Regulatory Sandbox Final Report: Betting and Gaming Council

A summary of the Betting and Gaming Council's participation in the ICO's Regulatory Sandbox

Date: July 2023

ico.
Information Commissioner's Office

Contents

1. Introduction

1.1   The Regulatory Sandbox ('the Sandbox') is a service the ICO provides to support organisations that are developing products or services which use [personal data](#) in innovative and safe ways, and will deliver a potential public benefit.

1.2   The Sandbox is a free, professional service that is available to organisations of all sizes who meet our entry criteria and specified areas of focus, and who are operating within challenging areas of data protection. During 2021 – 2022 the Sandbox considered applications from organisations developing products or services involving complex personal data sharing, and/or projects exploring the use and deployment of innovative technologies.

1.3   In 2019, the House of Lords Gambling Industry Select Committee ('the Committee') was appointed to consider the social and economic impact of the gambling industry, with the Committee subsequently opening an inquiry. In July 2020, the Committee published a report titled 'Gambling Harm – Time for Action'[1], in which they made several recommendations, some of which were directed at the ICO. The Committee recommended that the ICO worked with the Gambling Commission, the Betting and Gaming Council ('BGC') and UK Finance, to resolve perceived data protection barriers when sharing personal data to protect customers from harm related to gambling. The ICO's engagement with the Gambling Commission and the BGC, as set out in this report, stems from, and builds on the Committee's recommendations.

1.4   The Gambling Commission was accepted into the Sandbox in November 2020 to explore the concept of the Single Customer View ('SCV'). The SCV concept under exploration involved facilitating the sharing of personal data concerning 'at risk' customers among online gambling operators, with the aim of mitigating

---

[1] [Gambling Harm— Time for Action (parliament.uk)](#)

gambling-related harms. During the engagement, we provided the Gambling Commission with steers related to the lawful basis that gambling operators may rely on for the sharing of personal data about individuals who may be experiencing, or at risk of experiencing, harm from gambling. Steers were also provided in relation to the implications of potential processing of special category data, controllership, automated decision-making, and individuals' rights. The steers provided were based on a conceptual model of the SCV and were therefore stated to be subject to change depending on the technical specification of the SCV solution developed by the gambling industry. This conceptual work is referred to as 'Phase 1' of the SCV project. For a full summary of the work completed by the ICO and Gambling Commission during the Sandbox, please see the [published report](#).

1.5 Following the completion of Phase 1, the Gambling Commission asked the BGC, the trade body representing 90% of UK retail betting shops and online gaming and gambling operators, to explore the industry's development and trial of a SCV solution. The trial aimed to enable swift and proactive intervention by gambling operators to reduce incidents of problem gambling. The proposed mechanism sought to ensure that in cases where customers owned multiple accounts across a number of operators, operators were permitted to share personal data with each other in line with data protection legislation, allowing for a more effective identification of problem gamblers. The BGC made an application to the Sandbox, and after internal consultation and agreement with the Gambling Commission, the BGC entered the Sandbox on 17 February 2022.

1.6 The BGC, as the Sandbox participant, was supported by the gambling operators, Entain, William Hill, 888, Gamesys, Bet365 and Flutter ('the Operators'), who agreed to co-design and trial the SCV solution. Data Protection Officers from Entain participated in a number of the Sandbox discussions to provide an 'operator perspective' to the engagement. It was also agreed that the BGC would consult with the Gambling Commission throughout the project in respect of matters falling within the Commission's regulatory remit.

As such, the Gambling Commission attended a number of Sandbox update meetings throughout the BGC participation.

1.7   Three different use cases ('Use Cases') were proposed that would be considered for development of the SCV. These were as follows:

- Use Case A: 'Customer initiated self-exclusion' - Upon receiving a flag which indicated a customer had self-excluded with one operator, all other participating operators would also exclude the customer.

- Use Case B: 'Operator enforced account closure' - Customers, who had their account closed by one operator due to the customer disclosing a gambling problem, would also be excluded from all other participating operators.

