



Remote Technical and Operating Standards for the Gibraltar Gambling Industry

**Gambling Commissioner's Guidelines -
v.1.1.0**

Issued by the

**Gambling Commissioner
pursuant to S. 6 of the Gambling Act 2005 and
S.11.8 of the Generic Code.**

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0. INTRODUCTION

1. Terms and definitions

“Act”: The Gambling Act 2005.

“account transactions”: Real money gambling bets/wagers and/or transactions for a customer’s account e.g. deposits/withdrawals.

“ATF”: Approved Testing Facility, i.e. a body approved by the Minister to certify the integrity of remote gambling services (or part of) under section 25(3) of the Act.

“computer identifier”: A unique number attributed to a particular computer by an operator.

“time out”: A process by which a customer voluntarily requests their own account be locked for an agreed period in order to assist the customer manage their gambling. The time out period may be between 24 hours to six months.

“dormant account”: A customer account that has had no account transactions initiated by the customer for the period as determined by the operator terms and conditions (typically 12 months).

“Gambling Commissioner” or “Commissioner”: The person or agency appointed by the Minister to undertake this role as defined by the Gambling Act.

“game”: A live game or a computer program composed of a game engine and game skin offered on the licence holder’s website(s).

“game engine”: The structured rules of a game (software), including game mathematics and probabilities, which determines the logic of the game and its outcome.

“game skin”: A game’s title and corresponding artwork, media, etc. through which the game engine is presented.

“Generic Code”: The Generic Code of Practice for the Gibraltar gambling industry.

“licence holder” or “operator”: A Gibraltar remote gambling licence holder.

“mapping”: The process by which the scaled number produced by an RNG is given a symbol or value that is usable and applicable to the current game (e.g. the scaled number 51 might be mapped to an Ace of spades).

“metamorphic game”: A game where free games, feature games or prizes other than jackpots are triggered by the cumulative result of a series of plays. (i.e. tokens are awarded during plays and are accumulated by players).

“range”: The actual size of the output from the RNG. A 32-bit RNG provides 2^{32} possible outcomes (4.29×10^9). If one considers a 64-bit output, one can achieve 1.8×10^{19} different RNG outcomes.

“real money customers”: Registered customers who have made a deposit for the purpose of gambling or been credited with a redeemable or transferable cash value, or are playing or betting for a redeemable or transferable cash value prize or return. Cash value means having intrinsic monetary worth.

“RNG”: Random Number Generator, which refers to hardware and / or software that determines random outcomes for use by the games offered by the licence holder.

“RTOS”: The Remote Technical and Operating Standards.

“%RTP”: The expected percentage of total wager values that a specific game will return to the customer in the long run. The %RTP can be calculated via either a theoretical or simulated approach. The method used for calculation depends on the game type.

“scaling”: The method used to transform raw output from the RNG to the required/useable output. E.g. raw output from an RNG will normally have a range far in excess of that required for its intended use (e.g.: 32-bit RNGs have over two billion possible outcomes, but (for example) may have to determine only which of 52 cards to draw). Scaling is required to divide the raw output into smaller and usable numbers. These ‘scaled’ numbers can then be mapped to particular card numbers, record numbers, symbols, etc. Raw output from an RNG will sometimes have a range far smaller than that required for its intended use (e.g. decimals between 0 and 1). In these cases, scaling is required to expand the raw output into larger usable numbers.

“seed”: The value used as the basis for the next iteration of the function that forms the RNG algorithm (i.e.: in most cases, the last value). The term ‘seed’ is frequently misused in the case of algorithmic RNGs. i.e. the common misconception is that a seed is the initial value of an RNG, and once started there is no use for a seed unless the RNG is restarted.

“skin”: The custom graphical appearance applied to a game title or software.

“system-wide regression test.” Any type of software testing that seeks to uncover software errors by partially retesting a modified program. The intent of regression testing is to provide a general assurance that no additional errors were introduced in the process of fixing other problems.

“timeout receipts”: Deposits made by a customer where the payment processor experienced a communication error while the transaction was pending. The customer’s deposit has been deducted from their bank account but does not reflect on the recipient account until manual reconciliation has taken place.

“written correspondence”: Includes retained letters, emails, chat records and pop up messages.

2. Standards, Principles and Guidelines

The purpose of the RTOS document is to offer more detailed guidance to the Gibraltar remote gambling industry on meeting the broader policy requirements of Gibraltar's regulatory framework. As Standards they are intended to establish arrangements for licence holders to adopt that will ensure the Gibraltar based remote gambling industry continues to develop, follow and represent industry good practice. As such the contents of the document are largely advisory rather than obligatory; however, the **standards** are structured in two parts:

This document will set out both a **principle** and **guidelines** for each standard. The content of a **principle** is derived from a requirement of Gibraltar's regulatory framework, that is the Act, a Licence Agreement, the Generic Code, the AML Code, or any other code of practice or obligatory document. As such, a **principle** should be observed by the licence holder. The **guidelines** are a means, and generally will be a widely recognised and acknowledged means, of observing a **principle**, but a licence holder may transparently adopt alternate arrangements to the same effect.

Each **standard** will make clear reference to the **principle** it is derived from.

3. Remote Technical and Operating Standards

This document will include both technical and broader responsible gambling and other operating guidelines for Gibraltar's remote gambling licence holders, hence the title Remote Technical and Operating Standards. There is an unavoidable degree of overlap and interdependency between different standards, but repetition has been kept to a minimum.

4. Ongoing development and review

Development: The RTOS is a dynamic document, in that further standards, principles or guidelines may be added to the RTOS, or amended, as new matters arise or where it is felt that further information is necessary in respect of a broader policy requirement(s) of Gibraltar's regulatory framework.

Review: The Gambling Commissioner will automatically review the document on an annual basis on the anniversary of publication; all licence holders will have the opportunity to comment on any aspect of the RTOS and/or request any part of the document's content to be included in this review. All amendments will be subject to a 28 day review (approval) period by the Minister for Gambling (or any shorter period he agrees) to allow for any further representations to be considered and/or advice to be suitably amended.

All licence holders will be consulted on any changes to the RTOS, whether review or development.

5. Compliance

The gambling commissioner will monitor a licence holder against the standards through various arrangements as set out in Standard 1.1.

A licence holder found not to be complying with **a principle** is likely to be in breach of a more substantive licensing requirement and the issue will require early explanation and attention. That is not to prejudge the issue in what is recognised as a dynamic and varied industry and market.

A licence holder found not to be complying with **a guideline** will be expected to be able to demonstrate an equally effective set of arrangements for addressing **a principle**.

6. Acknowledgements

Where appropriate the Commissioner will seek to ensure that Gibraltar's RTOS are consistent with other internationally recognised remote gambling standards representing good practice.

As well as reflecting the existing arrangements in Gibraltar, parts of this document reflect and/or incorporate the standards or principles of the following:

- The Ascot Remote Gambling summit agreement.
- The AUS (Australian) standards for the regulation interactive gaming.
- Various established and developing European states' gambling regulations.
- The European Gaming and Betting Association's standards.
- The International Association of Gaming Regulators.
- Gamcare's Player Protection Code of Practice: Responsible; internet operators version 4.0.
- CEN Workshop Agreement 16259.

1 STANDARD 1 - COMPLIANCE ARRANGEMENTS AND PROCESSES

Principle 1.a (Generic Code 2.2) – “Section 6(4) of the Gambling Act requires the Gambling Commissioner to ensure that licence holders act within the terms of their licence agreements, the Gambling Act and in a way that maintains the good reputation of Gibraltar.”

Guidelines

1. Compliance evaluation methods and arrangements

(1) The Commissioner will use various methods to monitor the conduct, activities, and compliance of licence holders with Gibraltar’s regulatory model:

(a) Direct and Regular Engagement:

Gibraltar has a deliberately low number of licence holders, all with a substantive presence in Gibraltar, and all established within close proximity to the regulator. These arrangements facilitate direct and regular engagement between the regulator and the licence holders. This ready access and ongoing liaison with key individuals provides a level of supervision and examination of any relevant activities.

(b) Programmed visits and examination of relevant equipment and information:

The Commissioner will program scheduled visits for each licensee to examine certain aspects of their licensed operation and review compliance with Gibraltar’s regulatory model. Industry trends and a licence holder’s compliance history will be taken into account in respect of the visits, their focus, and their frequency.

(c) Regulatory Returns:

Licence holders shall provide periodic reports to the Commissioner, setting out specified information about the licence holder’s operations, to establish an agreed overview of an operator’s regulated activities. Information required will include matters relating to responsible gambling, complaints, and operational data, etc. The Regulatory Returns Document is developed in consultation with the industry and certain elements, the timing and methodology of the report, may vary over time and between operators.

(d) Examination of complaints:

The Commissioner will investigate complaints received from the public via its Complaint Resolution Procedure. Relevant aspects of a licence holder’s operations (and the industry where applicable) are examined and checked for compliance. The Commissioner also records the number of enquiries and complaints it receives in respect of its licence holders and will monitor them to identify any trends or underlying licence holder and/or industry issues.

(e) Independent third party examination:

Licence holders are required to have relevant aspects of their equipment, software, services, or other functionality, tested and certified by an

independent third party to confirm compliance with Gibraltar's regulatory model and standards. The independent third party's report(s) should be made available to the regulator. Any apparent weaknesses in testing will be notified to the operator for appropriate remedial action.

(f) Website & game monitoring:

The Commissioner's staff will routinely access the websites, games and other offers of licence holders to monitor, review and assess compliance.

(g) Licence holders' reports

A licence holder is required to and/or will submit reports on an ad hoc basis e.g. SARs, underage gambling reports, revenue/duty and accounts statements etc. in respect of specific compliance obligations, regulatory breaches or failures. Consideration and a review of these reports may prompt further investigation.

(h) Intelligence

The regulator's intelligence mechanisms assist in monitoring the conduct and activities of licence holders. This includes information from a range of public and private sources.

(i) Self Reporting

Licence holders are required to bring to the Gambling Commissioner's attention any significant breach, threat to, or apparent contravention of the Gibraltar regulatory model. This should be via a method and in a time frame commensurate with the significance of the event and its impact, or potential impact, on product/customer/system risk and the reputation of the jurisdiction.

(2) Licence holders should appoint appropriate personnel, to assume responsibility for ongoing compliance with the RTOS.

(3) The appointed personnel should:

- (a) Ensure that training and awareness programmes are conducted on an annual basis, or more frequently if deemed necessary, within the licence holder's organisation or with service providers as their work relates to Gibraltar licensed activities.
- (b) Ensure that processes, policies and procedures required for compliance are established, implemented and maintained.
- (c) Have the responsibility and authority to report on compliance with Gibraltar's gambling laws, codes of practice, and the RTOS, to senior management.

