

ISLE OF MAN GAMBLING SUPERVISION COMMISSION

Guidance
Integrity and Competence Controls – Online
Gambling Regulations

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Glossary

Term	Meaning in this document
Application	Application for a new, variation or renewal of a licence
Approved role	Roles which require formal approval by the Commission
Controlling role	A roles where the person has control and/or influence
CRM	Customer Relationship Management system
CSP	Corporate Service Provider
DD	Due Diligence – investigations carried out before entering into a business relationship
DO	Designated Official
FIU	The Isle of Man Financial Intelligence Unit
FSA	The Isle of Man Financial Services Authority
GAA	The Gambling (Amendment) Act 2006
GDPR	The General Data Protection Legislation 2018
GSA	The Gambling Supervision Act 2010
GSC	The Gambling Supervision Commission
KYC	Know-Your-Customer – process of identifying suitability and risk of business relationships
Non-approved role	Roles which do not require formal approval by the Commission but GSC requires notification
OGRA	The Online Gambling Regulations Act 2001
OM	Operations Manager
PDF	Personal Declaration Form
PEPs	Politically Exposed Persons
SPDF	Simplified Personal Declaration Form
The AML/CFT Code, the Code	The Gambling (Anti-Money Laundering and Countering the Financing of Terrorism) Code 2019
The Company	The company applying for, varying or renewing a licence to conduct gambling as per the Online Gambling Regulations Act 2010
The Licence Holder	The holder of a licence issued under the Online Gambling Regulations Act 2001

Section 1

The Gambling Supervision Commission (GSC)

The GSC is an independent statutory board established in 1962 and comprises 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' of persons who hold or apply to hold ownership, controlling or management roles within a company licensed to conduct online gambling. It should be read in conjunction with the 'guidance notes for making an Online Gambling application'.

This guidance also provides information on the GSC's expectations and processes involved in applying for, varying or renewing a licence to conduct online gambling.

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 dependant 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 OGRA.

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, variation or renewal of a licence, 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 persons holding certain roles within a licence holder to be of integrity. The GSC has an obligation to ensure this requirement is met in accordance with OGRA.

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.

There are two types of roles described in OGRA:

- Approved roles, which require approval by the Commission. These roles have ownership, control, influence and/or management of the Company/licence holder; and
- Non-approved roles, which do not require approval by the Commission. These roles have responsibilities for management within the Company but limited or no influence or control over the Company/licence holder.

Information is collected for roles in different ways, whether they are approved or non-approved roles, with each requiring specific forms and supporting documentation. This is due to the difference in integrity requirements between the roles types.

Further information on roles is detailed in this guidance in Appendix 1.

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

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

Objectives of the GSC and legal obligations

The regulatory objectives of the GSC are specified within Section 5 of the GSA; notably to:

- 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 or disorder; associated with crime or disorder; or used to support crime.

Under section 4(1) of the OGRA the GSC is responsible for the granting of a licence authorising a company incorporated in the Island, to conduct online gambling, however before a licence is granted, section 4(2) of OGRA requires the Commission must be satisfied:

- (a) That the Company is under the control of a person or persons of integrity;
- (b) As to the beneficial ownership of the share capital of the Company;
- (c) That the activities of the Company are under the management of a person or persons of integrity and competence; and
- (d) That the Company has adequate financial means available to conduct online gambling of the descriptions in question.

Section 3

Applying for, varying and renewing an OGRA licence

Applications to conduct online gambling are made to the GSC under Section 4(1) of OGRA. The Commission has a legal obligation under Section 4(2) of the same to be satisfied as to the beneficial ownership and share capital of the Company, and to be satisfied that the Company is under the control and management of persons of integrity.

Applications for an OGRA licence: the Ultimate Parent Company

In order to commence the application process, the applicant company is required to complete an application for a Licence to Conduct Online Gambling and, if applicable, a 'Details of the Ultimate Parent Company' form.

Each form collects relevant information regarding the corporate entity, such as name, registered address, contact details and information regarding its share capital including share type, number and value of each shareholder.