- Use Case C: Other metrics of interest - This Use Case was not fully developed by the Operators, but it was envisaged that this would involve participating operators assessing their customers and scoring them against agreed markers of harm in order to calculate a risk score for a customer. Personal data of customers rated as 'high risk' would be shared with the operators and appropriate interventions would take place.

Use Case B was regarded as the priority and was intended to be the focus of the initial trial, with Use Cases A and C potentially being incorporated later.

1.8   The bespoke Sandbox plan was split into two parts. The first part involved the conceptual and governance work that the Operators would be required to carry out ahead of any live testing with customer data. With support from the ICO, the BGC agreed to work on the following objectives within Part One:

- **Objective One:** Establish the different roles and responsibilities under the UK GDPR of the organisations involved in the processing, identify an appropriate Article 6 lawful basis for the

processing, and consider whether personal data processed as part of the SCV constituted special category data.

- **Objective Two:** Consider the data protection implications of the proposed processing in order to comply with the data protection principles and produce a Data Protection Impact Assessment ('DPIA') with a particular focus on the risks associated with the processing.

- **Objective Three:** Implement 'data protection by design and default' into the technology, and produce compliance documentation, considering the ICO's feedback.

It was agreed that subsequent to the successful delivery of Objectives One to Three inclusive ('Part One'), the ICO and the BGC would explore the possibility of testing the SCV solution using live personal data within the Sandbox environment. It was agreed that live testing would only take place when all identified data protection risks had been sufficiently mitigated. The following objectives were included in Part Two:

- **Objective Four:** The BGC will formally request to test the solution with live personal data held by the Operators, demonstrate that any data protection risks have been sufficiently mitigated, and following this, produce a comprehensive summary of findings relating to data protection for the ICO's review.

- **Objective Five:** The BGC will consider what data protection considerations are likely to be relevant if the SCV is further developed, such as adding additional datasets or Use Cases.

1.9   The Sandbox plan was agreed and signed off on 11 April 2022, and work commenced on 14 April 2022.

1.10   Part One (Objectives One to Three inclusive) of the BGC's Sandbox plan was completed by November 2022. Following this, the ICO decided to end the Sandbox engagement with the BGC ahead of the commencement of live testing for two reasons. Firstly, we considered that the Operators needed to undertake further work prior to live testing to address the compliance risks we had identified. Secondly, we determined that

continued participation in the Sandbox was no longer necessary for the progression of the SCV project. We considered that the Sandbox's involvement in the project for a period of two years (working firstly with the Gambling Commission 2020-2021 and then subsequently with the BGC in 2022) had laid the groundwork for the BGC and the Operators to develop the SCV in line with data protection legislation. The ICO was also keen to make the best use of its limited Sandbox resources to address its new areas of focus: emerging technologies, biometrics, and exceptional innovations.

1.11 As such, Objectives Four and Five of the Sandbox plan were not completed and no live testing with personal data took place during the Sandbox engagement. We informed the BGC that the participating Operators could proceed with live testing outside of the Sandbox if the risks identified had been sufficiently mitigated and our recommendations implemented. The Operators have since informed us that they have addressed the risks identified following the completion of the Sandbox engagement[2].

2. Product Description

2.1 The aim of the SCV solution and trial is to develop a mechanism through which participating online gambling operators can share specific and limited data, to identify and support individuals experiencing harm from gambling.

2.2 The BGC and the Operators decided that 'Use Case B - Operator enforced account closure' was to form the initial build of the SCV solution. Therefore, all Sandbox discussions and steers outlined in this report are specific to Use Case B.

---

[2] The ICO has not conducted a further review of the compliance documentation or assessed whether our recommendations have been implemented.

2.3   Under 'Use Case B - Operator enforced account closure', the proposed data sharing mechanism would operate under the following framework. An individual indicates one of the below 'Safer Gambling Reasons'[3] to a gambling Operator's customer representative. We understood that these interactions would likely take place via email, telephone, live chat, or social media:

- The customer states they have a gambling problem or addiction.
- The customer states they are seeking support or treatment for gambling problems.
- The customer states they will harm themselves/someone else.
- The customer states they should not be gambling because they have a medical condition.
- The customer states they want to stop gambling forever due to problems with their gambling.
- The customer states they are experiencing financial difficulties or are currently in debt as a result of their gambling.
- The customer states their work, university, family, personal needs, or household responsibilities are currently affected as a direct result of gambling.