2 STANDARD 2 – REGISTRATION OF PARTICIPANTS AND ADMINISTRATION

Principle 2.a (Generic Code 14.1) – “Licence holders should ensure that all their players are registered with them in the form specified in the Act. This is a minimum standard and requires: the players full name, residential address and age (or date of birth).”

Guidelines

2.1 Registration Principles

- (1) Licence holders’ should adopt and develop their customer registration process, as presented to the customer and in terms of automatic and manual support systems, in an effort to ensure accurate and reliable personal registration data is submitted, recorded and processed.
- (2) Registration systems should strike an appropriate balance between the collection of accurate and reliable personal data, and the ease of entry in terms of the customer experience. A properly structured and presented registration process demonstrates that the operator takes the security and accuracy of personal data seriously, and that readily identifiable identification ‘errors’ by customers will be subject to review.
- (3) To elicit accurate and reliable personal data from prospective participants, registration pages should:
 - a) Include information on registration pages e.g. tag/tabs, notices, instructions, etc. to remind participants of the need for accuracy and of the value of using personal data consistent with existing official documents or records that may in due course be checked electronically or manually.
 - b) Advise customers that the withdrawal of deposits or winnings may not be permitted until further identity verification processes have been satisfactorily concluded.
- (4) Licence holders should ensure their registration process elicits and records all available ‘background’ information (‘electronic footprint’) in respect of registered customers and persons making substantive attempts to register as customers (e.g. registrations submitted to the licence holder.) This may include personal data, country of location, IP address, computer identifier, cookie and any other relevant technical data.
- (5) The customer registration process should include the customer’s recorded acknowledgement and agreement to the operator’s terms and conditions and privacy policy (including a record of any deferred or directed access to the T&C available to customers opening account through ‘restricted access devices’ such as small screen mobile phones or PDA’s).
- (6) Terms and conditions should provide a full explanation of the conditions applicable to the registration process, including but not limited to: the number of accounts permitted, the prohibition of proxy, nominee or anonymous accounts, the identity and verification process, and the operator’s right to void or terminate the account.

2.2 Age and Identity Verification of Registered Participants

Principle 2.b (Generic Code 14.3) “The range of identity verification data available to licence holders varies from state to state. In the absence of reliable electronic verification data licence holders should continue to develop alternate means for deterring illegitimate applications and validating the bona fides of applicants, this is likely to involve direct interaction with the applicant via phone/post/email.”

Principle 2.c (Generic Code 8.5) – “Where it is not possible to be satisfied within 72 hours of a first deposit being made (or within the period of time usually sufficient to carry out age verification for customers from a particular state), that the person involved is above the minimum age to gamble, the account should be suspended whilst procedures continue to establish the age of the player, or the account should be cancelled and all stakes returned.”

Guidelines

- (1) A licence holder should take reasonable steps to validate registration details of customers for age, security and responsible gambling purposes. The means to achieve this may differ depending on the information that is available in respect of customers in different jurisdictions. At the point of registration/first time deposit, or on transfer from ‘free play’, a licence holder should perform identity verification checks against third party databases as and where possible, as well as against internal records and system checks.
- (2) Licence holders should engage with electronic verification services, where these are available and add value, in order to verify registration details and identify both errors in data entries or deliberate attempts to mislead operators.
- (3) Licence holders should use and develop the means to search and cross check registration, technical and financial data to identify associations between accounts and attempts to open accounts. Such data may be used positively, to verify and identify participants, as well as defensively for security purposes.
- (4) Where invalid data, missing information, and/or inconsistencies are identified in depositing accounts these should be reviewed on a risk based approach, but especially when other alerts are apparent. Pending any necessary clarification and verification, if significant inconsistencies are identified and are considered “higher-risk” in terms of the veracity of the customer, peer to peer gambling should not be allowed. All other forms of gambling should be subject to additional supervision/monitoring until identification is verified.
- (5) The Commissioner recognises that there are differing degrees of ‘pass’ and ‘fail’ in online registration and verification and it often takes time and secondary processes to resolve matters that for some individuals or in some states, are almost instantaneous. Consequently, it is accepted that ‘unsuccessful’ should be regarded as ‘fail’ only when there is definitive evidence to support that conclusion.

2.3 Account transactions, administration and security

Principle 2.d (Generic Code 9.1) - “Licence holders are required to advise the Gambling Commissioner in writing where customer transaction records are retained. That place will be required to meet the security standards set out in the Commissioner’s Technical Standards document, which will reflect recognised good practice on the storage of personal data. The records should be kept in a manner that will allow true and fair financial statements and accounts to be prepared and audited. Transaction records should be retained for at least 5 years.”

Guidelines

- (1) The licence holder should maintain a record of the following customer account information:
 - a) Customer identity details (including customer identity verification results),
 - b) Account identity details (including changes to these details),
 - c) Any self/operator imposed gambling management measures (including uses of exclusion, limits and duration),
 - d) Details of any previous or related accounts, including reasons for deactivation,
 - e) Deposit / withdrawal history, and current balance
 - f) Gambling event and transaction history (see guideline below).

- (2) A customer’s gambling event and transaction history is an important part of the account information that should be securely recorded, consistent with data protection obligations. Licence holders should be able to recover comprehensive account transaction information which should include, as appropriate:
 - a) customer id.,
 - b) event id.,
 - c) session start and end time,
 - d) customer device details (e.g. ip address, computer id, cookies, as available),
 - e) session’s wager(s) (time-stamped),
 - f) event results (e.g. win \$100, lose \$100)
 - g) The display/symbols/result e.g. card, dice, score, etc. determining the final outcome of the event,
 - h) choices made by customer,
 - i) total monies wagered for session,
 - j) total monies won for session,
 - k) funds added to account for session (time-stamped),
 - l) funds withdrawn from account for session (time-stamped),
 - m) account balance at start and end of session,
 - n) event status (complete, in progress, etc..)
 - o) credits/bonus features awarded in play.

All customer account transactions should be uniquely identifiable and securely maintained in a system audit log.

- (3) Access to any account should be controlled by the use of a designated user identification name and password or similar secure arrangement. The customer should be required to demonstrate their identity in order to access the gambling services provided by the licence holder or information about their account.
- (4) The licence holder should have account security controls in place such as, but not limited to, the following:
 - a) Any operator generated password should be issued to the customer using a recognised secure method.
 - b) A secure process should be established for passwords to be reset/re-issued to customers. This process could include:
 - i) requiring the customer to provide answers to “challenge questions”.
 - ii) issuing the password by means that only the customer should have access to it.; or
 - iii) requiring the customer to demonstrate their identity by other means.
 - c) All customer accounts (including dormant or suspended accounts) should be secured against unauthorised access or update. This includes unauthorised internal access (e.g. by operator staff) and unauthorised external access (e.g. by malicious intruders).
 - d) Where appropriate, the operator should be able to implement a user inactivity timeout to log the customer out and/or end the customer’s session after a specified period of inactivity.
 - e) The operator should advise the customer of the importance of keeping their account details secure.
- (5) Adequate backups of customer account transactions should occur in order to ensure all customer account balances can be recovered in the event of any system failure rendering the gambling system inoperable.
- (6) Each customer should be permitted to have only one active account at a time or an operator should be able to link multiple brand accounts to that individual.
- (7) A licence holder should have a system in place to record each customer login time and, where applicable, log out/termination time. Notwithstanding that ‘logged on’ time is only a measure of system access and not use, this information should be demonstrable to the customer via his/her account history or upon request in the form of a schedule of their gaming sessions.

2.4 Customer transactions information and history

- (1) Customer account transactions should be recorded in a comprehensive, accurate, and intelligible manner. Licence holders should provide customers with direct remote access to their account history dating back for a minimum period of thirty days, with older material being made available on request as per terms and conditions.
- (2) Where credits are displayed in game play, the customer’s current account balance should be displayed in currency (as opposed to credits). Information on the credit to currency conversion should be clear and readily accessible. Telephone betting

customers who do not have online access to account balance information, should be provided with their balance on request.

- (2) Customer account transaction presentations should include sufficient information to allow the customer to reconcile the account transactions statement against their own financial records.
- (3) Customers should be able to review at least their last game, either as a re-enactment or by description. The review process should clearly indicate that it is a replay of the previous game, and should make apparent:
 - a) The date and time the game was played,
 - b) The display/symbols e.g. dice results, cards, etc... associated with the final outcome of the game.
 - c) Total customer cash / credits at start and end of play,
 - d) Amount gambled including any multipliers (e.g.: number of lines played, and cash /credits bet per line),
 - e) Total cash / credits won for the prize resulting from the last play (including progressive jackpots),
 - f) Any customer choices involved in the game outcome, and
 - g) Results of any intermediate game phases, such as gambles or feature games.
- (4) Customers should be able to review their last bet (sports events etc.), have ready access to their recent betting history and be able to access their historic activity. This should include:
 - a) The date and time the bet was placed,
 - b) The details of the bet (event, value, odds etc.),
 - c) Value won or lost, including any returned bet value or deducted 'bonus' bets.
 - d) Cumulative balance information (which may be qualified or require calculation.)
- (5) Where odds are reduced between the first submission and final acceptance of a bet, a system record should be created which confirms adjusted odds were accepted.

2.5 Customer deposits, balances and withdrawals

- (1) Payments to and from customers should be conducted according to a formal documented process.
- (2) A customer should be able to access at any time a fair representation of the balance/value of an active account.
- (3) Subject to any legitimate restrictions that may legitimately apply (e.g. ongoing security checks) a customer should be able to initiate the withdrawal of funds from his account at any time.
- (4) A licence holder should ensure prompt and accurate processing of withdrawal requests, subject to appropriate and necessary checks and verifications. Processing should normally be completed within 5 working days (excluding weekends and bank holidays) of the conclusion of verifications. The payment method used by the

customer may add to the time before a customer is actually in receipt of such funds.

- (5) Licence holders should provide a description of the withdrawal process in their terms and conditions (or other appropriate place) including a general description of the time normally taken to process withdrawals of different types.
- (6) Financial reconciliations performed for deposits, balances and withdrawals should be reviewed.
- (7) Information about any currency conversion rates applicable to deposits, balances and withdrawals should be readily accessible from the operator's website.
- (8) A customer should not be given credit for gaming (other than through the provision of a promotion or bonus). Where credit accounts are permitted operators must apply recognised credit models and risk assessment processes.
- (9) The detection and correction of timeout receipts (disrupted transaction processing) should be conducted in accordance with a documented process.
- (10) Account related customer queries should be promptly addressed.
- (11) The licence holder's liability for customer balances, pending withdrawals and guaranteed prizes should be separately identifiable at any point in time, and operators should be able to demonstrate sufficient cash and cash equivalents to pay these balances.