The information provided is used to ascertain the management and control of the Company. Further information on roles and the vetting requirement is detailed in the third-party agencies section of this form.

Renewal of a licence

OGRA Section 7 prescribes that a licence will remain in force for 5 years, unless it is cancelled or surrendered.

Section 8 of the OGRA describes the requirements a licence holder must satisfy in order to renew its licence, noting that section 4 of OGRA applies to the renewal of a licence as it applies to the initial granting of a licence.

To ensure the GSC remains satisfied with its obligations under section 4 of OGRA, notably that the Company (remains) under the management and control of persons of competence and integrity, the GSC will require the completion of a application for a Licence to Conduct Gambling form, in order to determine this to be true. Any persons in a role considered as having continued ownership or control of the licence holder will be required to complete a PDF. Roles considered as having control are detailed in section 2 of this guidance.

Variations to, and transfers of a licence

Section 9 of OGRA prescribes the conditions in order to vary and/or transfer a licence, and, as per the renewal of a licence, prescribes that Section 4 of OGRA applies.

In order to satisfy its obligations under Section 4 of OGRA, the GSC will request information to be satisfied that the Company is or proposes to be under the management and control of persons of competence and integrity. Notably in regards to the transfer of a licence, this will require the completion of an application for a Licence to Conduct Gambling form and, if applicable, a further 'Details of the Ultimate Parent Company' form. Any further information required by the GSC will be dependent on the nature of the licence variation.

Following its assessment of the information provided, the GSC may be required to undertake integrity investigations which include sharing personal data with third-party agencies of whom will perform investigations on the behalf of the GSC. Such integrity investigations are to satisfy the Commission that the Company is under the control and management of persons of integrity. Further information on the vetting and third-party agencies is detailed in the third-party agencies section of this guidance.

Section 4

Personal Declaration Forms (PDF) – approved controlling roles

The following section provides information regarding approved roles, including the lawful basis for integrity investigations conducted by the GSC, how the GSC processes personal information and the purpose for sharing with any relevant third-parties. The relevant sections of OGRA are also referenced.

To be considered for an approve role, the applicant is required to complete a PDF and provide the necessary supporting documentation; further explained in section Appendix 1.

Nominated contact person (not an approved role):

Many applications for an online gambling licenses are received on behalf of a company by an agent or a CSP; therefore the GSC will request information regarding the nominated contact person, including the name, address, email address and or contact telephone number of the individual.

This information is recorded on the GSC CRM system 'Atlas' and is used so that the GSC may liaise with the Company during the approval, variation and renewal application processes, and during the ongoing supervision of the licence holder, unless the GSC is informed of an alternative contact person by the Company.

The GSC will retain this information for the duration of the licence in accordance with GSC's Retention and Destruction policy, unless the GSC is informed of an alternative contact person by the Company during that time. Further information on the GSC's Retention and Destruction policy can be found in the data protection section of this guidance.

Shareholder with greater than 5% holding:

In accordance with OGRA section 4(2), the Commission must be satisfied as to the beneficial ownership and share capital of the Company.

The GSC reviews shareholder information in a proportionate manner. Section 12 of OGRA requires the holder of a licence to notify the Commission of any change in share capital of more than 5%. For this reason, upon application, variation or renewal of a licence the GSC will request information regarding the Company shareholders including the name, number of, value of and type of shares held.

Where a shareholder holds greater than 5% shares of the Company the shareholder will be required to complete a PDF. This information is used by the GSC to undertake its investigations in order to satisfy itself as to the integrity of the person.

Such investigations will include sharing personal information with third-party agencies who undertake certain investigations on behalf of the GSC. Further information regarding third-party agencies utilised by the GSC can be found in the third-party agencies section of this guidance.

PDFs received for shareholders should be accompanied by a full corporate structure diagram.

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.

Company Directors

OGRA Section 12 prescribes that no person shall be appointed to be a Director of a licence holder unless the Commission are satisfied that they are a person of integrity and have approved the appointment.

