of other relevant authorities, industry or professional regulators, financial supervisory authorities, law enforcement etc to the extent that those authorities may be involved in the cooperation]*

The Commission works with a range of domestic partners with whom we have arrangements in place for effective co-operation and the exchange of information.

The Commission requests information from third parties in order to carry out its regulatory functions. For example, it may request information from law enforcement agencies, tax authorities, other industry or professional regulators. The Commission requires this information in order to assess any issues as to conduct, character, suitability of those applying for and holding licences. It also receives request for information from third parties about those it regulates



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The Commission's main partners are listed in Schedule 6 of the Gambling Act 2005 which is available here:

<http://www.legislation.gov.uk/ukpga/2005/19/schedule/6>

The Commission frequently engages with UK law enforcement agencies regarding unlawful gambling activity and may enter joint investigations for this reason. The Commission may also prosecute offences under the Gambling Act 2005.

The Commission engages with HMRC regarding tax and gaming duty.

**4. Processing of requests where this concerns land-based gambling:**

YES:   X  

NO:     

**5. Information sharing:**

*[This section contains information such as: national rules regarding sharing of information in particular personal data, exemption possibilities or restrictions to disclose information normally protected under national law]*

Data Protection Act 1998 'DPA 1998'

The DPA 1998 places legal obligations on organisations holding personal data to process that data in accordance with the DPA 1998. It also places obligation on those organisations not disclose such data unless expressly permitted by law.

The DPA 1998 creates certain statutory exemptions that allow the Commission to request and disclose information that would normally be protected under the DPA 1998.

The exemptions that the Commission may be able to rely on are set out below.

S.29 (3) of DPA 1998 permits the sharing of personal data for the following purposes:

- The prevention and detection of crime
- The apprehension or prosecution of offenders
- The assessment or collection of any tax or duty or any imposition of a similar nature

S.35 (1) of DPA 1998 permits the sharing of information where another Act, law or court order requires it.

With reference to S.35 (1) of DPA 1998, s.30 of the Gambling Act 2005 allows for limited exchange of information between the Commission and other parties subject to the conditions listed.

However the legal gateway provided by s.30 does not override restrictions established by other Acts and the further use or sharing of information provided by another body may be prohibited.

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**6. Processing of information:**

*[This section contains information such as: requirements regarding information received and/or sent - transmission, handling, traceability, storage, data retention period, destruction of information that is shared and that is received; ]*

The UK Government's Security Classification Policy provides standards for the transfer and storage of information:

[Security Classification Policy](#)

**Method of transmission**

Depending on the sensitivity of information to be exchanged, the Commission may use some form of encryption or other protection such as:

- WinZip (a password protected zipped document, with the password being provided separately)
- Encrypted removable media (such as USB sticks)
- A secure browser session
- Hard copy information via a commercial courier

If there is to be a frequent exchange of information, the following security controls would be considered:

- An email encryption product to be installed by both<sup>1</sup> parties to automatically encrypt email traffic
- An accredited hosting environment

**Requirements regarding the sharing and storage of information**

Information provided to the Commission will only be used for lawful and legitimate purposes and will be protected in line with the requirements of the United Kingdom Government and internationally recognised best practice. Information will be held securely and will only be accessed on a need to know basis by suitably vetted staff.

The following points apply to the manner in which information will be shared and stored by each party.

1. This process does not cover information that is already in the public domain.
2. Procedures for notifying the other party of the transmission and receipt of sensitive information shall ensure all exchanges of information are traceable.
3. Any specific technical and customary standards for the packaging, transmission, recording and reading of exchanged information shall be explicitly stated, otherwise standard commercial solutions shall be applied.
4. The Commission uses the United Kingdom Government's Security Classification Policy and all marked information shall be handled in accordance with this

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<sup>1</sup> "Both parties" – the authority which has made a request and the authority responding to the request

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criterion.

5. Where other protective marking systems are used, the relevant parties shall agree common marking and handling guidelines.
6. Shared information must not be further disclosed to any other party or used for a purpose alternative to any one stated without the consent of the originating party, unless required to do so by law.
7. Both parties will ensure that, to the best of their knowledge, shared information is as accurate, up to date and adequate for the purpose disclosed and where one party discovers this not to be the case, they will inform the originating party of this.
8. Exceptions to this process shall only be permitted where they are agreed to by both parties, there is a clear requirement (e.g. time-sensitive operations) or harm or injury could occur otherwise.

**Information storage**

1. Both parties agree that shared information should only be retained for the period necessary to achieve the objectives of the disclosure.
2. Both parties will ensure that received information is attributable and traceable to the other by marking or referencing.
3. Both parties shall apply security controls to all processing of shared information including transmission, storage and destruction and that personal data shall be protected
4. Both parties will ensure that staff handling material are appropriately trained and vetted.
5. Both parties will keep a disclosure log recording shared information.

**a. Security policy requirements and controls of the Member State:**

*[This section contains information such as: any requirements regarding confidentiality, professional secrecy of information disclosed, requests for waiving of confidentiality under national law; any requirements concerning staff handling the information exchanged]*

**Relevant security policy requirements and controls**

As a British public Authority, the Commission is subject to the UK Government's Security Policy Framework. The Commission is also accredited to the ISO:27001 Information Security Standard.

