

# **Gambling Commission response to the Data Sharing Review**

## **Question 1**

The Gambling Commission collects personal information on:

- 250 Commission employees
- 2900 applicants for gambling operator licences – includes personal information of directors and senior management personnel as well as major shareholders
- 3900 applicants for personal licences – includes directors, management posts and some junior front line posts.
- Intelligence on subjects suspected of involvement in gambling related crime.
- LA gaming premises licence information including details of sole traders (de facto personal data)

Some of the information appears on a public register, some remains confidential but can be shared with other organisations within the boundaries of the Data Protection Act, usually in order to prevent or detect crime (the Commission has enforcement and prosecution powers and works closely with law enforcement bodies).

For employees personal information is collected as part of the recruitment process and retained on personal files and computer databases.

For licence applicants personal information is collected through application forms and is stored on paper files and computer databases.

Intelligence is retained on a dedicated intelligence database.

The information is collected and retained in the normal course of the Commission's business as the statutory regulator for the British gambling industry with powers to investigate gambling crime.

Some information is shared in the course of the prevention and detection of crime.

Information sharing gateways are provided by the Gambling Act 2005.

## **Question 2**

The prevention and detection of gambling crime is necessary in order to reduce harm to individuals, particularly young people and vulnerable adults. The Commission has statutory duty to permit gambling providing the licensing objectives are maintained:

- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- (b) ensuring that gambling is conducted in a fair and open way, and
- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

These objectives can only be achieved with the cooperation and assistance of Local Authorities, the police, HM Revenue and Customs and other law enforcement bodies. Working in partnership with other bodies whose aims and objectives overlap with the Commission's is to the benefit of society who expect coordinated activity.

### **Question 3**

The key risks of sharing personal information are the:

- misuse or misinterpretation of information once it is shared and beyond the control of the originating body, and
- mislaying of information in transit.

### **Question 4**

The movement of information presents a risk, especially if paper records or other systems are used that enter the publically available delivery routes.

The greatest opportunities in responsibly sharing personal information, where it is justified to do, are the potential for different organisations with overlapping aims and objectives to see the full picture, to take rational and coordinated action and to reduce the overall harm to society caused by crime and disorder.

The risks of not sharing information include the potential for criminals to exploit information and knowledge gaps across different organisations.

Equally the risks in sharing information include the potential for organisations to share personal information when it is not justified or proportionate to do so with the associated risks of data transfer and retention by others.

### **Question 5**

Public authorities hold vastly different quantities of data for very different reasons. The diverse nature of the systems used to hold data, the format and reasons for holding the data can and do create information and knowledge gaps where it is in the wider public interest for personal information to be shared.

For example, a mobile society creates increased movements of people both nationally and within the UK, with people generating records across a broad range of organisations both functionally and geographically.

The Gambling Commission is sometimes frustrated at the difficulties in accessing information on applicants for gambling licences that is relevant to the application (e.g. references and corporate financial informatio).

### **Question 9**

The legislation works well for the Gambling Commission except that the Commission is held accountable for the information it holds, people applying for access have no accountability. For example, the Commission does receive requests from organisation such as tracing agencies who offer the crime prevention and detection exemption as grounds for obtaining personal information. On deeper probing we establish that use of the exemption is not justified and refuse the request. Should it not be the case that those applying for access also have responsibilities and accountability. For example, the Regulation of Investigatory Powers Act allows for law enforcement bodies to access communications data from telephone, internet and postal companies. This is personal information that is obtained in the course of crime prevention and detection. However, responsibility for establishing justification to

access the data rests with the applicant rather than the company holding the information.

#### **Question 10**

The Gambling Commission obtains personal information for the sole purpose of licensing and regulating the gambling industry and works closely with other public authorities to deliver the statutory objectives listed in the response to Question 2. We find that all the public authorities we deal with take the data protection principles seriously and correctly require detailed information sharing agreements with processes in place to ensure compliance with the Data protection principles.

The second DPA principle is extremely valuable as it is a constant reminder that data controllers manage that information on behalf of the data subject rather than 'owning' the data.

#### **Question 12**

The Gambling Act has been amended by the Finance Act 2006 to create an offence of passing on information given to the Commission by HM Revenue and Customs. The Commission is happy to accept this condition and it underlines our internal policies that would in any event result in disciplinary action if an employee knowingly misused personal information. Similar legislation could be used on a wider basis.

The Commission also feels that there should be a requirement to report significant loss or misuse of data to the Information Commissioner and that failure to do so should be sanctionable.

#### **Question 13**

The Gambling Act creates information sharing gateways with the organisations the Commission needs to work with. The gateways create the power to share information while the Data Protection Act covers how and when information can be shared. Statutory gateways impact positively on data sharing, especially when supported by clear sharing agreements.

#### **Question 16**

The gambling Commission regularly receives requests from foreign gambling regulators for access to personal information. It is normal for such requests to arrive with a signed consent from each named person to share any information held by the Commission about that person. This is always in situations where the applicant wants the information, that is usually positive and supportive, to be shared.

Signed consents by informed and often legally represented people that state what information is requested and what is to be shared are unambiguous and easy to work with.

#### **Question 17**

A requirement to gain consent in the crime prevention, detection or regulatory fields would alert people to investigations or other activity. In covert operations this would naturally be counterproductive. In overt situations refusal might well be a common response and there would have to be facilities to gain information in the absence of

consent. The Commission and partner agencies depend on the maintenance of current exemptions.

#### **Question 18**

Organisations should be made to publish their registered purposes for processing personal data.

#### **Question 19**

It is helpful to make information sharing agreements between organisations available to the general public. For example, the gambling Commission has an agreement with HM Revenue and customs that each organisation will include in its publication scheme.

#### **Question 20**

Technology vastly increase the potential to store and analyse information. It equally provides good opportunities for audit facilities and records of information sharing. On the other hand, poor security systems allow easy unauthorised access and can facilitate inappropriate sharing or misuse. An example is the intelligence system used by the Commission that provides detailed records of the use of all its data. Staff have easy access, when authorised to do so, into a versatile system that prevents misuse of data and provides accurate audit trails in the event that data is unlawfully used.

#### **Question 21**

The Gambling Commission places technical requirements on gambling operators who use remote technology (internet, television or telephone). The requirements are designed to create public confidence and protect personal information. There is little evidence of these technical standards presenting a problem to gambling operators. Explicit technical standards become outdated the moment they are published, therefore some well-framed generic advice would be more appropriate.

#### **Question 22**

The Commission only dis-applies Data Protection to personal data when the information cannot possibly be related to an individual (e.g. data aggregated at the highest level) – even with the use of additional data sets. The Commission is confident that it is compliant with DPA in this respect and requires no further guidance.