

ISLE OF MAN GAMBLING SUPERVISION COMMISSION

Guidance
Integrity and Fitness and Propriety Controls -
Casino

Contents

The Gambling Supervision Commission and Introduction	1
Why does the GSC consider integrity	2
Objectives of the Gambling Supervision Commission	3
Applying for and renewing a licence	4
Application for approval of roles	5
Forms and integrity considerations	6
Simplified/Personal Declaration Forms	7
Third-party agencies	8
Causes for concern	9
Considerations for causes for concern	10
Decision making	11
Right of appeal	12
Data protection	13

Glossary

Term	Meaning in this document
Application	Application for a new, amendment or renewal of licence.
Approved role	Roles which require formal approval by the Commission
Board and Commission	Has the same meaning of Commission
CA	The Casino Act 1986
CRM	Customer Relationship Management system
Due Diligence (DD)	Due Diligence – investigations carried out before entering into a business relationship
GSA	The Gambling Supervision Act
GSC	The Gambling Supervision Commission
KYC	Know-Your-Customer – process of identifying suitability and risk of business relationships
PDF	Personal Declaration Form
The Company	The company applying for, amending or renewing a licence to conduct gambling as per the CA and the applicable regulations
The Licence Holder	The holder of a licence

Section 1

The Gambling Supervision Commission (GSC)

The GSC is an independent statutory board established in 1962 and comprises of the Inspectorate and the Commission. The Inspectorate is made up of a team of Inspectors who manage a portfolio of licence holders. The Inspectorate is managed by the Chief Executive.

The Commission comprises of not less than five independent members of the public which have been appointed by the Isle of Man Treasury. The Commission sits once a month to consider regulatory matters and to consider licence applications, variations and transfers.

Introduction

This guidance document is issued by the GSC to set out the criteria that normally applies in considering the 'integrity' and 'fitness and propriety' (F&P) of person's applying, amending and renewing a casino licence and applying for approval to be certified by the Commission into certain roles.

The CA uses the term 'integrity' and the Casino Regulations 2011 uses the term 'fitness and propriety'. The considerations for both of these terms for the purpose of this guidance is the same. Fitness and propriety will also consider the person's competence for the role in question.

The GSC issues guidance for different licence types under its remit. Guidance is not law, however where a person follows guidance, this would indicate compliance with legislative provisions.

It should also be noted that:

- The information required or requested will vary dependent on the person's role within the Company and the type of licence being applied for, varied or renewed;
- Not all of the data sets outlined within this guidance document will be relevant in all cases;
- The GSC may request further information in order to satisfy its obligations under CA and regs.

The GSC understands its responsibility to comply with Isle of Man data protection legislation and processes personal information within the boundaries of GDPR.

The GSC ensures that processing is fair; only processes what is required for it to satisfy its legal obligations; and is transparent to data subjects in explaining the purpose for its processing.

With an application for, renewal of a licence and certification of certain roles, the GSC will require supporting information. This guidance is designed to explain the purpose of the information requested, what it is used for and whether it is shared with third-parties.

Further information regarding the processing activities of the GSC can be found within the [Privacy Notice](#).

Section 2

Why does the GSC consider the integrity of individuals?

Regulatory legislation requires that the Council of Ministers grant a licence necessary for the purpose of permitting the operation of casinos. This is specified in the CA section 1A.

The GSC also has legal obligations to supervise and control the operation of a casino, as detailed in the table below:

Obligation	Legislative reference
Investigate the character and financial status of any persons applying for or holding a casino licence	CA 2(1)(c)
Investigate the character and financial status of any persons concerned with the operation or management of a licensed casino	CA 2(1)(c)
Investigate the character and financial status of any persons applying for a concession for holding a casino licence	CA 2(1)(c)

Who does integrity considerations apply to?

The requirements to satisfy the GSC of integrity is dependent on the nature of the role the person is seeking approval for. Information is requested in a proportionate manner in accordance with the role.