Each Operator will follow its internal processes to confirm whether statements made by its customer corresponds to a Safer Gambling Reason. Where this is confirmed, the Operator closes the customer's account. This Operator is known as the 'Closing Operator'. The Closing Operator will then share the following details of that customer with all other participating Operators via the SCV:

- Forename
- Surname
- Date of Birth (DOB)
- Postcode

---

[3] These Safer Gambling Reasons were outlined in the first iteration of BGC's DPIA received on 14 April 2022. These SGRs evolved over the course of BGC's Sandbox participation; this is discussed later in the report at 3.28.

- Email
- Mobile Phone Number

The customer is notified by email that their account has been closed and that their information has been shared via the SCV. The customer is also signposted to the support services, BeGambleAware and the National Gambling Helpline, which provide free and confidential advice on matters related to problem gambling. At the time of the Sandbox engagement, it was agreed that a customer's account would be closed by the Closing Operator for two years[4]. In the event of a customer attempting to log-in to an online gambling account with the Closing Operator, a pop-up notification will alert them to the account closure and refer them to the email providing further details.

The 'Receiving Operators' will use the SCV to undertake a matching process to check whether the customer has an account open with them. Where a match is identified, the Receiving Operator will close the customer's account for the now agreed duration of five years. Each Receiving Operator will notify the customer by email that their account has been closed. During the BGC's participation in the Sandbox, it was confirmed that the Closing Operator would not share the Safer Gambling Reason, or any specific details regarding the closure of a customer's account, with the other participating Operators[5].

---

[4] Following completion of Part One of the BGC's Sandbox plan, the BGC informed the ICO that the Operators agreed that customer accounts will be closed for five (rather than two) years. The ICO has not reviewed or provided advice in relation to this amendment to the closure period.

[5] Following the conclusion of the work in the Sandbox, the ICO has seen further information which indicates that a SGR may be shared with participating Operators where a Closing Operator either ceases to exist or otherwise leaves the SCV scheme. We have not reviewed or provided advice in relation to this data share.

2.4 The National Online Self Exclusion Scheme Limited[6] ('NOSES') was selected by the gambling industry as the technology provider to provide the data sharing mechanism for the SCV. The roles and responsibilities of the parties involved in the SCV are discussed later in this report.

3. Key Data Protection Considerations

3.1 The BGC and the ICO considered several key data protection themes relevant to the development of the SCV. We provided an informal steer to the BGC on 27 June 2022, which covered roles and responsibilities, lawful basis, and special category data processing. This steer was based on information provided by the BGC during their participation, through meetings and documentation, including a Data Protection Impact Assessment ('DPIA') and a Legitimate Interests Assessment ('LIA') submitted on 14 April 2022. An updated steer was also shared with the BGC on 5 October 2022, as the design of the SCV had progressed following further workshops and correspondence with the BGC. Some of the key areas of consideration discussed in the updated steer of 5 October 2022 are outlined below.

Controllership

3.2 There are a number of parties involved in the SCV and it is important that their roles are understood prior to the commencement of processing personal data, as the obligations under the UK GDPR change depending on whether an organisation is a controller, joint controller, or processor.

---

[6] It was made clear to the ICO that the SCV scheme is separate to NOSES Ltd's product, 'GAMSTOP'. NOSES will continue to function as the sole controller for the personal data processed in connection with the GAMSTOP scheme. It has been explained that this data will be strictly segregated from the personal data processed for the SCV.