[Security Policy Framework](#)

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**b. Any specific processes or requirements regarding consent of data subject or any other documentation that may be required regarding a request:**

*[This section contains information such as: requirements specific to requests that concern a data subject, any timeframes involved with obtaining consent, any documentation that needs to accompany a request such as consent given by data subject for the provision of the information]*

Licensing matters

If a requesting Authority wishes to be provided with details of an operator licensed in Great Britain for the purpose of licensing checks, we are able to provide that through the consent provided by operators through the application process. However, as a matter of best practice, we would expect a requesting authority to have the consent of that operator for information to be shared before making a request.

The Commission would expect the Requesting Authority to provide a copy of the consent given by the operator.

Compliance matters

The Commission will share information for the purposes of compliance providing there is no bar on onward disclosure from the party that provided the information, and providing it is for a similar purpose to that which we collected it for.

Criminal matters

The Commission may provide information received by it in the exercise of its functions to a person if the provision is for the purpose of—

- (a) a criminal investigation (whether in the United Kingdom or elsewhere), or
- (b) criminal proceedings (whether in the United Kingdom or elsewhere).

If a request for assistance as described in this MoU relates to criminal matters, the following further details will be contained in the request:

1. a description of the conduct or suspected conduct which gives rise to the request;
2. details of the applicable law, regulation or requirement to the administration of which the request is relevant;
3. the link between the specified rule or law and the regulatory functions of the Requesting Authority;
4. the relevance of the requested assistance to the specified rule or law; and
5. whether it is desired that, to the extent permitted by the laws applying to the Requested Authority, any persons from the country of the Requesting Authority should be present during interviews which form part of an investigation, and whether it is desired that such persons should be permitted to participate in the questioning.

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**c. Any specific requirements and controls of the Authority:**

*[This section contains any further requirements of the Authority supplementary to national laws and regulation, such as those concerning the handling of the information that it shares depending on the sensitivity of the information, any encryption that may be used or required, and different process or requirements depending on the type of request(s)]*

Contained in section 7.

**7. Language for processing requests:**

*[This section contains information such as: language preference(s) for requests received and/or replied to, translation timeframes and costs]*

The Commission would prefer to receive requests in English.

**8. Expenses for processing requests:**

The Commission would usually expect the Requesting and Requested Authority will each bear their own costs, unless there is a disproportionate cost involved in dealing with the request. if this is the case, the Commission would discuss alternatives

**9. Contact Point for processing requests:**

*[This section contains the details of the electronic mailbox, details of any designated contact person, contact phone number]*

Email: [intelligencereports@gamblingcommission.gov.uk](mailto:intelligencereports@gamblingcommission.gov.uk)

Address: Victoria Square House, Victoria Square, Birmingham, B2 4BP, UK

**10. Other:**

Contact Point for escalation: Richard Watson, Programme Director

Telephone number: +44 121 230 6705

Email: [R.watson@gamblingcommission.gov.uk](mailto:R.watson@gamblingcommission.gov.uk)

Date: 27/11/2015

[Updated on:        ]

## **Appendix IV**

### **Uniform Cooperation Request Forms**

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**COOPERATION REQUEST**

**REQUESTING AUTHORITY:** \_\_\_\_\_

**REQUESTED AUTHORITY:** \_\_\_\_\_

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**Request reference number:**

**Date of Request:**

-----

**Urgency of Request: NO:** \_\_\_\_

**YES:** \_\_\_\_

**If yes, WHY:**

--

**1. Subject matter(s) of the information request (reference may be made to Appendix II of the Cooperation Arrangement):**

--

**2. Purpose of the request:**

1.
2.

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3.

**3. Description of the request:**

1.
2.

**4. Any entities to whom it is anticipated that the information shall be disclosed:**

No: \_\_\_\_ Yes: \_\_\_\_

If yes, why:

--

**5. Any specific requirement/arrangement on language:**

--

**6. Any specific requirement/arrangement on expenses:**

--

**7. Any document(s) attached to the request (in accordance with Gateway of the Requested Authority):**

--

**8. Any other information relevant to the request:**

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**REPLY TO COOPERATION REQUEST**

**REQUESTED AUTHORITY:** \_\_\_\_\_

**REQUESTING AUTHORITY:** \_\_\_\_\_

-----  
**Request reference number:**

**Date of reply:**

**Refusal of Reply/Partial Reply:**

**No:** \_\_\_\_

**Yes:** \_\_\_\_

**Ground for refusal (optional):**

**1. Does not comply with the provisions of the Cooperation Arrangement:** \_\_\_\_\_

**2. Is not compatible with the Gateway to administrative cooperation:**

a. is not compatible with the Member State's security or public policy: \_\_\_\_\_

b. is the competence of other national authorities: \_\_\_\_\_

c. is readily available in the public domain, including the CIRCABC web-based library  
(provide link where relevant): \_\_\_\_\_

**4. Other:** \_\_\_\_\_

**1. Response:**

1.

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2.

*Indicate if other documents are attached to this reply:*

**2. Specify if the data subject has been, or will be, informed about the request for, and the processing of, information, where relevant:**