The roles described in legislation are detailed in the tables below:

Table 1 – Casino Act 1986

Casino Act 1986	Shareholder
	Company Director
	Casino Director and Deputy
	MLRO

Table 2 – Casino Regulations 2011

Casino Regulations	Casino Manager/Supervisor
	Representatives of the House
	Repairing or maintaining machines
	Preparing or issuing cards, dice, tiles, tokens or other articles.
	Issuing, receiving, recording or auditing cash, including cheques, cards and counters.

Each of the roles described in the tables above require different information, this is because the integrity requirements differ. This is further explained in table 1 below.

What are the implications of not being a person of integrity?

Where a person is applying to the Commission for approval into an approved role, the Commission may object to the appointment if they are not satisfied as to the person's integrity.

Section 3

Objectives of the GSC and legal obligations

The regulatory objectives of the GSC are prescribed in the Gambling Supervision Act 2010 (GSA):

- Ensure that gambling is conducted in a fair and open way;
- Protect children and other vulnerable persons from being harmed or exploited by gambling; and
- Prevent gambling from being a source of crime and disorder; associated with crime and disorder; or used to support crime.

The GSC is responsible for the granting of a licence authorising the operation of a casino and approving persons to other roles.

Section 2(1) of the CA specifies that the Commission must:

(b) supervise and control the operation of a casino; and

(c) investigate the character and financial status of any persons applying for or holding a casino licence, or otherwise concerned with the operation or management of a licensed casino.

To ensure compliance with its obligations as detailed above, the GSC will require certain information. The information that may be required, the reason for it, what it is used for and who it will be shared with is detailed in this guidance.

It should be noted:

- The information required or requested will vary dependent on your role in the Company and the type of licence being applied for, amended or renewed;
- Not all of the data sets detailed below will be relevant in every case;

- The GSC may request further information to clarify its understanding; and

Section 4

Applying for and renewing a casino licence

Applications for a licence, renewal and the Ultimate Parent Company

To satisfy the GSC's legal obligation, during the application process, the applicant company is required to complete an Application to Operate a Casino and Details of the Ultimate Parent Company forms. These forms collect certain information such as name, registered address, contact details and details share capital of the company, including name, share type, number and value of each holder.

The information provided is used to consider the integrity of persons concerned with the provision, operation or management of a casino and the beneficial ownership.

See table 1 below for details of role, legal obligation and documentation requirements.

The applicant company, will be required to provide the shareholding details of the company. This information is requested on the initial company application form and associated PDF's for shareholders. This information will be used by the GSC to consider the beneficial ownership.

The CA section 5(1), (2) and (3) prescribes that a licence will remain in force for 10 years and may be renewed by the Commission at 1 year intervals. The licence may not be renewal after the 10 year period and the company is required to undergo a new application process, which includes the required integrity considerations.

Section 5

Application to the Commission for the approval of roles associated with a casino

The roles of a Director and Shareholder are specified in the CA as roles that require the Commission to be satisfied as to the integrity of the persons.

The CR section 17 specifies that all persons employed or engaged by the holder of a casino licence must be approved by the Commission as a F&P person. For the purpose of the CA and CR, the F&P considerations are the same as integrity considerations.

The same section (17) also directs that the Commission will issue a certificate once a person has been approved.

The GSC has considered that roles and responsibilities in the origination will differ. It is therefore not proportionate to apply the same F&P considerations to every role.