In order for the Commission to consider the appointment, the proposed Director will be required to complete a PDF. This information is used by the GSC to undertake its investigations in order to satisfy itself as to the integrity of the person.

Such investigations will include sharing personal information with third-party agencies who undertake their own investigations on behalf of the GSC. Further information regarding third-party agencies utilised by the GSC can be found 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.

Designated Officials (DO)

OGRA Section 10(1) prescribes that a licence or transfer of a licence shall not come into force until at least one DO in relation to the licence has been approved by the Commission, whilst Section 10(3) prescribes that the Commission must be satisfied as to the integrity and competence of the individual.

In order for the Commission to consider the appointment, the proposed DO will be required to complete a PDF, following which the GSC will undertake its investigations in order to be satisfied as to the integrity and competence of the individual.

Such investigations will include sharing personal information with third-party agencies who undertake their own investigations on behalf of the GSC. Further information regarding third-party agencies utilised by the GSC can be found in the third-party agencies section of this guidance.

Once approved by the Commission as a DO, the individual's name will appear on the licence issued to the licence holder as specified under OGRA Section 10(6), and will remain in place for the duration of licence or whilst the person continues to hold the approved role.

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.

Operations Manager (OM)

Where the DO is not a resident in the Island, the holder of the licence must appoint an OM who is resident on Island and is approved by the Commission, in accordance with Section 10A(2) of OGRA.

In order for the Commission to consider the appointment, the proposed OM will be required to complete a PDF, following which the GSC will undertake its investigations in order to be satisfied as to the integrity of the individual.

Such investigations will include sharing personal information with third-party agencies who undertake their own investigations on behalf of the GSC. Further information regarding third-party agencies utilised by the GSC can be found 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.

Section 5

Simplified Personal Declaration Forms (SPDF) – non-approved management roles

The following section provides information regarding non-approved roles, the lawful basis for integrity investigations conducted by the GSC, how the GSC processes personal information and the purpose for sharing with any third parties. The relevant sections of OGRA are also referenced.

To allow the GSC to satisfy its legal obligations, a SPDF and supporting documentation is required – which is further explained in Appendix 1.

Because of the limited nature of involvement a non-approved role has with the licence holder, it is not considered necessary for the GSC to make the same integrity consideration as with an approved role. Please note, if a person proposed to hold a non-approved role is deemed to be considered a PEP or high-risk, an SPDF will not be accepted and as such a full PDF will be required.

Senior managers

The GSC considers a person to be a senior manager if the person has operational management responsibilities, including but not limited to the corporate strategy, technology, compliance, finance and commercial development of the Company.

The GSC will require information regarding said persons through submission of an SPDF. The information requested will be proportionate and will be investigated so that the GSC may understand the control and management of the Company and to be satisfied as to the integrity of the persons in accordance with OGRA section 4(2).

If it is determined that the person holds additional responsibilities in relation to the control and management of the Company, further information will be requested through submission of a PDF.

Investigations carried out will involve the sharing of personal information with third-party agencies who undertake their own investigations 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 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.

Money Laundering Reporting 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, variation and renewal process the Company is required to provide information regarding the proposed MLRO to be considered with the application. This information is requested on the application for a Licence to Conduct Gambling 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. 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.

AML/CFT Compliance 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 6

Notify-Only roles: shareholders of less than 5%; 20% via a PLC; and stakeholders

Information regarding "notify only" roles, including what the GSC does with personal information, third-parties the GSC may share information with and the purpose, are detailed below in this section. The relevant section of OGRA is also referenced.

Because of the limited nature of involvement a non-approved role has, it is not considered necessary for the GSC to make the same integrity consideration as with an approved or non-approved roles.

Notify-Only does not apply to PEPs.

Stakeholders - persons who have an interest in the performance of the Company

The GSC requires information regarding persons who are stakeholders making critical but non-financial contributions to the Company. The information requested is basic and is only required to enable to the GSC to understand the control, management, structure and influence of the Company.