3.3   We focused on the role of the BGC, the Operators participating in the trial, NOSES, and the Gambling Commission.

3.4   Although the BGC helped to co-ordinate the industry's development and trial of the SCV solution, and was the participant in the ICO Sandbox, the BGC informed us that its role was to act as a facilitator and represent the industry's views, rather than act as a decision-maker in respect of the SCV's processing activities. We considered that, if the BGC did not take decisions or exercise control over the purposes and means of the processing carried out as part of the SCV, then it would likely not be a controller. However, we advised that if the BGC's role changed as the SCV developed, it would need to reconsider this assessment. Similarly, although the Gambling Commission engaged in the trial to the extent that it is the regulator of the gambling industry and the operators participating in the trial, we understood that the Commission did not have any controller responsibilities in relation to the SCV.

3.5   The DPIA stated that the participating Operators were joint controllers for the purposes of the SCV. We understood that the development of the SCV would require cooperation and coordination between the Operators to jointly determine the purposes and means of the processing. Article 26(1) UK GDPR describes joint controllers as having the same or shared purposes. We understood that the Operators held a shared purpose of identifying customers who are problem gamblers and given that the scheme would not be possible without all parties' participation, we considered the designation of joint controllers as likely to be appropriate.

3.6   The DPIA also stated that NOSES would be a processor for the purposes of the SCV. We were informed that a data processing agreement including Article 28 clauses would be agreed between the Operators and NOSES prior to the commencement of the trial. We understood, from workshop discussions, that all personal data processed by NOSES for the purposes of the SCV was carried out on behalf of the Operators,

in accordance with their instructions and pursuant to the Article 28 agreement. On this basis, we agreed that NOSES was likely a processor in relation to the SCV.

Lawful Basis for Processing

3.7   A key component of the Sandbox project was to identify the appropriate lawful basis under Article 6 UK GDPR for the Operators to rely on when they shared customers' personal data for the purposes of the SCV. We had previously provided the Gambling Commission with a steer on this matter, which served as a useful basis for the subsequent discussions we held with the BGC.

3.8   In our report outlining the Sandbox engagement with the Gambling Commission, we explained that both Articles 6(e) 'Public Task' and (f) 'Legitimate Interests' may provide discretionary gateways for gambling operators to share personal data between them for the purposes of the SCV. During the BGC's Sandbox participation, the Operators jointly decided that 'Legitimate Interests' would be the most appropriate lawful basis to carry out the intended processing. A Legitimate Interests Assessment ('LIA') was therefore developed and shared with us on 14 April 2022.

3.9   To satisfy this lawful basis, we advised the Operators that they would need to demonstrate that: (1) they are pursuing a legitimate interest; (2) the processing they intend is necessary to fulfil that purpose; and (3) they have balanced the identified legitimate interests against the individual's interests, rights, and freedoms.

3.10   The Operators recognised a number of benefits for its customers, including the identification and support of individuals experiencing gambling-related harms. Other benefits included to the Operators themselves in better protecting customers experiencing problem gambling and a societal interest in reducing the harmful impact of problem gambling on individuals, their families and friends, and the healthcare system.

3.11 To satisfy the necessity test, the Operators considered that an improved mechanism was necessary to reduce the number of individuals suffering from problem gambling. Although other steps had been taken, such as the regulated scheme 'GAMSTOP'[7] run by NOSES, the Gambling Commission and the BGC pointed to research which indicated that existing efforts were insufficient, and a core set of problem gamblers remained[8]. We understood that the SCV would enhance the Operators' ability to identify customers experiencing gambling-related harm and facilitate a more unified approach for intervention and support.

3.12 The BGC and the Operators also conducted a proportionality test, to assess the balance between the legitimate interests the Operators identified and the rights and freedoms of the data subjects that may be impacted by the processing. They adopted the view that, although the sharing of this personal data related to problem gambling could be perceived as intrusive, the overall well-being of individuals would be improved because of the SCV scheme. We agreed with the assessment that a SCV solution to support the identification of individuals at risk of problem gambling was likely to be proportionate to the risks to the rights and freedoms of the individuals involved.

3.13 Taking the outcomes from the LIA into account, we were satisfied that the Operators' reliance on legitimate interests as a lawful basis for the SCV processing was likely to be appropriate.