2.6 Dormant Accounts

- (1) Inactive accounts (no customer transactions) require additional supervision and protection. Inactive accounts may be deemed dormant accounts subject to administrative/management charges only after a period as specified in terms and conditions.
- (2) Licence holders should review and manage all inactive accounts, and should attempt to contact customers, including written correspondence, before an account is made dormant and subject to administrative charges. Where the operator imposes dormant account charges, these should be proportionate to the cost of the management and administrative efforts made to contact the customer. Attempts to contact the customer should make clear the licence holder's dormant account policy and administrative charges.
- (3) A licence holder should give at least 14 days written notice to the customer before the account is deemed dormant and is subject to deductions/charges.
- (4) The efforts to contact the customer should be proportionate to the value of the account balance; accounts should not be 'zeroed' until the conclusion of the dormant account policy.
- (5) A licence holder's dormant account policy should be included in the terms and conditions and be readily accessible on licence holders' websites.

- (6) Where an account becomes dormant and dormant account charges have been imposed, the customer should be able to apply to recover the balance of their account. Administrative charges may be reimbursed at the licence holder's discretion.
- (7) Licence holders should have a process to establish and deal with bona fide third party claims in respect of dormant accounts involving alleged bereavement or incapacity.

2.7 Account suspension

- (1) Suspension of accounts should be through a process documented in the terms and conditions.
- (2) Account balances in suspended accounts must be subject to ongoing supervision and reconciliations to prevent internal fraud or unauthorised access.
- (3) Any uncontested funds should be remitted to the customer on request, subject to substantive identity and security checks.
- (4) Contested funds should be retained by the operator pending any legal process or investigation to determine their disposal.

3 STANDARD 3 – PRESENTATION OF RULES AND CUSTOMER INFORMATION

Principle 3.a (Generic Code 6.1) - “All licence holders are required to publish their rules where they are visible and accessible to all those who visit or use their facilities for gambling. ‘Rules’ will be regarded as the terms and conditions of the gambling as well as the rules by which any particular game or activity has to be undertaken.”

Principle 3.b (Generic Code 6.2) “The Gambling Commissioner understands the term ‘readily accessible’ to mean a live link from the home page(s), ‘about us’ page and the customer registration pages of the relevant website(s) to a dedicated presentation of the relevant rules. Where a remote licence holder controls a series of websites or brands or operates through joint ventures, the rules should be accessible as above for each specific website.”

Guidelines

3.1 General

- (1) Rules or information published or presented to the customer in any form e.g. visual, auditory, written, pictorial:
 - a) Should be accurate, intelligible, and unambiguous (not misleading)
 - b) Should be reviewed where they are found to be open to misunderstanding or misinterpretation on a recurring basis.
 - c) Should be accessible from the home page or any presentation of access to ‘Terms and Conditions’ as a live link.
 - d) Should be legible and in a recoverable format (e.g. to print or save).
 - e) Should be fit for purpose in terms of the issues generated by the licence holder’s business model, product offers and customer activities likely to be contended.

3.2 Terms & Conditions

- (1) Where it is not possible to present the full terms and conditions to the customer at the point of registration, for example, for telephone betting and mobile gambling, customers should be advised at the time of registration how to access the operator’s terms and conditions. Terms and conditions may, for example, be made available on the operator’s website and/or be delivered by post and/or email.
- (2) A licence holder should have a privacy policy that is stated in a clear and intelligible manner readily accessible on their web site(s), and which should at least refer to:
 - a) The minimum information that is required to be collected, the purpose for information collection, the conditions under which information may be disclosed and the controls in place to prevent the unauthorised or unnecessary disclosure of the information.
 - b) The extent to which the licence holder, authorised external agencies, licensing, and regulatory staff, have access to their account information.
 - c) Where it is not possible to present the privacy policy to the customer at the point of registration, for example, for telephone betting, customers should be advised how to access the policy.

- d) Where the operator intends to use data for purposes not directly related to the offering of a gambling product (e.g. for inclusion in a mailing list), additional specific consent should be granted by the customer. Withholding this type of consent should not be used as grounds to refuse to conduct business with a person.
- (3) The terms and conditions should clearly define the licence holder's policies in respect of malfunctions of gambling hardware / software.
- (4) A licence holder's terms and conditions and underage gambling policy should state that no person under 18 or the minimum permitted age is permitted to participate in remote gambling with the licence holder. Reference shall be made to the licence holder's underage gambling policy; the underage gambling policy shall clearly state the procedure applicable in the event that an underage individual is identified.
- (5) Where remote gambling is provided in different languages:
 - a) The terms and conditions and game information should be provided in the language specified for that version,
 - b) The terms and conditions and game information should carry the same meaning across all language versions so that no one version is advantaged or disadvantaged.
- (6) The licence holder's website terms and conditions should state that only customers legally permitted can participate in gambling activities.

3.3 Safeguarding of information

- (1) Customer credit card numbers stored on the system should be secured from unauthorised use.
- (2) Permanent and temporary employment contracts and commercial contracts permitting access to confidential data should contain a "confidentiality" clause prohibiting the unauthorised or unnecessary disclosure of customer information.

3.4 Game rules and information

- (3) For each game, the licence holder's game rules and information should be readily accessible and identifiable in a clear and intelligible manner by way of a conspicuous link to the game rules on the home pages for gaming products, game selection screens/menus, and within individual games.
- (4) The game rules should not be unfair or misleading.
- (5) The availability of game rules and information should be checked regularly; if the information is not available the game should not be made available for gambling.

- (6) The published game rules and information should be sufficient to explain to customers all of the applicable rules and how to participate. As applicable, game information should include the following:
- a) the name of the game;
 - b) the applicable rules, including clear descriptions of what constitutes a winning outcome;
 - c) any restrictions on play or betting, such as any play duration limits, maximum win values, bet limits, etc;
 - d) the number of decks or frequency of shuffles in a virtual card game;
 - e) whether there are contributions to jackpots (“progressives”) and the way in which the jackpot operates, for example, whether the jackpot is won by achieving a particular outcome;
 - f) instructions on how to interact with the game; and
 - g) any rules pertaining to metamorphosis of games, for example, the number and type of tokens that need to be collected in order to qualify for a feature or bonus round and the rules and behaviour of the bonus round where they differ from the main game.
 - h) Information about the likelihood of winning:
 - i) a description of the way the game works and the way in which winners are determined and prizes allocated;
 - ii) For each game, information about the potential prizes and/or payouts (including the means by which these are calculated) should be easily available. This should include, where applicable:
 - (1) Pay tables, or the odds paid for particular outcomes.
 - (2) For peer-to-peer games where the prize is determined based on the actions of the participants a description of the way the game works and the rake or commission charged.
 - (3) For lotteries and other types of events where the potential amount or prize paid out may not be known before the customer commits to gamble, describing the way in which the prize amount is determined will be sufficient.
 - (4) Displays of jackpot amounts that change over time (“progressives”) should be regularly updated and as soon as possible after the jackpot has been reset following a win.
- (7) The following information should be displayed on the game’s interface for each game:
- a) The name of the game.
 - b) The game should display the unit and total stake for the customer’s gamble including conversions to currencies or tokens.
 - c) The information displayed about the game result should be sufficient for the customer to determine whether they have lost or won and the value of any winnings.
 - d) The game should display the result of every game in which the customer participates for a reasonable period of time, that is, sufficient time for the customer to be able to understand the result of the game in the context of their gamble.

- (8) For multi-state or metamorphic games, as the game progresses clear information sufficient to inform the customer about the current state of the game should be displayed on screen in text and/or artwork. For example:
- a) where a game builds up a collection of tokens (symbols, etc) the current number collected should be displayed,
 - b) where different rules apply an indication of the rules that are currently relevant, such as “bonus round” or other feature labels.
- (9) The game rules (or terms and conditions) should cater for situations where the licence holder loses connectivity with the customer and how such customers will not be unfairly disadvantaged.
- (10) Game rules should be date stamped and previous versions should be made available to customers on request.
- (11) The general playing rules and the payout percentage for a particular game should be the same in free play mode as it is in the real money game.
- (12) Customers should be informed in any betting opportunity relying on ‘live’ monitoring of an event (e.g. betting in play) that ‘live’ transmissions may be subject to delay or interruption. Where a delay is apparent to the licence holder, or is created by the licence holder, the scale of the delay should be made apparent to the customer.
- (13) Where any information about the progress of a betting event is made available to customers via an operator’s website, the status and reliability of that information in terms of any future betting decisions by customers should be made readily apparent to the customer.

3.5 Jackpots

- (1) Where a simultaneous win, or the appearance of a simultaneous win, is possible, the rules of the game should include the possibility and the means of resolving this possibility.

3.6 Multi-customer games

- (1) Where the licence holder uses programs to participate in gambling on their behalf in peer-to-peer gambling (e.g. “robots”), information should be displayed which clearly informs customers that the licence holder uses this kind of software. The use of ‘bots’ is not encouraged and should be made apparent to customers if they are deployed.
- (2) Customers should be made aware that other customers may use bots or programmes. This information should be available on the game rules or terms and conditions and should warn customers of the risks of gambling against robots and of using robots themselves, that is, that the predictability of robots may be exploited by other customers.

- (3) Information should be made easily available on how customers should report suspected robot use and such reports should be properly investigated, and operators should adopt appropriate technology to detect and investigate robot use.
- (4) Customers should be informed on the game rules where performance characteristics of networks or end-user devices (e.g. speed of connection or processor) may have, or may appear to have, an effect on the game, such as in decision making where speed is a factor, the update of progressive jackpot values or disconnection from multi player games.

3.7. Monitoring of Rules

Principle 3.c (Generic Code 6.3) - “Licence holders are required to expect that where customers may reasonably assume rules to be well established, understood or unchanged, but they are not, due emphasis will be given to those variant rules. Licence holders should monitor customer interpretation of rules and be prepared to make appropriate amendments where misunderstandings occur.”

Guidelines

- (1) Licence holders should review and amend any terms and conditions that are found to cause confusion amongst customers.
- (2) Licence holders should notify customers via written correspondence and/or on screen advice when any significant terms and conditions are changed. Such notification may be general or selective, as appropriate. Records should be kept as to how and when such notifications were managed.
- (3) Applicable game rules and/or information should not be changed during a session unless adequate advance notification is given to customer. (e.g. where customers have incomplete games, etc)
- (4) Applicable game rules and/or information should not be changed between a customer making a bet and the result of the bet being generated and calculated unless the customer was aware of the change before the bet was made. For jackpots, parameters should not be altered outside stated T&C’s once customer(s) have contributed to the jackpot.
- (5) Changes to rules and pay tables should not be retrospective in their effect. Generally, and wherever possible, changes should be applied when the facility is inactive or deactivated and be readily apparent to any customer returning to a facility.