See the table below for role, legal obligation and documentation requirement:

Table 1

Approved Role	Legal obligation	Legislative reference	GSC form and F&P requirement
Director	Council of Ministers shall not grant to a person a casino licence unless it is satisfied that he is a person of integrity and that he has adequate knowledge and financial means available to operate a casino	CA section 3(6)(a)&(b) Casino (Licence Application) Regulations 1986 2(vi)	PDF Integrity & F&P Character reference
Deputy Director	Council of Ministers shall not grant to a person a casino licence unless it is satisfied that he is a person of integrity and that he has adequate knowledge and financial means available to operate a casino	CA section 3(6)(a)&(b) Casino (Licence Application) Regulations 1986 2(vi)	PDF Integrity & F&P Character reference
Shareholder	In the case of a licence intended to be granted to a body corporate, the Council of Ministers must be satisfied that the body is incorporated in the Island and that the relevant share capital of the body is beneficially	CA section 3(6)(e)&(f) Casino (Licence Application) Regulations 1986 2(vi)	PDF Integrity & F&P Character reference

	owned by a person or persons of integrity.		
Casino Manager/Supervisor	No person shall be engaged by the licence holder unless approved by the Commission as a fit and proper person and is the holder of a certificate to that effect	CR section 17(1)(i)&(ii) Casino (Licence Application) Regulations 1986 2(vi)	SPDF F&P Character reference
Representatives of the house – casino operative	No person shall be engaged by the licence holder unless approved by the Commission as a fit and proper person and is the holder of a certificate to that effect	CR section 17(1)(i)&(ii)	SPDF F&P
Repairing or maintaining machines and equipment - casino operative	No person shall be engaged by the licence holder unless approved by the Commission as a fit and proper person and is the holder of a certificate to that effect	CR section 17(1)(i)&(ii)	SPDF F&P
Preparing or issuing cards, dice, tiles, tokens or other articles - casino operative	No person shall be engaged by the licence holder unless approved by the Commission as a fit and proper person and is the holder of a certificate to that effect	CR section 17(1)(i)&(ii)	SPDF F&P
Issuing, receiving, recording or auditing cash including cheques,	No person shall be engaged by the licence holder unless approved by the Commission as a fit	CR section 17(1)(i)&(ii)	SPDF F&P

cards and counters - casino operative	and proper person and is the holder of a certificate to that effect		
--	---	--	--

Section 6

Forms and integrity and F&P considerations

Table 2

	F&P investigations	Purpose
SPDF - shareholder and Director form	3rd party open source	Open source adverse media searches
	DBS certificate	To consider previous convictions relevant to the gambling sector
	Photographic ID verification	Verify the identity of the person – Know-Your Customer
	Address verification	Verify the identity of the person – Know-Your Customer
	Financial circumstance	To ensure a person is fit a proper to operate a casino
	CV and employment history*	Competence

*This is not usually required for shareholders.

Table 3

	F&P investigations	Purpose
SPDF - casino	3rd party open source	Open source adverse media searches
	DBS certificate	To consider previous convictions relevant to the gambling sector

operatives and managers	Photographic ID verification	Verify the identity of the person – Know-Your Customer
	Address verification	Verify the identity of the person – Know-Your Customer
	CV and employment history	Competence
	Character Reference	Professional, personal and financial standing

Table 3

	F&P investigations	Purpose
SPDF – MLRO and AML/CFT Compliance Officer	3rd party open source	Open source adverse media searches
	Photographic ID verification	Verify the identity of the person – Know-Your Customer
	Address verification	Verify the identity of the person – Know-Your Customer
	To determine the competence of the applicant person	CV and employment history

Section 7

Personal Declaration Forms (PDF) – Shareholder, Director, Deputy Director and Other Senior Officers.

This section further details the approved roles in the above table, the lawful basis for the integrity investigations, what the GSC does with personal information and any third parties it may be shared with and the purpose, are detailed below in this section. The relevant section of the CA is also referenced.

Nominated contact person:

Many applications for a licence to conduct gambling are received on behalf of a company by an agency – please note this is not an approved role. Therefore the GSC will ask for the contact details of your nominated contact person. This is basic information such as the name, address and contact method such as email or contact number of the nominated person.

This information is recorded on the GGC system. It is used to contact the company during the approval, amendment and renewal process and also ongoing supervision unless otherwise stated.