The GSC will investigate the information provided, and, if it is determined that the person holds additional responsibilities in relation to the control and management of the Company, further information will be requested through submission of a SPDF or PDF.

Considerations will also be made as to the structure, size and nature of the company, therefore an organisational structure diagram should accompany the notify-only form.

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.

Shareholder up to and including 5% holding

For persons or entities holding up to and including 5% shares, a notify-only form will be required. This form should be accompanied by a full corporate structure diagram. The GSC requires this information to understand and be satisfied as to the ownership and control of the Company in accordance with Section 4(2) of OGRA.

The GSC will investigate the information provided, and, if it is determined that the person holds additional responsibilities in relation to the ownership, control and management of the Company, further information will be requested through submission of a SPDF or PDF.

If the shareholder proposes to increase their holding of the Company to greater than 5%, the person or entity is required to submit a PDF for the GSC's consideration before any increase in shareholding may take place, in accordance with section 12(1) of OGRA.

The GSC will retain this information for the duration of the licence plus a further 6 years, unless the person or entity no longer holds the shares before this time. Further information on the GSC's Retention and Destruction policy can be found in the data protection section of this guidance.

Shareholder of up to and including 20% holding via a PLC

Where shares of the applicant Company are held via a PLC, the GSC will require information regarding the persons or entities holding up to and including 20% shares. This is required to enable the GSC to be satisfied as to the ownership and control of the Company under Section 4(2) of OGRA.

A Notify Only form will be required and should be accompanied by a full corporate structure diagram.

The GSC will investigate the information provided, and, if it is determined that the person holds additional responsibilities in relation to the ownership, control and management of the Company, further information will be requested through submission of a SPDF or PDF.

If a shareholder proposes to increase their holding of the Company to greater than 20% via PLC, the person or entity is required to submit a PDF for the GSC's consideration before any increase in shareholding may take place, in accordance with section 12(1) of OGRA.

The GSC will retain this information for the duration of the licence plus a further 6 years, unless the person or entity no longer holds the shares before this time. Further

information on the GSC's Retention and Destruction policy can be found in the data protection section of this guidance.

Investor - investing more than £250,000 or more than 25% of the total amount invested

The Commission is required by section 4 of OGRA to be satisfied as to the ownership and share capital of the company. It is considered by the GSC that investment of £250,000 and over, or more than 25% may be ownership. Therefore, in order to identify owners it is essential that the structure of the company is understood. To do this the GSC will request information relating to investors. If it is found that investors are owners, further information will be required and those persons will be asked to complete a SPDF form (detailed in section 5 above).

The GSC will investigate the information provided, and, if it is determined that the person holds additional responsibilities in relation to the ownership, control and management of the Company, further information will be requested through submission of a SPDF or PDF.

The GSC will retain this information for the duration of the licence plus a further 6 years, unless the person or entity no longer holds the shares 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 7

Information requested during consideration of integrity and F&P

The following section provides information regarding the data requested within the aforementioned GSC forms, together with the lawful basis and purpose for doing so and what the information is used for.

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

The information requested on the PDF, SPDF and notify-only forms differs, with the SPDF and notify-only forms requiring less information to the PDF. The purpose for requesting is explained below.

Name, address and contact details (including aliases and previous names)

This information is to assist in the identification, verification and integrity investigation processes (KYC and DD) undertaken by the GSC and will also allow the GSC to contact the applicant person throughout the relationship.

Gender, place of birth and nationality

The gender of the applicant allows the GSC to address the person appropriately. It may also be used during the identification process, should a bad actor attempt to impersonate the applicant person(s).

Information regarding place of birth and nationality allows the GSC to ensure compliance with any current sanctions.

Current and previous address information

Information regarding a person's address is used during the integrity investigation process. It also allows the GSC to ensure compliance with any current sanctions.

Previous conviction information

This information is requested so that the Commission may be satisfied as to the integrity of all persons in control of a Company that is licensed to conduct online gambling, and in accordance with Section 12(1)(c) of OGRA which prescribes that the holder of a licence or any designated official must notify the Commission of any conviction they have received.