3.8 Licensing Information to be displayed on webpages

Principle 3.d (Generic Code 16.1) – “The Act requires licence holders to display on their home page a link or links to a page(s) that includes:

1. the full name of the licence holder and the address in Gibraltar from which he carries on business under the licence;
2. a statement that the licence holder is licensed under the Act by the Gibraltar Licensing Authority;
3. a statement that the licence holder is regulated under the Act by the Gibraltar Gambling Commissioner;
4. and a statement in respect of the permitted age for gambling.”

Guidelines

- (1) Due to the changing practices of different jurisdictions and both properly licensed and unlicensed operators, and to better protect the reputation of Gibraltar and its licensees, licence holders should present their licenced and regulatory status to customers clearly and consistently and not in ways that may lead customers to be confused as to the extent or nature of their licensed status.
- (2) Licence holders should include on the primary webpages and landing pages of the licence holders’ Gibraltar licensed products:
 - (a) as a footer, the information stated in section 16.1 of the Generic Code, i.e. **Operator Name and Address** is licensed by the Government of Gibraltar **Licence Number XX** (optional) and is regulated by the Gibraltar Gambling Commissioner.
 - (b) Government of Gibraltar Gambling Division web links.
- (3) White label and platform partner web pages should provide a conspicuous link to information that accurately describes the relationship between the licence holder and the co-owner/co-controller of the relevant web pages. (See Standard 13.2(4)).

4. STANDARD 4 – RESPONSIBLE GAMBLING AWARENESS AND PROVISION OF INFORMATION

Principle 4.a (Generic Code 5.7) – “Licence holders should designate a named individual of appropriate seniority to hold responsibility for ensuring that the licence holder’s responsible gambling policies are relevant, up to date and effectively communicated to all members of the organisation associated with providing gambling facilities.”

Guidelines

4.1. Responsible Gambling training

- (1) Licence holders should appoint a designated individual to hold responsibility for ensuring that the licence holder’s responsible gambling policies are relevant, up to date and effectively communicated to all members of the organisation associated with providing gambling facilities.
- (2) This individual, referred to here as the ‘Responsible Gambling Manager’, should be adequately and appropriately trained in responsible gambling policies and procedures, to ensure awareness and understanding of problem gambling issues in the organisation and, as necessary, in any partner organisations.
- (3) The responsible gambling manager should have sufficient authority to develop, communicate, implement, and maintain responsible gambling policies and practices throughout the organisation.
- (4) All customer-facing staff and agents should be trained to an appropriate level to ensure awareness and understanding of problem gambling issues and how to respond when receiving contact relating to problem gambling.
- (5) Training for staff and agents should be refreshed on an annual basis and staff participation/completion of training should be recorded.
- (6) Licence holders should review the effectiveness of their responsible gambling policies and processes not less than annually.
- (7) Licence holders should notify the Gambling Commissioner of any corporate responsible gambling certification that it receives.
- (8) Relevant third party and business partner contractual terms and conditions should provide the operator the right to terminate the contract where that third party’s conduct conflicts with the operator’s responsible gambling program.

4.2. Responsible Gambling Information

Principle 4.b (Generic Code 5.5) - “Licence holders are required to make information available to customers about responsible gambling practices, including self exclusion. For remote gambling licence holders, in addition to a reference in the terms and conditions, a conspicuous link to responsible gambling information, including details of organisations dedicated to assisting problem gamblers, should be displayed on the website and on a page at the start of any gambling session, often referred to as the ‘lobby’ or ‘entry’ pages, or where username, password and other site access information is typically provided. Similarly, such a link should be provided at the end of the gambling session when the player uses the log out facility.”

Guidelines

- (1) Licence holders should design, develop and implement a well constructed system for communicating responsible gambling principles and protections to customers and potential customers. Responsible gambling information should be a progressive multi-layered information system that may be split and arranged as follows:
 - (a) **Layer 1 – General awareness of responsible gambling information:** general information about responsible gambling should be readily available to all visitors and customers accessing the operator’s remote gambling website(s).
 - (b) **Layer 2 – Targeted responsible gambling information:** a reminder of responsible gambling and more detailed written information and advice on responsible gambling should be provided to customers (e.g. via email) whenever they set a gambling limit or otherwise use any of the operator’s gambling management tools. Where such information has been provided within the past 7 days, in need not be sent again.
 - (c) **Layer 3 – Providing problem gambling information:** Where a customer seeks exclusion of six months or more they should be provided with substantive advice about the operation of the self exclusion policy together with information on responsible gambling principles, including the contact details of at least one organisation that advises, assists with and/or treats problem gambling. Other than in exceptional circumstances (which should be recorded), the customer should not be able to opt out of receiving this information.
 - (d) **Layer 4 – Providing controlled return advice:** where a self excluded customer wishes to re-open/register an account, or in another form requests to return to gambling with the operator, the customer should be sent a specific information package/email catering for excluded customers returning to gambling. The customer should not be able to opt out of receiving this information. The information should include the following:
 - (i) information and advice on problem gambling;
 - (ii) advice on returning to gambling and using gambling management tools;
 - (iii) encouragement to gamble responsibly and to avoid excessive gambling;

- (iv) encouragement to avoid gambling if he/she is unsure about his/her return;
 - (v) contact details of an organisation dedicated to treating and/or assisting problem gamblers, before returning to gambling.
 - (vi) a record of the despatch/email/communication of responsible gambling information.
- (2) Self excluded 'telephone only' customers should be offered the same information as online customers who re-open/register an account. Where this is not practicable then the information must be communicated orally and a record of the communication retained by the operator.

4.3. Awareness of responsible gambling

- (1) Notwithstanding the varied structure of licence holders' online products, the home page of licence holder's website(s) and downloaded gambling software should have a direct link to a responsible gambling website/webpage operated and maintained by or on behalf of the licence holder that:
- (a) Provides a statement of the licence holder's commitment to responsible gambling.
 - (b) Provides details of the licence holder's responsible gambling policy.
 - (c) Advises on responsible gambling practices and encourages customers to gamble responsibly.
 - (d) Advises on and provides a credible problem gambling self assessment tool or process.
 - (e) Provides a link to, and contact details (e.g. email and helpline number) of, at least one organisation dedicated to treating and/or assisting problem gamblers, should anyone be concerned about their own or someone else's gambling.
 - (f) Informs customers about and provides access to the licence holder's gambling management and/or customer protection facilities, such as:
 - (i) deposit limit and other financial management facilities
 - (ii) time management facilities
 - (iii) time out periods
 - (iv) exclusion facilities
- (2) Responsible gambling information should be accessible via 'one click' from the home page and the customer registration pages and whilst gambling pages are accessed.
- (3) Any 'Responsible Gambling' (or similarly named) link or logo or other indication of responsible gambling advice, should give direct access ('one click') to that advice.
- (4) Unless deemed inappropriate, direct written communication (e.g. post/mail, email, etc...) with the customer should carry a statement that encourages and/or reminds the customer to gamble responsibly.
- (5) The gambling account management interface, particularly the deposit and withdrawal sections, should contain a direct hyperlink to the following:
- (a) deposit limit and other gambling management facilities;

- (b) a conspicuous direct link to the licence holder's responsible gambling webpage/website.
- (6) All links to the licence holder's responsible gambling webpage/site and links to responsible gambling organisations dedicated to assisting problem gamblers should be regularly tested by the licence holder. Where the service is no longer available or is not available for a significant period of time, the licence holder should to identify an alternative support service.
- (7) A licence holder should not display commercial advertising or promotional material on their responsible gambling website and/or webpages.
- (8) Messages of a licence holder's support for the provision of problem gambling treatment, research or education initiatives must be accurate and up to date.
- (9) Responsible gambling information including warnings on underage gambling should also be accessible from the 'free play' website presentations as per the real money version.

4.4 Responsible marketing

Principle 4.b (Generic Code 17) - "The Commissioner is not minded advise the Minister to consider prescribing any further rules concerning the advertising of their gambling facilities whilst licence holders continue to observe the requirements of the Act and their licence agreements, i.e. that they observe the law and/or guidelines on advertising in place in those jurisdictions where their facilities may be accessed. In particular, where they do advertise, they observe the requirements of Section 32(3) of the Act, i.e. advertisements must not be:

- 1 indecent, pornographic or offensive;
- 2 false, deceptive or misleading;
- 3 intended to appeal specifically to persons under the minimum permitted age; or
- 4 in breach of copyright laws."

Guidelines

- (1) Advertisements should contain factually correct information and should not be false or misleading, particularly with regard to customer winnings.
- (2) Advertisements should not entice underage individuals to gamble, and should not be displayed in media that is clearly targeted at underage individuals.
- (3) Customers should not be encouraged to chase their losses or re-invest their winnings and at no time should it be suggested that gambling is a means of solving financial difficulties.

- (4) Advertisements and promotional content should be within the spirit of responsible gambling.
- (5) Terms and conditions applicable to promotional activities should be clearly displayed, including start and end dates, and should not be unreasonably altered during the promotion.
- (6) Direct advertisements and promotional communication should carry an age restriction warning where practical.
- (7) Email, SMS and bonus advertisements should have an unsubscribe, or opt out, facility.
- (8) The licence holder should not abuse its relationship with the customer by any unauthorized activity on the customer's computer system.
- (9) Licence holders should ensure that any affiliate and/or third party performing advertisements or undertaking other forms of marketing on their behalf is aware of and is willing to take appropriate steps to abide by S.4.4 of the RTOS.
- (10) If the licence holder becomes aware of an affiliate and/or third party behaving in a manner that contravenes the RTOS and/or other Gambling laws or, the licence holder should take reasonable steps to ensure that the affiliate ceases that behaviour or that the affiliate and/or third party contract is terminated.

4.5 Use of local languages.

Principle 4.d (Generic Code 5.6) - "Responsible gambling facilities should be offered in the language(s) of the predominant users or intended users of the licence holders' site(s) and/or game client".

Guidelines

- (1) Responsible gambling facilities and customer information should be offered in the language(s) the licence holder provides its remote gambling website(s) and services.

5. STANDARD 5 – GAMBLING MANAGEMENT FACILITIES

Principle 4.a (Generic Code 5.8) “A licence holder should provide readily accessible self limitation facilities to assist the customer manage and control their gambling, such as deposit, time, and/or other limits.”