The GSC will retain this information for the duration of the licence plus a further 6 years. Unless you are removed from the licence before this time. Further information on the GSC's Retention and Destruction policy can be found in the data protection section of this guidance.

Casino Director

The Casino Regulations 2011 (CR) specifies that a holder of a licence must appoint a Director of the casino who must be resident in the Island.

The CA section 4(3)(c) specifies that where a body corporate is the holder of a licence, no persons shall be appointed as Director unless the Commission is satisfied as to their integrity. With this in mind, an application to the GSC is required, this is made by completing a PDF.

For the application to be considered and approved, the GSC will undertake certain investigations. Investigation carried out will involve the sharing of your personal information with third party agencies who make certain checks on behalf of the GSC. Further information on third party agencies utilised by the GSC is detailed in the third-party agencies section of this guidance.

The GSC will retain this information for the duration of the licence plus a further 6 years. Unless you are removed from the licence before this time. Further information on the GSC's Retention and Destruction policy can be found in the data protection section of this guidance.

Casino Deputy Director

The CR's specifies that a holder of a licence must appoint a Deputy Director to act as the Director when the Director is ill or otherwise unable to act. The Deputy Director must be resident in the Island.

The CR's specify that any person employed by the holder of a casino licence must be approved by the Commission as a fit and proper person. With this in mind, an application to the GSC is required, this is made by completing a PDF.

For the application to be considered and approved, the GSC will undertake certain investigations. Investigation carried out will involve the sharing of your personal information with third party agencies who make certain checks on behalf of the GSC. Further information on third party agencies utilised by the GSC is detailed in the third-party agencies section of this guidance.

The GSC will retain this information for the duration of the licence plus a further 6 years. Unless you are removed from the licence before this time. Further information on the GSC's Retention and Destruction policy can be found in the data protection section of this guidance.

Managers and Senior Officers

It is usual for the holder of a casino licence to appoint a casino manager or supervisor to manage or supervise persons employed by the licence holder.

The CR's section 17 requires that persons employed by the holder of a licence are approved by the Commission as a fit and proper person. Once approved the persons will be issued with a certificate.

For the application to be considered and approved, the GSC will undertake certain investigations. Investigation carried out will involve the sharing of your personal information with third party agencies who make certain checks on behalf of the GSC. Further information on third party agencies utilised by the GSC is detailed in the third-party agencies section of this guidance.

The GSC will retain this information for the duration of the licence plus a further 6 years. Unless you are removed from the licence before this time. Further information on the GSC's Retention and Destruction policy can be found in the data protection section of this guidance.

Personal Declaration Forms (PDF) – Casino Operatives

- Representatives of the house,
- Repairing or maintaining machines and equipment
- Preparing or issuing cards, dice, tiles, tokens or other articles.
- Issuing, receiving, recording or auditing cash including cheques, cards and counters
- Managers / Supervisors

Details of casino operative approved roles, the lawful basis for the integrity investigations, what the GSC does with personal information and any third-parties it

may be shared with and the purpose, are detailed below in this section. The relevant section of the CR is also referenced.

Name address and contact details (including alias and previous)

This information is to assist in the identification and verification process (KYC and CDD) and making contact throughout the relationship. This information may be used during integrity and F&P investigation process.

Some of the investigations the GSC performs may require your personal information to be shared with third-party agencies. Further information on third-party agencies section of this document.

Gender, place of birth and nationality

Your gender helps us to address you correctly. It can also be used during the identification process should a bad actor attempt to impersonate you. Your place of birth and nationality information is used to ensure the GSC is complaint with any current sanctions.

Address information, current and previous

This information is used during the integrity and F&P investigation vetting process. It may also be used to ensure the GSC is compliant with any current sanctions.

Previous conviction information

This information is requested so that the Commission can satisfy its obligation under CR section 17, to be satisfied as to the F&P of persons engaged by the holder of a casino licence. The GSC is considering the honesty of the person.