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.

Companies licensed by the GSC to conduct online gambling are noted as regulated occupations under Schedule 1 Part 3(2) the Rehabilitation of Offenders Act 2001 (Exceptions) Order 2018. The GSC will therefore request information regarding spent convictions for the purpose of satisfying its legal obligation to be satisfied that the licence holder is under the control and management of persons of integrity.

The GSC will always consider the honesty of the applicant when investigating the integrity of the person or entity. Declaring a conviction is not an automatic bar to licensing; all matters are assessed individually with consideration given to risk, the nature of the Company and the role to be approved.

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)

The Commission has an obligation to investigate the character and financial status of any person applying for or holding a licence or otherwise concerned with the operation of any online gambling conducted in the Island, in accordance with Section 11(1)(b) of OGRA.

To satisfy this obligation, the GSC will request certain information from each applicant, such as:

- 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. The GSC may request further information as required in order to satisfy the Commission that the holder of a licence has adequate financial means to conduct gambling – Section 12(1)(b) of OGRA. The GSC will only request further information that is proportionate to that particular circumstance.

Declaring matters is not an automatic bar to licensing, all matters are assessed on a case-by-case basis with consideration to risk, the nature of the Company and the role to be approved.

If a matter is declared the GSC will require further information from you in separate communication. It is likely that an overview of the circumstances will be required for the GSC to consider whether the declaration is relevant to the application. If considered relevant, details will be retained on the GSC secure network.

If the Commission requires documents to be provided which contain personal banking information, this will only be used by the Commission 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 data protection section of this guidance.

Curriculum vitae

Each applicant's CV will be reviewed to allow the GSC to consider competence for the applied role. There are many variables of determining competence, not simply having

experience in the gambling sector. The information provided will only be used during the application process and will not be used or recorded for any other purpose.

If during consideration of competence the GSC requires further information, such as confirmation of professional subscription, this will be requested separately and will be proportionate to the nature of the role and the licence type being considered.

Section 8

Third-party agencies

In order to satisfy its legal obligations, the GSC is required to conduct investigations that it does not conduct itself as part of its normal business, and as such will utilise the services of third-party agencies.

The agencies referred to below will each 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)

DBS checks are commonly referred to as a 'criminal record check' and is a service used to assist the GSC to make safe on-boarding decisions in order to satisfy its requirements under Section 4(2) of OGRA. The GSC requests that approved roles be accompanied by a DBS certificate during the licensing and application process, and at certain times during the lifecycle of the licence, such as:

- Licence application;
- Application of an approved role; and
- The five year licence renewal.

The GSC will never retain an original or copy of a DBS certificate; it will be used to confirm whether a DBS certificate confirms either a 'trace' or 'no trace' and will be recorded as such on the GSC's Atlas system.

If considered relevant, details of the conviction will be recorded on the persons file and is held securely on the Isle of Man Government network. If not considered relevant to the application or the role, no record of the conviction will be made.

The GSC does not request the original certificate, however if this is received, the relevant information will be recorded and the original certificate will be returned to the applicant person. At no point is a copy of the certificate saved or shared. Whilst awaiting to be returned the certificate will be stored in the GSC locked and secured cabinet with access restricted to the Operations Support Team.

Risk management databases

During the on-boarding process, the GSC will undertake due diligence investigations in order to satisfy its obligations under OGRA. The GSC uses reputable third-party risk management database providers in order to satisfy these obligations, 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.