Guidelines

5.1. Financial and time management limits

- (1) Irrespective of where the customer is located, he or she should be provided with the opportunity and tools to help them monitor, manage and control their gambling behaviour. A licence holder’s procedures for implementing its Gambling Management facilities should be readily accessible and clearly communicated on the licence holder’s website(s). In the case of telephone gambling the information should be made available by contacting the licence holder’s customer service representatives, and where necessary should be made available in writing.
- (2) The Gambling Management procedure(s) should clearly state the arrangements for setting a gambling management facility and make clear that for a gambling management facility to be implemented the customer is required to follow the gambling management implementation procedure(s).
- (3) Customers should have the ability to set a gambling management facility (deposit or time) as part of the registration process or at the point at which the customer makes the first deposit.
- (4) A licence holder’s procedure for customers to initiate a gambling management facility should be user friendly and unambiguous.
- (5) The gambling management facilities should include at least one of the following gambling management options:
 - a) Deposit limit per time period – an overall maximum deposit limit over a specified period of time (e.g. daily, weekly, etc...)
 - b) Time played reminder – a means for the customer to be reminded of the length of time he has been logged on to the gambling facilities.
- (6) Except for gambling provided via mobile phones and devices with similar limited display capabilities, a clock displaying the current time, local to the customer, should be clearly visible at all times. (This may be the PC clock, for example, found within the taskbar.) If for any reason the PC clock is automatically obscured by the game client then the operator should add an onscreen clock as part of the service.
- (7) The licence holder may set their own gambling management facility limits for customers, in which case:
 - a) Customers should be informed of any such limits.
 - b) The lower of the two limits (self/imposed by licence holder) should always apply.

- (8) Where a customer requests a limit to be reduced (reduced gambling), it should be implemented as soon as reasonably practicable given the circumstances and timing of the request. The request process should make the customer aware that any requested reduction in a limit will not be implemented until notification in writing has been issued to the customer.
- (9) Customers should be able to impose the limit of their choice or a limit from a substantive range of preset limits. 'No limit' may be an option but should not be the default limit option/value.
- (10) Once established by a customer, a request to increase a limit (increased gambling) should, generally, only be implemented after a 24 hour period. There may be circumstances however where a request to increase a limit(s) may be implemented before 24 hours. In these cases:
- a) A trained manager should consider the request and allow the limit to be increased if he/she considers it appropriate. A trained manager is considered to be someone of appropriate seniority and appointed by the licence holder to make judgements and take responsibility for such decisions.
 - b) A record of the request including details of the request, the manager(s) involved, the decision, and the reasons for the decision should be kept. Typically, such cases will involve established and unproblematic customers with an evident reason for increasing their limit.
- (11) Where a gambling management facility fails and/or a registered customer is able to gamble beyond an agreed limit established with the licence holder, the licence holder should notify the Commissioner of the occurrence providing a description of the event and the cause of the failure and/or circumvention of the system.

5.2. Access control facilities

Principle 5.b (Generic Code 5.1) - "Licence holders should have defined systems in place to enable customers to request to be self excluded. Such requests should be a deliberate and considered action by the customer and should be implemented by the licence holder as soon as practicable and in compliance with the defined procedure. Implementation should include confirming receipt of the request to self exclude via an identified e-mail account or the means of correspondence/communication used by the customer. Confirmation should include specific information on the process and consequences of self exclusion, including the point at which self exclusion has commenced."

Guidelines

- (1) Licence holders should have in place systems that enable a customer to request to be prevented from accessing a licence holder's gambling facilities. Licence holders should offer customers the following access control facilities:

- (a) Time out: enable the customer to request a 'time out' period, up to 6 months. During the 'time out' period the licence holder should prevent further gambling activities as agreed with the customer and make reasonable endeavours to prevent marketing to customers during the time out period.
 - (b) Self Exclusion: enable the customer to request Self Exclusion from the licence holders facilities for a period of six months or more.
- (2) Requests for access control should be recorded and implemented as soon as practicable. Whilst there should be no undue delay in implementing such requests, access control is open to misinterpretation and abuse. To minimise the possibility of disputes, such requests should be carefully administered.
- (3) A licence holder's description of its access control procedures should be readily accessible and clearly communicated on or from the licence holder's Responsible Gambling pages and make clear that it is an agreed, structured and documented process, even for telephone accounts, that takes a reasonable working period to implement.
- (4) The documented process for the access control facilities should clearly state the different conditions for each facility. It should make clear that for any such facility to be implemented the customer must follow the clearly documented procedure, and that the licence holder will do likewise.
- (5) Licence holders should consider making available to customers time out and exclusion periods for specific products e.g. sports book, casino, poker, bingo etc.
- (6) The customer's request for Time Out or Self Exclusion should be implemented consistently across all brands and labels under the control of the licence holder.
- (7) The Commissioner encourages licence holders to adopt implementation processes that minimise any ambiguity about whether a customer has sought access control, when it starts and finishes, the relevant sites/brands, the relevant conditions, including the required actions of the customer during the control period. (e.g. no duplicate accounts and self management by the customer.)
- (8) Where a customer requests access control the licence holder should ensure that:
- (a) There is a review of any previous access control requests and these are taken into consideration in determining the most appropriate response.
 - (b) As soon as reasonably practicable following the licence holder's processing of the request, no new bets or deposits are accepted from that customer, until such time as the control has expired or been removed.
 - (c) During the control period, the customer is not prevented from withdrawing any or all of their cleared account balance.
 - (d) Where 'permanent' or 'open ended' self exclusion is offered, the licence holder should ensure that the customer's account balance is remitted to the customer.

- (e) In the event of six months or more exclusion, where the customer is identified as wishing to resume gambling after the conclusion of the control period, the excluded customer should be invited to confirm to the licence holder via a documented process that they wish to return from the exclusion before their account or the facility is re-instated.
 - (f) In the event of time out being taken by the customer the operator should impose a suspension of that account for the agreed period. Time out does not impose an obligation on the operator to 'lock out' the customer if he or she requests or decides to return to gambling or has other facilities. Then the Time out expires or is cancelled by the customer, a simpler means of returning to gambling, proportionate to the nature of the request, can be applied.
- (9) Licence holders may decide to exclude a customer for responsible gambling reasons ('operator imposed exclusion'), in which case a record should be kept of the assessment and decision made and any account balance remitted to the customer.
- (10) A third party making an application for a customer's self exclusion should be properly identified by the operator. Taking into consideration Data Protection legislation, an appropriate manager should give due consideration to the appropriate course of action to be taken in response to such requests.
- (11) Licence holders should take all reasonable steps to prevent their own marketing material being sent to customers who are subject to substantive access control. Where the licence holder has provided customer personal data to third parties similar steps should be taken to ensure that those third parties make arrangements to ensure that marketing material is controlled. It is recognised that up to or over 28 days may be needed to cancel future marketing plans.
- (12) Where a self excluded customer is able to breach the exclusion system and is subsequently detected, the reimbursement of deposits is at the licence holder's discretion and should take into account the history of the customer. Breaches to self exclusion should not be incentivised by the automatic reimbursement of deposits or the payment of winnings.

6. STANDARD 6 – PREVENTING UNDERAGE GAMBLING

Principle 6.a (Generic Code 8.1) - “Licence holders are expected to take all reasonable steps to prevent persons under the minimum permitted age from using their gambling facilities. Such steps should be initiated at the time the person seeks to access the facilities, by way of generic age requirement warning notice(s).”

Principle 6.b (Generic Code 16.3) – “Given the complexity of many licence holders’ websites and web operating structures, and the diverse means of accessing remote gambling facilities, inclusion of the above information at the home page only is seen as unlikely to be adequate. Consequently, the Commissioner requires licence holders to ensure that the motifs/emblems, and those associated with problem gambling services and any other ‘warranty’ or ‘assurance’, or warning links, or terms and conditions, are displayed on the website and on an appropriate page at the start of any gambling session, often referred to as the ‘lobby’ or ‘entry’ pages, or where username, password and other site access information is typically provided. Similarly, such a link should be provided at the end of the gambling session when the player uses the log out facility.

Guidelines

6.1 Underage gambling warnings and information

- (1) Preventing underage access to gambling facilities is an ongoing process rather than a single activity. Licence holders are required to ensure that their marketing campaigns, including ‘no prize’ games, are not directed or specifically attractive to those below the minimum age to gamble. Additionally, the presentation and content of sites should not be designed to appeal to underage audiences, and sites should carry repeated warnings that those under the permitted age are not permitted to gamble, and that winnings are not paid out until age and identity have been formally verified.
- (2) Terms and Conditions should make clear that underage gambling is not acceptable and that such attempts or activities are reported to the Gambling Commissioner who may refer the matter to the customer’s local prosecution authorities.

A licence holder should include on their websites a webpage dedicated to underage gambling that provides links to, and/or advises of:

- (a) the licence holder’s underage gambling policy;
 - (b) reputable filtering service providers such as Internet Content Rating Association (ICRA) Net Nanny, or Cyberpatrol to assist parents (or other) prevent access by persons under the minimum permitted age.
- (4) The following web pages (or sections) of the licence holder’s remote gambling website(s) and where applicable game client should display an obvious sign or hyperlink to the effect that persons under the minimum permitted age are not permitted to participate in the gambling activities provided by the licence holder, which links through to the licence holder’s information addressing underage gambling.

- a) home page
- b) account registration pages, especially where the customer is required to affirm (s)he is of legal age to gamble
- c) responsible gambling website/webpage (see section 4.3(1)).
- d) the 'lobby' or 'entry' pages where username, password and other site access information is typically provided.
- e) 'Log out' page or at the end of the gambling session when the customer uses the log out facility.

A licence holder's 'no prizes' services should provide the same underage gambling warnings and information as the 'real money' services.

6.2. Age verification of registered participants

Principle 6.c (Generic Code 8.1) - "More proactive means of establishing age should be applied in the registration process or at first deposit, including the deposit of 'cash' from bonuses or other means". "These should include a positive action by the applicant to acknowledge the age limit, as well as providing date of birth and other necessary registration details."

Principle 6.d (Generic Code 8.3) "It is recognised that a credit card issuer is more likely than not to have performed an age verification check, and a credit card user is more likely than not to be a person over the age of 18. The Commissioner is of the view that this provides a level of assurance that the card holder is over the age of 18. Conversely, other payment systems are, to varying degrees, less likely to have involved age verification, and licence holders should be mindful of those differences when registering players, together with any known indicators of underage players seeking to gain access to facilities."

Principle 6.e (Generic Code 8.5) "Where it is not possible to be satisfied within 72 hours of a first deposit being made (or within the period of time usually sufficient to carry out age verification for customers from a particular state), that the person involved is above the minimum age to gamble, the account should be suspended whilst procedures continue to establish the age of the player, or the account should be cancelled and all stakes returned."