The applicant person must also provide a DBS certificate or similar police check from their country of residence to accompany their application. Further information on the process of DBS certificates can be located in the DBS section of this guidance document.

Businesses conducting gambling, licensed and supervision by the GSC, are excepted occupations, as defined in the Rehabilitation of Offenders Act 2001 (Exceptions) Order 2018 Schedule 1 Part 3(2). Therefore the GSC will request details of spent conviction for the purpose of satisfying its legal obligations. The legal obligation when requesting this information is for the Commission to be satisfied that the licensed company is under the control and management of persons of integrity.

If an applicant declares a conviction, whether spent or not, the GSC will require further information in a separate communication. It is likely that an overview of the circumstances will be required for the GSC to consider if this is relevant to the application.

If considered relevant, information regarding the conviction will be retained on the persons file on the GSC secure network

The PDF also provides an opportunity for applicant persons to provide information regarding pending prosecutions and investigations, barring or disqualification by a professional body or industry regulators. If an applicant would like to discuss this further, please contact the GSC.

If the Commission requires further information to be provided relating to convictions, this will only be used for the purpose it was originally collected for. The GSC will retain this information for the life time of the licence plus 6 years. Further information on the GSC's Retention and Destruction policy can be found in the data protection section of this guidance.

Financial circumstances (general and personal)

As specified in section 17 of the CR's, no person employed or engaged by the holder of a casino licence may perform a function unless they have been approved by the Commission as a fit and proper person.

The GSC considers F&P by looking at certain information, such as financial circumstances. The GSC is considering the person's ability and integrity. In considering honesty, the GSC asks a set of questions relating to financial circumstances. If the applicant answers yes to any of the questions they may be asked to provide further information in a separate communication.

To satisfy this obligation, the GSC will request:

- Details of bankruptcy, liquidation, receivership, insolvency;
- Agreements with creditors or defaults of mortgage, loan, credit or store cards;
- Details of Individual Voluntary Agreements;
- County Court Judgements; and
- Penalty or enforcement action by any government agency.

These questions will be inclusive of any jurisdiction and not exclusively the Isle of Man.

Declaring a financial circumstance is not an automatic bar to licensing, all matters are assessed individually with consideration to risk, the nature of the company and the role to be approved. The GSC may request further information in a separate communication to consider if the matter is relevant to the application. However, the additional information will only be proportionate to the particular circumstance.

If considered relevant, details will be retained on your file on the GSC secure network. This will be held for the duration of your involvement with the licence plus 6 years.

If the Commission requires you to provide documents containing your personal banking information, this will only be used by the Commission for the purpose it was originally collected for. Please note this information will only be requested during the application for a casino licence and is only relevant to the ownership of the company. As specified in the CA section 3(6)(b). Personal banking information will not be requested for any other role.

The GSC will retain this information for the life time of the licence plus 6 years. This is detailed in the GSC Retention and Destruction Schedule, further details can be found on the GSC [Privacy Notice](#).

Curriculum vitae and character reference

Your CV will be reviewed whilst the GSC considers suitability and competence for the role. There are many variables of determining competence, this not just having experience in the gambling sector. The information provided will only be used during the application process and not used or recorded for any other purpose.

During the application process for a casino licence under the Casino (Licence Application) Regulations 1986 2(vi), Managers, Directors and Beneficial owners are required to provide to the Commission a reference as to character and financial standing.

If during the consideration of competence, the GSC requires further information, such as professional subscription, this will be requested separately as it is not proportionate to ask this information for all roles.

Passport size photograph

All persons applying for a role as a casino operative will be required to provide to the GSC a passport sized photograph, which must be certified as a true copy of the original. This will be attached to the certificate of approval issued by the Commission and also scanned to the GSC system and person's record. This is to enable the GSC to make identifications of casino operatives during supervision visits.