Isle of Man Customs and Excise (C&E)

C&E is a division of the Isle of Man Treasury. During the licence application, variation and renewal process, and during the supervision of its licence holders, the GSC will make enquiries with C&E in accordance with the following sections of OGRA:

- Section 4(2)(a) and (c) – the Commission shall not grant a licence unless it is satisfied that the Company is under, and that its activities are under the control and management of persons of integrity; Section 11(1)(b) – the Commission shall investigate the character and financial status of any person applying for or holding a licence, or otherwise concerned with the operation of a licence;
- Section 11(4) – the Treasury, the Financial Supervision Commission, the Isle of Man Data Protection Supervisor and the Chief Constable shall supply to the Commissioners such information in their possession relating to holders of and

applicants for licences, and officers and servants of those persons, as the Commission may reasonably require for the exercise of their functions under OGRA; and

- Section 11(5) – the Treasury, the Financial Supervision Commission, the Isle of Man Data Protection Supervisor and the Chief Constable may disclose information to the Commission for the purpose of assisting the in the performance of their functions under OGRA.

The Isle of Man Financial Services Authority (FSA)

The FSA is a statutory board and has oversight over directors and persons responsible for the management and administration of affairs of commercial entities. The FSA also investigates into liabilities arising from breaches of AML/CFT legislation by persons undertaking regulated activities. Upon request the FSA will provide intelligence to the GSC in accordance with the following sections of OGRA:

During application and supervision of licence holders, the GSC will make enquiries with the FSA under OGRA:

- Section 4(2)(a) and (c) – the Commission shall not grant a licence unless it is satisfied that the Company is under the control and management of persons of integrity and competence;
- Section 11(1b) – whilst investigating the character and financial status of a person applying for or holding a licence or otherwise concerned with the operation of a licence. This is to enable the GSC to be satisfied that there are no outstanding duties or enforcement cases;
- Section 11(4) – the Treasury, the Financial Supervision Commission, the Isle of Man Data Protection Supervisor and the Chief Constable shall supply to the Commissioners such information in their possession relating to holders of and applicants for licences, and officers and servants of those persons, as the Commissioners may reasonably require for the exercise of their functions under this Act; and
- Section 11(5) – the Treasury, the Financial Supervision Commission, the Isle of Man Data Protection Supervisor and the Chief Constable may disclose information to the Commissioners for the purpose of assisting the Commissioners in the performance of their functions under this Act.

The FSA will respond to the GSC under its direction in Schedule 5 Paragraph 2(1)(o) of the Financial Services Act 2001, enabling or assisting the GSC in the discharge of its functions relating to all forms of gambling.

The Isle of Man Financial Intelligence Unit (FIU)

The FIU is part of the Egmont Group of FIU's. It is responsible for protecting the Isle of Man's financial system and contributes to the administration of justice through its expertise in detecting crime, countering money laundering and financing of terrorism. Upon request, the FIU will provide intelligence to the GSC as part of its obligations under Isle of Man legislation.

During application and supervision of licence holders, the GSC will make enquiries with the FIU under OGRA:

- Section 4(2)(a) and (c) the Commission shall not grant a licence unless it is satisfied that the Company is under the control and management of persons of integrity and competence; and
- Section 11(1b) whilst investigating the character and financial status of a person applying for or holding a licence or otherwise concerned with the operation of a licence.

Section 5 of the Gambling (Anti-Money Laundering and Countering the Financing of Terrorism) Act 2018 (GAML) prescribes that the GSC must regulate gambling with a view to securing compliance with AML/CFT legislation, namely the GAML.

The FIU will respond to the GSC under its direction in the Financial Intelligence Unit Act 2016 Section 19(2)(a) in respect of categories of information which may be sought as a result of applications of the AML/CFT requirements to a person carrying on regulated business.

Ongoing monitoring

All persons holding approved and non-approved roles are entered onto the KYC6 system to allow the GSC to perform ongoing monitoring.

OGRA Section 11 specifies that the Commission shall supervise the operation of any online gambling conducted on the Island. As part of the GSC's supervision framework, it will monitor adverse media and certain registers. Information provided to the GSC by KYC6 is used to consider the person's and Company's integrity.

Section 9

Causes for concern

The GSC considers integrity investigations as vital for its statutory obligations, not only for individual persons but also the applicant Company or licence holder. These may include investigations as to whether the applicant complies with tax requirements or the requirements of other statutory bodies.