Guidelines

- (1) Age and customer verification should be conducted in accordance with a formally documented process.
- (2) The registration process should include a positive age affirmation by the applicant as well as providing date of birth, e.g. over 18 check box.
- (3) A licence holder should advise customers at an early stage in the registration process that identity documents may be required to verify the member's age and identity and release winnings.

- (4) The majority of on-line payment methods are directed at and accessible by over 18s so offer limited risk of under age gambling. Licence holders should concentrate resources and attention on those payment methods that are accessible to persons under the age of 18 . Pre-pay cards fall into this category, except where the operator is satisfied that adequate age verification checks have already been made by the card issuer. For the purposes of this document payment methods accessible by persons under 18 will be referred to as 'higher risk payment types'.
- (5) Age and Identity Verification should be prioritised for any customer that has not been age and identity verified and seeks to deposit with a higher risk payment type, and/or provides a date of birth between 18 and 21 years old. Industry and regulatory experience indicates that those who are underage who seek to register usually give an age which is close to their real age.
- (6) A licence holder's age verification system should include an element of objective validation via a verification service, such as that provided by specialist identity verification companies or through direct reference to reliable documentation, for example a passport, driving licence or birth certificate. Staff should be appropriately trained in age verification procedures.
- (7) Licence holders should work with reputable verification service providers to improve coverage and quality of verification services available.
- (8) Age verification processes should be commensurate with the age confirmation facilities available in relevant jurisdictions. Where possible they should be completed within 72 hours (i.e. the age verification period), or within the period of time usually sufficient to carry out age verification for customers from a particular state. Unsuccessful age verification should lead to the account being supervised and then reviewed, restricted or suspended until procedures establish the age of the customer as over 18.
- (9) During the age verification period:
 - a) Customers may be able to deposit funds and gamble, however, they will not be able to withdraw any deposits or winnings until they are confirmed as over 18; and
 - b) Any deposited funds must be available for prompt return if it becomes apparent that the customer is/was underage and bets are voided.
- (10) Subject to the Gambling Commissioner's advice and no evidence of fraud, deposits should still be returned to the underage customer even where the lost deposits have been distributed to other customers. Reimbursement is not expected to leave the underage customer any better than 'neutral' in terms of their gambling activity.
- (11) Where a licence holder is satisfied that an under age customer has breached the age verification process and gambled, the licence holder should suspend the relevant account(s) and report the case to the Gambling Commissioner. Consideration should be given to providing underage gamblers with the contact details of a gambling

support organisation.

- (12) A record should be kept of all accounts and gambling transactions affected by the participation of persons under the minimum permitted age. A description of the event/circumstance(s) that resulted in the account and associated gambling being permitted should also be recorded.
- (13) Licence holders should have a clear documented policy which is applicable in the event that an underage individual is identified.
- (14) Game design and/or game features shall not be of a nature that is primarily appealing to or associated with under 18's, (e.g. 'Barbie and Ken').
- (15) Where a licence holder uses the balance of personal, technical, financial or other data, including third party data and data provided by the customer, to establish age verification (e.g. in states where electronic verification is not accessible), a record of that methodology and its outcomes should be maintained.

7. STANDARD 7 – FAIR GAMBLING

Principle 7.a (Generic Code 1.3) – “The Commissioner takes the view that an industry that is recognised as providing properly and proportionately licensed and regulated facilities will enjoy greater success in satisfying governments and players alike that their facilities are fair, secure and transparent, and the best place for remote gambling to take place.

Principle 7.b (Generic Code 13.1) – “Licence holders are required to use equipment, software and services that are compliant with the Commissioner’s Technical Standards document and take responsibility for any failures in these arrangements.”

Guidelines

7.1 Game fairness

- (1) Licence holders should make information available to customers on their website(s) about their testing and quality assurance arrangements in place to assure fairness and randomness in their gaming products, including information about testing/certification by an ATF where applicable and where this can be accessed.
- (2) Licence holders should ensure appropriate systems and resources are deployed to prevent or detect attempts to cheat by customers or other parties. Such measures should be applied on a risk sensitive basis, with analytic programs (e.g. algorithms, exception reports, cluster analysis) deployed to identify long term or systemic cheating as well as short/medium term sporadic efforts.
- (3) Games should be implemented and operate fairly and strictly in accordance with the published rules and prevailing RTP where applicable.
- (4) Games designed to give the customer only the perception that speed or skill influences the outcome of a game (e.g. ‘steering’ or ‘aiming’) should make this apparent in the game description.
- (5) A licence holder should not implement game designs or features that may reasonably be expected to mislead the customer about the likelihood of particular results occurring. This includes, but is not limited to the following:
 - (a) Where a game simulates a physical device the theoretical probabilities and visual representation of the device should correspond to the features and actions of the physical device (e.g. roulette wheel).
 - (b) Where multiple physical devices are simulated the probabilities of each outcome should be independent of the other simulated devices (e.g. dice games).
 - (c) Where the game simulates physical devices that have no memory of previous events, the behaviour of the simulations should reflect the behaviour of the physical devices (e.g. roulette wheel, cards, dice games).
 - (d) Games should not falsely display near-miss results, that is, the event may not substitute one random losing outcome with a different losing outcome.

- (e) Where the event requires a pre-determined layout (for example, hidden prizes on a map), the locations of the winning spots should not change during play, except as provided for in the rules of the game.
 - (f) Where games involve an element of skill, every outcome described in the virtual event rules or artwork should be possible, that is, the customer should have some chance of achieving an advertised outcome regardless of skill.
 - (g) Where a customer contributes to a jackpot pool, that customer should be eligible to win the jackpot whilst they are playing that game, in accordance with the game and jackpot rules.
- (6) If a cap is established on any jackpot, all additional contributions once that cap is reached should be credited to the next jackpot.
- (7) If the artwork contains game instructions specifying a maximum win, then it should be possible to win this amount from a single game (including features or other game options).
- (8) Casino games should operate at a speed that allows the player to establish the result of each cycle of the game. Players may be permitted to accelerate the speed of a game where they are still able to establish the result of each cycle.

7.2. 'Play for Free' Games

- (1) Play for free games for no prize are not gambling but should accurately reflect any 'real-money' version of the game, and should not be used to encourage those under 18 to use licensed gambling facilities.
- (2) In particular, such games should not be designed to mislead the player about the chances for success by, for example, using mappings that produce different outcomes than the cash game. Licence holders should be able to demonstrate this equivalence to the Gambling Commissioner upon request.
- (3) Play for Free games for a prize, (ie games providing the opportunity to win a prize of money or monetary worth) do amount to gambling.
- (4) Pay to Play games for no prize, sometimes referred to as 'social gaming', do not amount to gambling whilst the object or outcome of the game play does not amount to a prize. Where such games reflect any 'real money' games they should not be used to encourage those under 18 to use licensed gambling facilities and should perform consistently with 'real money' games.

7.3. Compensated or adaptive games

- (1) Games should not be "adaptive" or "compensated", that is, the probability of any particular outcome occurring should be the same every time the game is played, except as provided for in the (fair) rules of the game.

7.4. No forced game play

- (1) The customer should not be forced to play a game simply by selecting it.
- (2) A mechanism should be implemented to prevent repeated gamble instructions, (for example, where a customer repeatedly presses “play” while waiting for a game result) to be executed.

7.5. Auto-play

- (1) The customer should retain control of the gambling where auto-play functionality is provided. The auto-play functionality should:
 - (a) Enable the customer to choose the stake and either the number of auto-play gambles or the total amount to be gambled
 - (b) Enable the customer to stop the auto-play regardless of how many auto-play gambles they initially chose or how many remain.
 - (c) Not override any of the display requirements (e.g. the result of each gamble should be displayed for a reasonable length of time before the next play.)

7.6. Game control

- (1) It should be possible for the licence holder to disable any game or game session .
- (2) The licence holder should be able to provide full audit trails when disabling a game that is currently in play.

7.7. Incomplete games

- (1) Where possible, licence holders should provide a mechanism in single player games for an incomplete game to be completed before a customer is able to participate in any other game. Incomplete games may occur as a result of:
 - a) Loss of communications between the licence holder and end customer device,
 - b) Licence holder restart,
 - c) Game disabled by licence holder,
 - d) End customer device restart, and
 - e) Abnormal termination of gambling application on end customer device.
- (2) Gambles associated with a partially complete game that can be continued should be held by the licence holder and be apparent to the customer.
- (3) The licence holder should ensure customer fairness, to the extent possible, in the event of a communication loss to one or more end customer devices during a multi-customer game.

7.8. Game / website design

- (1) The functions of all buttons represented on the website and games should be clearly indicated.
- (2) Edges of the “hot” area of buttons should be clearly defined in the artwork to prevent clicking near buttons creating a gamble.

7.9. Poker / P2P Games

- (1) In respect of P2P games, in particular poker, licence holders should ensure appropriate collusion pattern analysis and reporting is in place to identify any biases or patterns that indicate collusion, and be able to provide an appropriate level of investigation/intervention. As a minimum the analysis should:
 - (a) Aim to identify those individual players with unusually high/low levels of success, and be satisfied that these outcomes are consistent with fair and predictable playing patterns and do not arise through extraneous or irregular events or actions.
 - (b) Be able to identify players who routinely make decisions contrary to the mathematically-optimal course of action, and yet persist to have success levels greater than expected.
 - (c) Review player table placement and aim to identify players who tend to collude or operate inappropriately in team groupings.
 - (d) Be aware of existing and developing trends in player collusion methods and tactics.
- (5) Under their terms and conditions, poker rooms should make explicit that collusion of any form between players will not be tolerated and may lead to the suspension of funds pending investigation.
- (6) Operators should not permit the use of robots by customers, and should have procedures in place to monitor the rooms for robots and, where detected, stop their play and conduct a review of the account.

7.10. Sports betting and integrity

- (1) Sports betting licence holders should have procedures for identifying suspicious betting transactions and patterns which might identify a threat to the sport's integrity or any form of cheating. Where a threat is identified there should be a procedure for notifying the relevant sporting body in line with applicable data protection requirements, and for informing the Gambling Commissioner.
- (2) Licence holders should give active consideration to joining properly structured and organized information sharing/alert mechanisms for managing suspicious bets or accounts.
- (3) Effective risk control mechanisms should be in place for managing events offered, bet sizes and prices, taking into consideration available cash and cash equivalents.
- (4) The terms and conditions for sports betting (and other betting events) should be 'fit for purpose' in terms of the products offered and the safeguards need to deter or disrupt corrupt betting, breaches of the rules of any sport or competition attracting bets, or any other attempt to cheat, commit fraud, breach terms and conditions or otherwise operate an account in a way that may undermine the integrity of the affected event or the betting on that event.