Simplified Personal Declaration Forms (SPDF) – MLRO and AML/CFT Compliance Officer

MLRO

Section 21(1) of the AML/CFT Code specifies that a licence holder must appoint a MLRO to exercise the functions specified under Section 22 and 24 of the Code. The code provides that the MLRO must be sufficiently senior and have a right of direct access to the senior officers of the Company.

During the licence application process, the Company is required to provide information regarding the proposed MLRO to be considered with the application. This information

is requested on the 'Applicant Company' form. This is basic information such as their name, reporting line and position in the corporate structure.

The MLRO is considered a management role, therefore the GSC requires certain information for the proposed role holder through completion of a SPDF specific to the role. This information is used by the GSC to undertake investigations, including open-source and adverse media searches, in order to be satisfied as to the person's integrity in accordance with Sections 4(2) of OGRA.

Certain investigations are performed on behalf of the GSC by third-party agencies. Further information on third-party agencies utilised by the GSC is detailed in the third-party section of this guidance.

The GSC will retain this information for the duration of the licence plus a further 6 years, unless the person is removed from the licence before this time. Further information on the GSC's Retention and Destruction policy can be found in the data protection section of this guidance.

AML/CFT Officer

Section 25(3) of the AML/CFT Code specifies that a licence holder must appoint an AML/CFT Compliance Officer to exercise the functions provided under Section 25 of the Code. The AML/CFT Compliance Officer must be sufficiently senior and have direct access to the senior officers of the Company.

The AML/CFT Compliance Officer is considered a management role, therefore the GSC requires certain information for the proposed role holder through completion of a SPDF. This information is used by the GSC to undertake investigations, including open-source and adverse media searches, in order to be satisfied as to the person's integrity in accordance with Sections 4(2) of OGRA.

Certain investigations are performed on behalf of the GSC by third-party agencies. Further information on third-party agencies utilised by the GSC is detailed in the third-party agencies section of this guidance.

The GSC will retain this information for the duration of the licence plus a further 6 years, unless the person is removed from the licence before this time. Further information on the GSC's Retention and Destruction policy can be found in the data protection section of this guidance.

Section 8

Third party agencies – what do we mean

When the GSC advises it may use a third party agency, this means that it needs to do something that it does not do itself as normal business. These agencies are used to

assist the GSC to discharge its functions and satisfy its objectives. The agencies referred to below provide a service within the GSC’s due diligence strategy. The third party agencies that the GSC engages with are:

The Disclosure and Barring Service (DBS)

This is the service used to assist the GSC to make safe on-boarding decisions. DBS checks are commonly referred to as a ‘criminal record check’. The GSC will request that all roles concerned in the operations of a casino licence will be required to provide a DBS certificate during the licensing process and at certain times during the lifecycle of the licence, such as:

- Licence application.
- Appointment to approved role.
- Change in approved roles.

The GSC will never retain your DBS certificate. We will ask to view a copy to enable the recording of ‘trace’ or ‘no trace’ on the GSC system. Trace meaning a conviction was provided on the certificate. If considered relevant, details of the conviction will be recorded on the persons file in the form of a file note. If not relevant, such as a driving matter, no record will be made.

The GSC does not request the original certificate, however, if this is received in the post, we will record the information we need and return the certificate to you. At no point is a copy saved or shared. Whilst awaiting to be returned the certificate will be stored in the GSC locked and secured cabinet with restricted access to the Operations Support Team.

Risk management databases – third-party agencies

During the on-boarding process, the GSC will make due diligence enquiries. The GSC uses reputable third party risk management database providers, such as

Provider	Purpose
World Check	Provides a ‘check’ against a database of Politically Exposed Person’s (PEP) and heightened risk individuals.
KYC6	Provides a service for document verification, open source adverse media searches and on-going monitoring.
LexisNexis	Provides open source adverse media searches.