3.14 We informed the BGC about the applicability of the 'right to object' where organisations processed personal data under Article 6(1)(f). We recommended that the Operators implemented effective processes to deal with such requests. For example, we advised that, when an objection is received, a compelling legitimate reason to continue with the processing must be demonstrated by the Operators. This process necessitates more than simply repeating the original balancing test, and the Operators must provide a justification of

---

[7] GAMSTOP - Gambling Self-Exclusion Scheme
[8] How the consumer engages with safer gambling opportunities - Gambling Commission

even greater strength to continue processing the individual's data. The LIA was further developed following our feedback.

Special Category Data Processing

3.15 Special category data is defined by Article 9(1) UK GDPR as "*personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation*". Our guidance states that personal data may be special category where it is possible to infer or guess details about someone which fall within these special categories of data listed above.

3.16 The BGC considered that, as individuals would be added to the SCV for a variety of Safer Gambling Reasons (not just limited to health reasons), the data processed would not fall within the scope of the UK GDPR definition of special category data.

3.17 We agreed that the six fields of personal data[9], considered in isolation, would not necessarily be considered special category data. However, we advised that due to the nature and purpose of the processing conducted through the SCV, in some instances the information would concern or relate to the customer's health (specifically their mental health), and thereby constitute special category data.

3.18 In reaching this view, we acknowledged the broad definition of health data in the UK GDPR and acknowledged the body of medical guidance that recognises severe gambling problems as a mental health

---

[9] Forename, surname, Data of birth, postcode, email address and telephone number.

condition and/or a condition that relates to an individual's mental health[10]. We recognised that the Operators may not be certain that a customer is a problem gambler or has a gambling disorder or addiction. However, we understood that under the SCV scheme, Receiving Operators would be notified by a Closing Operator of customers deemed unable to control their gambling to such an extent that unilateral intervention (ie a platform ban without prior notification) was necessary. As such, we determined that the inference (ie that the customer was a problem gambler) would be processed in a manner which influenced or impacted the Operators' treatment of that customer.

3.19   As such, we advised Operators to treat the personal data processed as part of the SCV (the identification of one or more of the Safer Gambling Reasons and the data fields shared via the SCV) as special category data and to identify an appropriate Article 9 condition for processing.

3.20   The BGC expressed a concern in relation to relying on Article 6(1)(f) 'Legitimate Interests' whilst also processing special category data. We explained that the Article 6 lawful basis for processing and the Article 9 condition for processing of special category data do not need to be linked. This meant that the Operators could rely on legitimate interests as their Article 6 lawful basis, whilst also processing special category data, providing they fulfilled the requisite conditions for processing under Article 9 UK GDPR, and assessed how the processing of such data may pose greater risks to the rights and freedoms of the affected individuals.

3.21   Considering the potential conditions for processing, we indicated that Article 9(2)(g) 'Reasons of substantial public interest (with a basis in law)' could be an appropriate condition for the Operators to rely on for the sharing of personal data via the SCV. The relevant basis in law can be found in Section 10(3) DPA 2018 and requires the controller to meet one of the 'substantial public interest' conditions outlined in Schedule 1, Part 2 DPA 2018. We suggested that the Operators may wish to consider the special category data processing

---

[10] Information published by the Royal College of Psychiatrists, the NHS, and various medical authorities (including the Diagnostic and Statistical Manual of Mental Disorders ("DSM-5") and the World Health Organisation) indicate that a 'gambling disorder' is recognised and treated as a mental health condition.

conditions under Paragraph 18 'Safeguarding of children and individuals at risk' and Paragraph 19 'Safeguarding of the economic well-being of certain individuals'. We explained that it was for the BGC and the Operators to make their own assessment of whether (and in what circumstances) the processing conditions would be available in the context of the SCV. If these conditions were considered appropriate, the Operators would be required to have in place an appropriate policy document.

3.22   A workshop was attended by representatives of the ICO, the BGC and DPOs from Entain on 30 June 2022, where the issue of special category data was discussed. Correspondence between the BGC and ICO followed this workshop to further explore this topic.