8. STANDARD 8 – INFORMATION AND DATA SECURITY

Principle 8.a (Generic Code 13.3) - “All such computer equipment (software and hardware and associated systems) is required to meet the Commissioner’s Technical Standards document in respect of system security and product reliability, including proof of software testing by an approved independent testing house or appropriate in house testing facilities.

Guidelines

8.1 General

- (1) Information security processes should include the implementation of programs and practices to protect information and information systems from unauthorized access, use, copying, disclosure, disruption, modification, or destruction and ensure that an adequate audit trail of any actions is created.
- (2) Security policies and procedures should be documented and communicated to relevant employees, and reviewed at least annually or in the event of material changes or system failures.
- (3) Security policies and procedures should be implemented and monitored. Risk-based internal and external security reviews should be conducted at least annually or in the event of material changes or system failures.
- (4) Physical security perimeters should be in place to restrict access to authorized personnel to areas that contain information and information processing facilities and to reduce the risk of environmental threats and hazards to equipment.
- (5) Relevant third party and business partner contractual terms and conditions should provide for the equivalent or greater protections that those applied by the licence holder. Third party data processing is a known weakness in the data security chain.
- (6) Virus scanners and/or detection programs should be installed on all relevant and vulnerable information systems. These programs should be updated regularly to scan for new strains of viruses and other malicious software.
- (7) Controls should be in place to manage changes to information processing facilities and systems in order to reduce the risk of security or system failures.
- (8) All customers should be verified with an account identifier/password pair, or by any other means that provide equal or greater security (e.g. digital certificates), prior to being permitted to participate in gambling activities.
- (9) All system users should have their identity verified with an account identifier/password pair, or by any other means that provide equal or greater security, prior to being permitted to access the system. All system user actions should be logged.

- (10) All customer deposit, withdrawal or adjustment transactions should be subject to strict security control and should be recorded in a system audit log.
- (11) Information involved in online transactions should be protected to prevent incomplete transmission, mis-routing, unauthorised message alteration, unauthorised disclosure, unauthorised message duplication or replay.
- (12) A policy on the use of cryptographic controls for protection of information should be developed and implemented.
- (13) The Gambling Commissioner recognises that there are various recognised information security guidelines / standards, including ISO/IEC 27002 by the International Organisation for Standardisation (“ISO”), the Standard of Good Practice by The Information Security Forum, PCI, eGap and COBIT. These and credible equivalents may be adopted by licence holders.
- (14) Further to the guidelines above, the Commissioner does not intend to develop and maintain detailed information security guidelines for its licence holders to follow. Licence holders should follow and comply with a recognised information security standard(s) and approved testing house methodologies, and should be able to provide the Commissioner with proof of information security testing to a particular information security standard(s).
- (15) Substantive disruptions to licence holders’ operating systems should be notified to the Gambling Commissioner commensurate with the seriousness and nature of the disruption; interference or manipulation of systems to affect gambling transactions should be notified at the earliest opportunity.

9. STANDARD 9 – BUSINESS CONTINUITY

Principle 9 (Generic Code 15.1) - “15.1 In the event of a significant or substantial disrupted service that causes pending transactions to be aborted, licence holders are required to implement procedures to refund stakes or wagers in a way that is compliant with S.31 of the Gambling Act and fair to all the participants affected. The procedures should be readily accessible in the licence holder’s rules or terms and conditions.

Guidelines

9.1 General

- (1) Licences holders should have a documented business continuity plan (“BCP”) which includes roles, responsibilities and actions to ensure business continuity following any disruptions and/or interruptions to critical functions or other. A BCP includes disaster recovery planning.
- (2) Backup and recovery procedures should be in place to ensure appropriate data and information (e.g. logs and financial information) are backed up on a regular basis and can be restored in the event of a disaster.
- (3) Backup and disaster recovery responsibilities between software providers and operators should be clearly defined.
- (4) Information required for the fair resolution of an incomplete game should be recoverable by the system.
- (5) Recorded transaction information involving customer funds should be recoverable by the system in the event of a failure or malfunction.
- (6) If an operator has reason to believe or to suspect that an interruption has been caused, or a transaction affected by illegal activity, the operator may withhold payment to the relevant accounts pending further investigation by the Gambling Commissioner.

10 STANDARD 10 – COMPLAINTS

Principle 10.a (Generic Code 11.2) “The Gambling Commissioner requires that, wherever possible, complaints should be properly investigated by the licence holder and referred to the attention of the Commissioner only if the licence holder’s complaints procedure has failed to resolve the issue.”

Guidelines

10.1 Complaints Resolution Process

- (1) Licence holders should have a documented complaints procedure for staff to follow. A licence holder should promptly and properly enquire into all complaints. The details of all substantive complaints should be retrievable by licence holders.
- (2) Contact information for customer service, including complaints and dispute resolution, should be available on the licence holder’s websites.
- (3) Customers should be able to submit complaints and disputes on a 24/7 basis.
- (4) Where possible websites should aim to provide assistance and guidance to all customers in the same language as the content of the site.
- (5) If the licence holder’s complaint procedure, including any third party resolution process, fails to resolve the issue the participant may refer their complaint to the Commissioner via the Commissioner’s Complaint Resolution Procedure by submitting a Complaint Resolution Request Form.
- (6) Other than in exceptional circumstances, the Commissioner’s Complaint Resolution Procedure requires the participant to use the licence holder’s complaints procedure before the Commissioner’s Complaint Resolution Procedure may be used. Exceptional circumstances would include very serious complaints involving substantial sums or issues of public interest.

10.2 Complaints Examination

Principle 10.b (Generic Code 11.6) - “Where a licence holder is unable to resolve a complaint then the Commissioner will appoint a member of staff to examine it. As far as practicable, such complaints will be examined within a published framework and timetable provided to licence holders and the complainant, and licence holders will be expected to support that timetable with their own resources.”

Guidelines

- (1) Complaints examined by the Commissioner will be done so using the Commissioner’s published Complaint Resolution Procedure (available from the www.gibraltar.gov.gi/remotegambling). Licence holders should be familiar with the Commissioner’s Complaint Resolution Procedure and will be expected to assist, support and conform to the procedure.

11 STANDARD 11 – RANDOMNESS

Principle 11.a (Generic Code 13.1) - “Licence holders are required to use equipment, software and services that are compliant with the Commissioner’s Technical Standards document and take responsibility for any failures in these arrangements.”

Guidelines

11.1 RNG and Game Randomness

- (1) Licence holders should be able to demonstrate the fairness and randomness of all games to the Gambling Commissioner without any undue delay.
- (2) The output obtained through the use of the RNG in games shall be proven to:
 - (a) Be statistically independent.
 - (b) Be uniformly distributed over their range.
 - (c) Pass various recognised statistical tests intended to demonstrate a) and b) above and the absence of patterns.
 - (d) Be unpredictable without knowledge of the algorithm, its implementation, and the current seed value (all of which should be secure).
 - (e) be random and distributed in accordance with the rules and expected probabilities of the game.

11.2 Mechanical RNGs

- (1) For games that use the laws of physics to generate game outcomes (“mechanical RNGs”) the mechanical RNG should also meet the following guidelines:
 - (a) Components should be constructed of materials that will not degrade before their scheduled replacement lifecycle.
 - (b) The properties of the items used should not be altered.
 - (c) Customers should not have the ability to interact with, come into physical contact with, or manipulate the mechanics of the game.

11.3 RNG Failure

- (1) Systems should be in place to quickly identify any failure of the RNG (for example, if a short sequence is repeated, or if the output is a constant flow of the same value).
- (2) In the event of an RNG failure, games that rely upon that RNG should be made unavailable for gambling until the failure is rectified or the RNG replaced.

11.4 Verifiably fair

- (1) A licence holder's remote gambling services should be verifiably fair to the customer in terms of the performance of the facility in accordance with the published rules and terms and conditions. The licence holder's website(s) and game client (where applicable) should have a 'fairness'/'fair gambling' content that:
 - (a) Informs the customer of the measures taken to ensure fair gambling such as the in-house and/or external quality management and/or testing that the licence holder undertakes to certify the fairness and reliability of its product(s).
 - (b) Provides access to copies of any certificates by ATFs and/or other bodies with respect to information security, RNG (randomness, fairness, integrity etc.)
 - (c) Provides a Frequently Asked Questions ("FAQ") section specific to gambling fairness.
- (2) The home page, 'about us' page and the customer registration pages of the licence holder's website(s) should display a link to the licence holder's 'fairness'/'fair gambling' gambling content.

12 STANDARD 12 – COMPLIANCE AND TESTING

Principle 10.a (Generic Code 13.1) - “Licence holders are required to use equipment, software and services that are compliant with the Commissioner’s Technical Standards document and take responsibility for any failures in these arrangements.”

Principle 10.b (Generic Code 13.3) – “All such computer equipment (software and hardware and associated systems) is required to meet the Commissioner’s Technical Standards document in respect of system security and product reliability, including proof of software testing by an approved independent testing house or appropriate in house testing facilities.

Principle 10.c (Generic Code 13.4) - The Commissioner requires certification of such testing to be made available in respect of all gambling related software and equipment not more than one year from the date that the licence holder is granted its licence, but before the relevant equipment or software is used commercially. Further certification may be required where there are concerns about quality failures. Such a requirement would be imposed in conjunction with the Licensing Authority.

Guidelines

12.1 Compliance

- (1) The Generic Code requires licence holders to meet the Commissioner’s Remote Technical and Operating Standards document, including proof of testing. The following section sets out in general terms the Commissioner’s testing requirements in respect of the RTOS, including third party examination, and provides advice on the Commissioner’s approach to assess compliance with the RTOS.
- (2) The Commissioner will have regard to a licensee’s compliance record when determining if the current level of testing and assurance arrangements are adequate.
- (3) To determine what, and the level of, testing that is required for each standard and corresponding guidelines the Commissioner will consider:
 - a) Visibility: Whether compliance may be easily assessed by observation.
 - b) Expertise: Whether particular expert skills are required to properly assess compliance.
 - c) Precedent: Whether there is precedent for error or reliability.
 - d) Potential customer impact: Whether non compliance has an unfair or significant impact (e.g. fairness or financial) on the customer, whether it’s easily rectifiable, or whether it may be inconsequential.
 - e) Priority: Whether the regulation is considered a priority in online gambling regulation.
- (4) Operators should implement a product testing policy, approved and supported by its senior management, which will provide for the testing of all products for fairness and randomness.