Document Checker	Provides a database to review document authenticity.
------------------	--

Each of the providers detailed above help the GSC to identify and manage risk. The GSC maintains up-to-date data sharing agreements with each of these agencies.

Further information regarding the relative data-sharing agreements can be requested by contacting the GSC Data Protection Officer – please see the data protection section of this guidance document for the necessary contact details.

Ongoing monitoring

The CA required that the Commission supervises and controls the operation of a casino. To supervise, the GSC will monitor those persons approved to be engaged in the operation of a casino licence.

As part of the GSC’s supervision frame work, it will monitor adverse media and certain registers. The GSC instructs the services of KYC6 to do this on its behalf. Information provided to the GSC by KYCC6 is used to consider the persons integrity.

The system and company used is KYC6 and further details can be found in the third-party agencies section of this guidance.

Section 9

Causes for concern

The GSC considers integrity and F&P investigations as vital for its statutory obligations, not only for individual persons but also the applicant Company and certificate holders.

The below list provides examples of matters that will cause concern to the GSC regarding a person’s F&P, may cause delay or refusal of an application. This is not an exhaustive list and other matters may also be considered:

- ❖ Withholding information from the GSC;
- ❖ Providing false or misleading information to the GSC;
- ❖ Serious or repeat failings of GSC or equivalent off-Island requirements;
- ❖ Allegation, charge or conviction of a criminal offence;
- ❖ Evidence of association with criminal elements;
- ❖ Criticism made by a court, tribunal or enquiry;
- ❖ Settlements (including voluntary settlements and settlements in lieu of proceedings);

- ❖ Negative information received from law enforcement or other competent authorities;
- ❖ A disqualification or undertaking under the Company Officers Disqualification Act or equivalent off-Island legislation;
- ❖ Disciplinary or expulsion from a professional body or previous employer; and
- ❖ Evidence of engaging in illegal, deceitful, oppressive or improper business practices.

Section 10

Consideration of causes for concern

There are considerable implications of an individual not meeting the integrity and F&P considerations. The GSC adopts a balanced approach to its decision making based on a number of factors.

Integrity and F&P is demonstrated through an individual's personal and professional conduct, and evidence provided to support their character. In assessing integrity and F&P, past actions or conduct that could indicate a lack of integrity, such as those that are dishonest or unethical, will require further consideration.

The GSC will consider identified causes for concern and make a determination regarding a person's integrity. The possible outcomes are that the GSC -

- ❖ is satisfied regarding F&P and appointment may take place/continue;
- ❖ is not satisfied and the appointment may not take place/continue; and
- ❖ has some concerns regarding a person's integrity and seeks to mitigate any perceived risk.

The following are factors for the GSC's consideration when making an integrity and F&P assessment–

1. Honesty and cooperation

The GSC strives for open and honest communication with the sector. Licence holder/applicants/individuals are urged to proactively bring matters that may concern to the GSC's attention at the earliest opportunity and to cooperate in a timely and honest way regarding any enquiries. Discovery of matters that were known but not disclosed will be taken seriously.

2. The reliability of the source of information

Information can come from a wide range of sources with varying credibility. The presence of adverse media is viewed neutrally by the GSC. Each point detected by the GSC will be compared against the declarations that people have made and the GSC will seek and evaluate the explanations that people supply.

The GSC will expect that licence holder/applications/individuals will have looked for adverse media in anticipation of the application, and have supplied their explanation, including any efforts at correction they have made.

3. The seriousness of the matter

Consideration will be given to whether the information can be categorised as rumour, allegation, charge or conviction (or equivalent for non-criminal matters).

Association with known miscreants is not an automatic bar to licensing, but the relationship must be exonerated i.e. be shown to be incidental to any wrong-doing and formal or informal influence.

Evidence of evasion of justice, where a competent authority has pronounced a sanction and the subject has fled, is highly prejudicial to the GSC in considering that a person is of integrity.