The below list provides examples of matters that will cause concern to the GSC regarding a person's integrity, may cause delay or refusal of an application or could

call into question the ownership and control of an applicant or licence holder. 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 considerations. The GSC adopts a balanced approach to its decision making based on a number of factors.

Integrity is demonstrated through an individual's personal and professional conduct, and evidence provided to support their character. In assessing integrity, 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 integrity and appointment may take place/continue;
- ❖ is not satisfied and the appointment may not take place/continue;
- ❖ has some concerns regarding a person's integrity and seeks to mitigate any perceived risk by imposing ongoing and enhanced due diligence measures or by limiting the nature of the appointment.

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

1. Honesty and cooperation

The GSC strives for an open and honest relationship with the gambling sector. Licence holders, applicants and role holder are urged to proactively bring potential matters that may be of concern to the GSC's attention at the earliest opportunity and to cooperate in a timely and honest manner 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 consider all supporting information that an applicant person provides.

The GSC will expect that the applicant or licence holder 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 is expected, or whether 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 all relevant circumstances on a case-by-case basis. The nature of any cause for concern and its relevance to the licence or proposed role of the person will also be considered by the GSC as part of its integrity investigations.

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

Individuals must disclose convictions, whether considered spent or unspent within the relevant forms and to the licence application.

All individuals proposed to hold approved or non-approved roles are expected to ensure that the regulated business is conducted with integrity, by their conduct; their involvement in setting policies and procedures; and by providing appropriate supervision and training to others within the regulated activity.

Failure to do so, or failure to be open and honest with the GSC, will be considered relevant to an assessment of an individual's or company'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 and investigations under OGRA are performed by the GSC's Inspectorate who are employees of the GSC. Licensing decisions (including approvals for variations, transfers, ownership and control of a licence) are made by the Commission during its monthly meeting, within which the Commission will observe a separate hearing per licence holder or applicant.

If the Inspectorate declines to recommend an applicant's appointment or licence issuance be approved at a Commission hearing, the licence holder or applicant can nonetheless request that the application be heard by the Commission.

In the event of negative information being found within the integrity investigations process, the Inspectorate will provide a case to the Commission stating their reason for not recommending the approval, for example that the appointment would carry an unacceptable risk.

The individual, however, may still be provided with an opportunity to present their case to the Commission who is independent from the Inspectorate. If successful, the Inspectorate will be over-ruled and the appointment will proceed as normal, subject to any additional measures or controls deemed appropriate.

There is no timeline for the lifecycle of integrity considerations. The legislation allows for the GSC to monitor compliance on an ongoing basis during the lifespan of a licence.

Individuals who have been approved to hold a role will be subject to routine assessment of this integrity.

Where a person no longer holds either an approved or non-approved role they should notify the GSC at the earliest opportunity, following which the processing of their data will end subject to the GSC's Retention and Destruction Schedule.

Section 12

Right of appeal

The GSC considers itself fair-minded and is prepared to service any appeals to the Gambling Appeals Tribunal regarding licensing decisions made by the Commission in accordance with Section 7 of GSA.

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 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

As noted within this guidance document the GSC will share personal information with selected third-parties where it is deemed necessary to do so in order that the GSC may satisfy its obligations under OGRA.

For further information about data subjects rights please refer to the GSC's [Privacy Notice](#), or alternatively please contact the GSC's Data Protection Officer, details are provided below.

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 of the data including the 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 GDPR.

All personal information referenced within this guidance document is stored on the Isle of Man Government secure network and CRM system Atlas.

All information is only used for the purpose it was collected for.

For further details regarding retention periods, or to request a copy of 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

Appendix 1 –roles and integrity and competence requirements

Role type	Integrity and Competence requirements
Approved role (PDF)	Photographic ID Verification of address DBS certificate CV Open-source investigations Financial Intelligence Unit Customs and Excise Financial Services Authority Source of wealth Source of Funds On-going Monitoring
Non-approved role (SPDF)	Photographic ID Verification of address DBS certificate

	CV Open-source investigations
Notify Only	CV Open-source investigations