- (5) The policy should make provision for the internal and external testing of product fairness and randomness.

12.2 RNG testing

- (1) Prior to the commercial use of a new RNG in the provision of remote gambling facilities, a licence holder shall furnish the Commissioner with a certificate from an ATF confirming that the output of the RNG passes recognised statistical randomness tests confirming that it meets the randomness requirements in section 11.1(2).
- (2) The Commissioner will also consider other forms of certifying the fairness and randomness of RNGs used, such as source code testing, as long as the licence holder and ATF can demonstrate that it meets the underlying objective that the gambling is verifiably fair to the customer.
- (3) Where appropriate, the Commissioner will recognise RNGs that are tested and certified in accordance with the requirements of other jurisdictions that licence and regulate remote gambling consistently with the Gibraltar regulatory model.
- (4) Where appropriate, the Commissioner may also recognise prior ATF certification undertaken on behalf of a software supplier.
- (5) For the certification to remain valid there must be no changes to the RNG. Any changes to the RNG previously certified, needs to be re certified before it is reintroduced to the live environment.

12.3 Game engine testing

- (1) Prior to the commercial use of a new game engine in the provision of remote gambling facilities, a licence holder shall furnish the Commissioner with a certificate from an ATF confirming that the game engine's output (after scaling and mapping) conforms to the randomness requirements in section 11.1(2).
- (2) Where appropriate, the Commissioner will recognise game engines that are tested and certified in accordance with the randomness/fairness requirements of another jurisdiction that licence and regulates remote gambling consistently with the Gibraltar regulatory model.
- (3) Where appropriate, the Commissioner will also recognise prior ATF certification undertaken on behalf of a software supplier.
- (4) For the certification to remain valid there must be no changes to the mapping or scaling and/or game engine. Any changes to the game engine and mapping or scaling previously certified, needs to be re certified by an ATF before it is reintroduced in to the live environment.

12.4 Ongoing monitoring

- (1) Further to ATF certification of the RNG and game engine prior to being used in the provision of remote gambling, periodic reviews of the game engine's output should also be undertaken as part of a licence holder's arrangements to ensure the ongoing

fairness and integrity of its game engines:

- (a) A licence holder may perform the following reviews in house on the condition that:
 - (i) the in house monitoring methodology has been previously reviewed and certified by a qualified third party approved by the Commissioner;
 - (ii) the licence holder has demonstrated to the Commissioner or Licensing Authority that its practices and outcomes in product development, change control and testing are reliable and meet appropriate standards; or,
 - (iii) the game engine's outcome is certified annually to verify the results of the licence holder's quarterly assessments.
 - (b) Where a game engine has a theoretical RTP (e.g. slot games) a licence holder should employ reliable and audited means to perform quarterly RTP analysis of the game engine's output.
 - (c) Where a game engine does not have a theoretical RTP (e.g. poker), a licence holder should employ reliable and audited means to perform quarterly statistical analysis of the game engine's output including its distribution to certify that it is in accordance with the theoretical outcome probabilities of the game engine.
 - (d) All such reports are to be made available to the Gambling Commissioner on request.
- 2) Licence holders should complete a system-wide regression test at least annually.
- 3) The financial data log files should be reconciled to movements on the accounts to ensure accuracy and completeness of data used in final result output-based payout percentage and RNG testing.

12.5 Further testing

- (1) The Commissioner may require and impose further testing and/or certification where there are concerns about quality or compliance failures.
- (2) In such cases the Commissioner may request the licence holder to employ the services of a different ATF to any previously employed by the licence holder to certify its RNGs and/or game engines.
- (3) Notwithstanding that the primary focus of ATF testing is standard 11, where there are concerns about quality or compliance failures the Gambling Commissioner may request licence holders to have a particular area of their activities or operation, beyond standard 11, to be reviewed/examined by an ATF or other independent third party. The cost of the examination shall be assumed by the licence holder.

12.6 Software development and maintenance

- (1) A development methodology for software and applications should be defined, documented and implemented.
- (2) All documentation relating to software and application development should be available and retained for the duration of its lifecycle.

- (3) Change control procedures should be implemented in line with the change management policy and should cater for the following:
- (a) Approval procedures for changes to software.
 - (b) A policy addressing emergency change procedures.
 - (c) Procedures for testing and migration of changes.
 - (d) Segregation of duties between the developers, quality assurance team, the migration team and users.
 - (e) Procedures to ensure that technical and user documentation is updated as a result of a change.
 - (f) Procedures to ensure that security control requirements are specified for new information systems, or enhancements to existing information systems.
- (4) The development and test environments ought to be isolated physically and logically from the live operational systems.

13 STANDARD 13 – APPROVAL OF JOINT VENTURES

Principle 16.a (Licence agreement) - “The Licensee may share the use of its facilities with any other gaming company or joint venture in which it participates only with the prior permission of the Licensing Authority”

Principle 16.b (Licence agreement) - “The operation of branded casinos in a name other than that of the Licensee is only permitted in cases where customers are clearly betting with the Licensee and not another company, joint venture or third party.”

Principle 16.c (Licence agreement) - “The Licensee will only conduct its Gambling Activities through the brands set out in the Fourth Schedule.”

Principle 16.d (Licence agreement) - “Any changes to the brands will be notified to the GOG and be subject to its approval.”

Principle 16.f (Generic Code 13.7) - The Commissioner may require licence holders to provide information in respect of any software supplied to it or software supplier it uses (S.26). If the Commissioner is not satisfied with the information provided he may prohibit the use of such software by the licence holder by way of a notice in writing.

Guidelines

13.1 Joint Ventures

- (1) There are two ‘joint venture’ models regularly approved by the Licensing Authority and the Gambling Commissioner. These are defined as a **White Label Arrangement** and a **Platform Partner Arrangement**.

13.2 White Labels

- (1) Under a white label arrangement the Gibraltar licensed operator will operate and provide its remote gambling services via a third party’s brand. It offers the brand owner the opportunity to capitalise on its brand(s) in the remote gambling market without having to setup a complex and expensive operation, whilst the licensed operator capitalises on its remote gambling infrastructure.
- (2) For the avoidance of doubt under a white label arrangement all the functions involved in the provision of remote gambling services should be undertaken by the licensed operator, the sole function/role for the brand owner under a white label arrangement is marketing, which nevertheless needs to be effectively controlled by the licensed operator, and therefore must be effectively supervised by the licensed operator as it is the licensed operator who is required to comply with relevant advertising requirements/standards.
- (3) Other than the use of a third party’s brand, white labels are websites operated and maintained by the licensed operator under its remote gambling licence and should have equivalent content and standards to the website(s) it may operate and maintain for its own brand(s). Therefore for Gibraltar licensed operators who operate a white

label, all Gibraltar licensing and regulatory requirements equally apply to the white label and are the responsibility of the licensed operator and not the brand owner.

- (4) A white label website should make it clear to the customer who (s)he is gaming and/or betting with. As a minimum:
 - (a) A statement at the footer of the website's home page that states under what licence and by what operator the remote gambling service is being provided. The statement should link to a page where clear and comprehensive information is provided regarding the licence under which the service is operated and the licence holder.
 - (b) A "Powered by" logo or conspicuous text link should be included towards the bottom right hand corner of the landing page/entry page. The logo/text should link to a page where clear and comprehensive information is provided regarding the licence holder providing the gambling facilities.
 - (c) It should be clear in the terms and conditions that the customer is registering with the licence holder and that the remote gambling service is being provided by the licence holder under the white labeller's licence.

- (5) Licence Holders should be aware that the creation of a new brand name may amount to the use of a new Business Name that should be registered with Companies House (Gibraltar).

13.3 Platform Partners

- (1) Due to the need for a high liquidity of players, there are gaming platforms that pool players from various remote gambling licensed operators. This arrangement is generally acknowledged and accepted for Bingo and Poker hubs outside Gibraltar, and has been extended to include approved games on shared servers within Gibraltar.

- (2) Under a network platform arrangement the network platform provider and the platform subscriber are both remote gambling licensed operators, where the game play actually occurs with the platform provider but the game is offered and provided under the platform subscriber's licence. The platform subscriber also manages and is liable for the player funds. The following points summarise the network platform arrangement:
 - (a) The player registers and contracts with the platform subscriber who is ultimately responsible for the customer and any resulting liability therein.
 - (b) Both the platform provider and platform subscriber each have to conform to the requirements/standards of their licence/jurisdiction. However, the remote gambling provided under a network platform arrangement is considered to take place via the registered player's contract with the platform subscriber under the platform subscriber's licence; effectively the platform provider provides a service to the platform subscriber for it to provide the remote gambling.
 - (c) The platform subscriber will provide a shadow account or customer ID and a player value for the platform provider to process the actual gaming.

- (d) Except from the actual game play, all functions and responsibilities are the platform subscriber's; the platform provider is required to cooperate and assist the platform subscriber in various areas e.g. monitor game play - collusion, suspicious gambling transactions such as chip dumping, etc.
- (e) The platform provider for poker and bingo may be outside Gibraltar in a licensed jurisdiction recognised by the Licensing Authority.
- (f) Although the actual game play is a function "performed" by the platform provider, the platform subscriber's jurisdiction's standards/requirements apply, therefore if the a non Gibraltar platform provider's gaming platform does not conform to Gibraltar's standards/requirements, approval of an arrangement with a Gibraltar platform subscriber may not be granted by the Licensing Authority and/or Gambling Commissioner.
- (g) For Gibraltar licence holders, Gibraltar standards must predominate in the network platform arrangement. The contract must specify that all activities must follow, as a minimum, Gibraltar licensing, legal, and regulatory requirements/standards. If for example the Licensing Authority is not satisfied with the game randomness testing of the platform provider, it may not grant approval of the network platform arrangement.

13.4 Other joint ventures

- (1) Whilst white label and platform partner arrangements are the most common forms of joint ventures, any contractual arrangement to share the licence holder's licensed facilities with a third party, such as those whereby a software supplier's games are installed and executed or accessed from the licence holder's gaming platform/infrastructure, amounts to a joint venture requiring authorisation by the Licensing Authority.
- (2) All 'gambling software' suppliers should be approved by the Licensing Authority. Whilst the breadth of 'gambling software' is not being defined, the Gambling Commissioner would regard any customer facing software used by a licence holder on which customers could be expected to place significant trust when making gambling decisions, or seeking gambling transaction information, to be 'gambling software', for which the supplier should be approved.
- (3) Licence holders should contact the Licensing Authority for guidance on an application for the approval of a joint venture. A description of the proposed functionality and the supplier(s) involved should be provided at the outset.

ENDS. 20^h September 2012.