Integrity can also include whether a company pays taxes as expected and is registered as a bona fide business.

Multiple causes for concern are considered more seriously than a single instance.

4. When the matter occurred

Consideration will be given to the length of time that has elapsed since the matter occurred, including, in relation to criminality, whether a conviction is spent or unspent.

Matters that occurred in a person's youth or in a "previous life" prior to intervention or rehabilitation that caused a change in that person's outlook would be less concerning.

5. Relevance to the licence holder and/or role

The GSC will consider the nature of the licence holder and the role of the person; MLRO, beneficial owner, etc. and this will be compared to the nature of the issue.

These are standard practices for most operations on the Isle of Man and will be taken into consideration.

For example, a conviction for a driving offence or public order offence would be less relevant than for fraud or a drugs offence.

In considering integrity, all relevant circumstances, on a case-by-case basis, should be considered. As part of integrity considerations, individuals must disclose convictions which are not 'spent' within the relevant forms and to the licence application.

All individuals in approved and non-approved roles are expected to ensure, by their conduct, and their involvement in setting policies, procedures and by providing appropriate supervision and training to others within the regulated activity, that the regulated business is conducted with integrity. Failure to do so, or failure to be open and honest with the GSC or other regulator may be relevant to an assessment of an individual's or a regulated entity's integrity. This includes the failure to complete a form or supply information required in an honest manner, or the deliberate or negligent omission of any relevant information.

Section 11

Decision-making process

Integrity considerations are performed by the GSC's Inspectorate who are employees of the GSC. Licensing and certificate decisions are made by the Commission. The Commission is composed of Commissioners who do not work for the Inspectorate, but who take into account the Inspectorate's recommendations.

If the Inspectorate declines to recommend your request be approved at a Commission hearing, you can nonetheless request that the application be heard.

In the event of something negative being found within the integrity consideration process you can expect the Inspectorate to bring a strong case to the Commissioners stating their reason for not recommending your approval during the hearing. This will be because there is something about your request which they think carries an unacceptable risk. However, you will still be provided an opportunity to represent your case to the Commission at the hearing and the Commission is independent from the Inspectorates. If you are successful, the Inspectorate will consider itself over-ruled and your affairs will proceed normally from that point forward, subject to any additional measures or controls deemed appropriate.

Section 12

Right of appeal

The GSC considers itself fair-minded and is prepared to service appeals to the Gambling Appeals Tribunal regarding licensing decisions. Outside of this formal appeals process, complaints may be made in writing to the GSC's Chief Executive Officer.

Section 13

Data Protection

Consent

In accordance with Article 6 of the General Data (Application of GDPR) Order 2018 (GDPR), the GSC is processing your personal data on the following basis:

1(c) processing is necessary for compliance with a legal obligation to which the GSC as a controller is subject; and

1(e) processing is necessary for the performance of a public task carried out in the public interest.

Sharing

When the GSC needs to share your information with a third party, this is explained in this guidance within the relevant section.

For further information about data subjects rights please refer to the GSC's [Privacy Notice](#) or contact the GSC's Data Protection Officer, details are provided in data protection section of this guidance.

Retention and Destruction

All information and categories of personal data are listed on the GSC Retention and Destruction schedule. This document details the type of information the GSC collects, the purpose for collection including lawful basis, the retention period and whether there is any selection by the Public Records Office. This schedule has been designed to ensure the GSC's compliance with the Data Protection Principles.

For further details about retention periods, or to see the GSC's Retention and Destruction Schedule, please contact the GSC's Data Protection Officer, details are provided below.

Data Protection Officer and registration details

Data Protection Officer	Kristy Maxwell	DPO-GSC@gov.im
Registered Address		Gambling Supervision Commission, St Georges Court, Myrtle Street, Douglas. IM1 1ED
Isle of Man registration		R002347
Privacy Notice		Privacy Notice

