



# Privacy Policy (Data Protection)

## Privacy statement

This website is operated by the Jersey Gambling Commission whose principal place of business is Osprey House, 5-7 Old St, St Helier, JE2 3RG. We are an independent non-departmental public body, reporting to the States through the Minister for Economic Development, Tourism, Sport and Culture, a department of the Jersey Government.

The Jersey Gambling Commission was created under the Gambling Commission (Jersey) Law 2010 (the Commission Law) to regulate commercial and charitable gambling in Jersey.

In order to carry out our regulatory functions and meet our legal responsibilities, we need to collect certain personal data and, when we do, we are a ‘data controller’ of that information for the purposes of the General Data Protection Regulation (the GDPR) (which applies across the European Union including Jersey), the Data Protection (Jersey) Law 2018 which supplements GDPR, extends its application to Jersey.

This statement contains information about:-

- What is personal data and special category data?
- What personal data we collect, for what purpose, and the legal basis for doing so
- Applications for Licences and other Regulatory Permissions
- People who already hold a licence – operating/personal
- People we are investigating/ regulatory action
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## **What is personal data and special category data?**

Under the GDPR, personal data is defined as any information relating to an identified or identifiable natural person. It can include obvious identifiers like your name but also identification numbers, online identifiers and/or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person. Special category data includes data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and genetic data, biometric data, data concerning health or data concerning a person's sex life or sexual orientation.

## **What personal data we collect, for what purpose, and the legal basis for doing so**

We collect and process personal data based on one or more of the following legal bases:

- Consent: the individual has given clear consent for us to process their personal data for a specific purpose.
- Contract: the processing is necessary for a contract we have with the individual or their organisation, or because they have asked us to take specific steps before entering into a contract.
- Legal obligation: the processing is necessary for us to comply with the law (not including contractual obligations).
- Public task: the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.

We collect and process special categories of personal data based on one or more of the legal bases set out above and where one of the separate conditions for processing applies, the most likely being:

- processing is necessary for reasons of substantial public interest, on the basis of Jersey law and is proportionate to the aim pursued, or
- processing is necessary for the establishment, exercise or defence of legal claims.

As a regulatory body, most of the personal data that we collect and process is data relating to our regulatory functions and responsibilities. Therefore, for the most part (and for the reasons set out below), when we are processing data it will be on the basis that it is necessary for the performance of a task carried out in the public interest and/or in exercising our statutory functions. We have sought to explain how this works below and also what other lawful bases apply to our processing of data in the relevant categories.

## **Applications for Licences and other Regulatory Permissions**

When we receive an application for a licence or other regulatory permission, we create or update information we hold about relevant persons on our systems. Relevant persons are those responsible for the gambling or those who own stock or shares in the applicant if that is a company. We use that data to decide whether to approve the application and issue a licence (or other regulatory permission).

The provision of data for the purposes of licence applications is required by law. Failure to provide the information requested constitutes an offence under the Gambling Law and will also lead to the application being refused. If we find that any individual does not meet the necessary standards required by law, they may not be employed by an applicant and the Commission has powers of Direction to require changes of personnel where required.

For this reason it is vital that care is taken to ensure that the information supplied to us is accurate (including in the period between the submission of the application and the date of the decision). If this is not done, there is a possibility that the licence subsequently issued may be reviewed and/or withdrawn.

We are also required to conduct suitability or ‘fit and proper’ assessments as part of the licensing process. For this purpose, we will obtain personal data relating to applicants from third parties such as the Disclosure and Barring Service/Disclosure Scotland, World Check, and Experian. Obtaining data from third parties is explained below.

Article 4 of the Gambling Commission (Jersey) Law 2010 states that the Commission must, in the performance of all of its functions, have regard to the principles that any gambling services provided

- (a) should be conducted responsibly and with safeguards necessary to protect children and vulnerable people;
- (b) should be regulated in accordance with generally accepted international standards to prevent fraud and money laundering, and should not be permitted to be a source of crime; and
- (c) should be verifiably fair to consumers of those services.

Therefore, our collection of personal data for licensing purposes may also be used to:

- comply with our statutory function and legal obligations
- inform our regulatory work in accordance with these objectives – including investigations and enforcement
- assist other regulators or law enforcement agencies
- check our level of service and to help us improve things where we can, and
- conduct research/ collate statistics for publication and/or for the purposes of formulation of policy. Although in this case, data will not identify individuals.

### **People who already hold a licence – operating/personal**

We operate an electronic portal for existing licensees which allows them/ their representatives to:

- (operators) apply for additional licences, add/ remove/ change licence activities, submit key events and licence conditions and codes of practice notifications, submit regulatory returns or audits; and
- (personal licensees) submit key events and LCCP notifications.

This information is held for the regulatory purposes set out in the Gambling Law. This data may also be used for the additional purposes directly above for the same reasons.

We publish the names of all companies who hold operating licences in Jersey. We also publish the names of companies or individuals whose commercial licences have lapsed, been revoked,

forfeited, expired, suspended or surrendered in the last three years. If a licensee is, or has been, subject to a regulatory sanction they are also listed. We do this in order to comply with our legal obligations under the Gambling Law.

## **People we are investigating/ regulatory action**

The Gambling Law requires that we undertake activities for the purposes of assessing compliance with the Law or to ascertain whether any offence has been committed.

We will use personal data in the course of conducting investigations (and deciding outcomes) into the activities of personal and operator licensees.

This information may also be relevant to our wider regulatory objectives and statutory functions. We may, for example, derive information from our investigations which help us improve our understanding of the gambling market and assessment of the risks it faces (and potential risks to consumers as a result), and to seek continuous improvements in the market and our regulation of it.