3.23   It was clarified in a meeting on 21 September 2022 that our steers in relation to special category data processing are based on the information provided during Sandbox participation and are specific to Use Case B of the SCV. The BGC and the Operators will need to review these considerations as the SCV develops.

Data Protection Impact Assessment

3.24   As noted above, the BGC submitted a DPIA and a LIA to us on 14 April 2022. We provided feedback on these documents on 5 May 2022. We recommended a number of improvements that the Operators should make to the documentation. Specifically, the DPIA was not considered sufficiently detailed or grounded in the governance processes of the Operators, and additional considerations were recommended around special category data processing, data minimisation, accuracy, individual rights, and retention. We understood that some of the governance processes were yet to be determined given the early stage of the SCV's development and recommended that the next iteration of the documentation be less theory-based and more specific.

3.25 In addition, we recommended that the next iteration of the DPIA included additional technical detail about the processing and suggested that NOSES helped the Operators in this regard.

3.26 The ICO, BGC, DPOs from Entain and NOSES attended a Process Design Walkthrough on 14 September 2022. During this workshop, NOSES presented a demo of the SCV product and how the Operators would be expected to interact with the Application Programming Interface ('API'). NOSES provided details of the technical functionality of the SCV and the security safeguards that would be used to protect the personal data processed via the scheme. Following this workshop, we asked for additional clarification and detail from NOSES; BGC facilitated these interactions through September and October 2022.

3.27 We provided the Operators and NOSES with feedback regarding its technical and organisational measures, which included recommendations to assist with their compliance of Articles 25 and 32 UK GDPR. We highlighted the following recommendations in which we advised the Operators and NOSES to consider:

- Conduct regular pen tests that specifically focus on database security and the chosen data matching tools.
- Conduct regular risk assessments that include database security and the chosen data matching tools.
- Consider how the system could be improved in the future, for example, by adopting Privacy Enhancing Technologies ('PETs') such as homomorphic encryption and secure multiparty computation ('SMPC') which can be used for data matching.

3.28 A further iteration of the DPIA and the LIA was submitted to us on 10 October 2022. In this document, the original Safer Gambling Reasons listed in the previous version of the DPIA (received on 14 April 2022) had been changed, narrowing the scope of the SCV solution. As a result, the final list of the Safer Gambling Reasons agreed by the Operators that would be used in the SCV trial are as follows:

- The customer states they have a gambling problem or addiction.

- The customer states they are seeking support or treatment for gambling problems.
- The customer states they will harm themselves/someone else.
- The customer states they should not be gambling because they have a medical condition.
- The customer states they want to stop gambling forever due to problems with their gambling.

3.29   In a meeting with the BGC and the Gambling Commission on 9 November 2022, it was explained by the BGC and Entain that the scope of the Safer Gambling Reasons would be reviewed again in the future once the pilot of the SCV had been evaluated and proved to be effective. We recommended that the BGC consult with the Gambling Commission and other appropriate parties regarding any future reviews.

3.30   On 18 November 2022, we provided the BGC with its final feedback on its compliance documentation. In terms of special category processing, although it had been acknowledged that the data processed via the SCV would be treated as special category data, it was recommended that the documentation be updated to reflect our steers and rationale behind this conclusion. As the Safer Gambling Reason related to financial difficulties had been removed, we advised that Paragraph 19 'Safeguarding of the economic well-being of certain individuals' would be less relevant as a special category condition for processing in the context of the SCV, and that Paragraph 18 would likely be more broadly applicable to the processing expected under the updated scheme.

3.31   We recommended that further operational information was included in the DPIA, such as additional detail on the checks a Closing Operator would take when a customer triggered a Safer Gambling Reason, a comprehensive description of the SCV's data matching process, and the steps the Receiving Operators would take to identify and verify a customer's account match.

3.32   We advised that the BGC and the Operators should give due consideration to how data subject rights would be exercised and facilitated, and particularly how the Operators intended to support a customer's Article 21 'right to object'.

3.33   We also recommended that further consideration be given to risk scoring and the effectiveness of safeguards to ensure that personal data was adequately protected.

Storage Limitation

3.34   Article 5(1)(e) states that personal data shall be: '*kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed*…' As such, the Operators are required to justify the duration for retaining personal data as part of the SCV scheme.

3.35   The BGC submitted a draft joint retention policy for the SCV scheme to the ICO on 11 October 2022. Feedback on this policy was provided by us on 18 November 2022. We advised that while there had been some consideration regarding the proposed retention periods for SCV personal data, the actual durations were not sufficiently clear. At the time of our review, we also found inconsistencies in the explanations and definitions used within the policy. Furthermore, the policy did not demonstrate why the retention periods stated were appropriate and proportionate.

3.36   We recommended that the Operators reviewed the proposed retention periods for the SCV scheme, paying particular attention to its necessity and proportionality considerations. We also recommended that the Operators evaluated the retention of personal data in the context of Operators joining and leaving the SCV scheme.

Transparency

3.37   The UK GDPR requires controllers to be transparent with individuals about what they do with their personal data. Articles 13 and 14 specify the types of information that need to be provided to individuals ('privacy

information'). Article 12 specifies how the privacy information detailed in Articles 13 and 14 is communicated to data subjects.

3.38 The BGC submitted a joint privacy notice to us on 22 September 2022. This was intended to link with the participating Operators' existing privacy notices but would relate specifically to the processing conducted for the purposes of the SCV scheme.

3.39 We provided the BGC with feedback on this privacy notice on 14 October 2022, advising that further remedial steps were required to bring the privacy notice into compliance with Article 13 and 14 UK GDPR. We considered that the notice did not sufficiently explain why individuals' personal data may be shared with the SCV and what the potential impact could be. We recommended that the Operators consider the accessibility of the privacy notice, how to provide the information to their existing customers, and how the Operators would manage the provision of transparency information when Operators joined and left the SCV scheme.

3.40 In addition, as the Operator providing the privacy notice to an individual may not be the Closing Operator, we advised that the privacy notice should include the details of all Operators participating in the scheme. We believed this approach would help the Operators meet their obligations under Article 14 UK GDPR. We also recommended that Operators communicate to individuals any updates to the joint privacy notice. In particular, we advised that any changes in processing which are introduced between live testing and the deployment of the SCV scheme should be flagged with individuals. Lastly, we recommended that the Operators updated their own privacy notices[11] to reflect the collection of additional personal data from customers, and the processing of their personal data for a new purpose, namely the running of the SCV.

---

[11] The ICO was not provided with, and has not reviewed, the Operators' own privacy notices as part of this Sandbox project.

4. Ending Statement

4.1 The ICO and the industry parties referred to above in this report have considered the development of the SCV scheme and its compliance with the UK GDPR in significant depth. This Sandbox participation has demonstrated that organisations can work together collaboratively and positively to consider and overcome the perceived challenges posed by data protection law.

4.2 As controllers of personal data, the gambling Operators have responsibility for complying with data protection law and demonstrating accountability for their compliance. We trust that the Gambling Commission and the BGC's time in the Sandbox has provided the gambling industry with the tools to do this going forward. Operators participating in the SCV scheme will be required to implement the recommended changes to their processes to ensure outstanding risks are mitigated, and associated documentation is updated prior to the commencement of any live processing of personal data.

4.3 The BGC regarded participation in the Sandbox as highly valuable in the development of Single Customer View Trial 1 Use Case B, now publicly branded and known as 'GamProtect'. The Operators have taken actions in response to our guidance, which has been much appreciated throughout the Sandbox engagement process.

4.4 We consider that our work to date supports the recommendations set out in the House of Lords Select Committee report[12], and aligns with the UK Government's plan to improve the regulation and user experience within the gambling industry[13]. We wish the gambling industry success in the implementation of GamProtect and hope that it will go on to successfully achieve its aim to support vulnerable gamblers.

---

[12] Gambling Harm— Time for Action (parliament.uk)
[13] High stakes: gambling reform for the digital age - GOV.UK (www.gov.uk)