As mentioned above, we will also publish regulatory action we take following our investigations.

## **Complainant data**

We do not currently list or publish the sorts of complaints we may see in the course of our work. In general most complaints are Consumer complaints about a gambling business and these will generally be made to the business itself first or, if necessary, after an Alternative Dispute Resolution (ADR) process.

When we receive any such complaint, we will create a complaint file which will identify the complainant (and include their contact details) and others who may be named in the complaint.

We will ordinarily have to share the complainant's identity with the operator or person complained about. It may be necessary for the person complained about to access any relevant information they hold on a complainant (e.g. relevant customer account details, history, etc) to help us resolve the complaint. The more complete a picture that we have of the issues complained about, the better prospect we will have in dealing with it effectively. If a complainant tells us that they do not want to be identified to the operator/ person complained about, we will try to respect that. But where there is an overarching public interest to progress a complaint made, which cannot be done without disclosing the complainant's identity, we may decide to do so.

A complaint may also lead to regulatory action as set out above; as such, the relevant data may also form part of the investigation file.

We may publish research or statistics regarding the complaints we deal with in a relevant period; but we will not do this in a way which identifies individual complainants.

## **Employees - prospective, past and present**

When people apply to work for us, we process data in the course of deciding applications, and also to monitor our recruitment process.

To ensure compliance with anti-discrimination legislation, we will collect certain information which may be categorised as special category data. The information is not used for the purposes of the application itself however and is treated with strictest confidence. The information is important to monitoring recruitment and may be used to assist us in helping to deliver equal opportunity measures.

Successful applicants' personal data will be processed in line with our internal Privacy Policy. We will generally dispose of unsuccessful applicants' applications within one year of the process being complete; although we may ask for their consent to keep the information for a longer period if, for example, there is the prospect of a relevant vacancy arising in the future.

## **Other people we come into contact with, provide services to, and stakeholders in the industry**

From time to time we come across third parties who are in some way relevant to our work as a regulator. This category is broad and might include advisers to operators/ personal licensees, witnesses relevant to an investigation and personnel at connected bodies or other regulators/ enforcement agencies. We may use this personal data either in the context of our regulatory functions referred to above, or for reasons connected to the gambling industry more generally.

## **Reviewing, correcting and deleting data**

If you would like us to correct or update any information, or if you would like information deleted from our records, then please contact us on [info@jgc.je](mailto:info@jgc.je), or write to:

### **Data Protection**

Jersey Gambling Commission  
Osprey House  
5-7 Old St  
St Helier  
JE2 3RG

## **Links to other websites**

This privacy statement only covers the Jersey Gambling Commission website at [www.jgc.je](http://www.jgc.je). This statement does not cover links to other websites.

## **How long we keep the information**

We operate under a detailed data retention policy which sets out how long certain categories of data will be retained and/or how often certain data will be reviewed for the purpose of assessing whether it needs to be retained. We have four main retention periods:

- 25 years: for data relating to research;
- 10 years for data associated with contracts that we have entered into and also for enforcement activities;
- 5 years for data relating to intelligence activities and reports, licensee and operator documents (including correspondence, reports, reviews and assessments);
- 3 years for data relating to telephone records and complaints.

## **Keeping your personal information secure**

We have a duty to, amongst other things:

- keep sufficient information to provide services and fulfil our legal responsibilities
- keep your records secure and accurate
- only keep information as long as it is required (per the above).

We will use technical and organisational measures in accordance with good industry practice to safeguard your information.

## **Obtaining data from third parties**

In accordance with our statutory functions and powers, we will obtain data from third parties in the following ways (and for the following reasons):

- in order to confirm information supplied to us in the licensing application process and/or for the purposes of suitability assessments. This may include data organisations such as World Check and Experian, as well as public registers, and information from other regulatory bodies. As part of our applications process, we include an Authorisation / Waiver for release of information – which confirms (for the purposes of the third parties we approach) applicants' agreement to the supply of information from governmental and public bodies, financial institutions etc. To the extent the relevant information requested/supplied by these third parties constitutes personal data, we do not rely on consent as the lawful basis for processing the same. As explained above, this processing will be for the purposes of exercising our official authority and statutory functions as regulator of the gambling industry.
- from operators at our request for the purposes of our exercise of our functions, particularly in the context of seeking to achieve our regulatory objects under the Gambling Law. This may include information about problem gamblers, for example.
- from complainants, other regulatory bodies, witnesses and experts about persons relevant to a regulatory investigation.
- data provided by licence applicants identifying people relevant to the application who are not the applicants themselves (e.g. funders).

In each case, the information is important to the exercise of our regulatory functions; and, we will not generally notify the relevant individuals when such data is received from third parties. In certain circumstances, particularly where there is a possibility of criminal activity being identified and actioned, notification could obviously hinder this process. In other cases, the information is necessary (and failure to provide it could lead, for example, to a refused application or even an offence being committed under the Gambling Law) and/or notifying individuals would involve disproportionate effort.

## **Who we share personal data with**

Your data may be shared with third parties who fulfil a service on our behalf, and under our express instructions. It may also be shared with other bodies where it is necessary to do so and where we are legally required or permitted to do so. This may include third party payment processors, relevant public authorities, gambling operators, sports governing bodies, other regulators and law enforcement agencies (including overseas). We also share data with third parties for the purpose of vetting applicants. Such third parties include World Check, Disclosure and Barring Service and/or Disclosure Scotland, and the Jersey Financial Services Commission.

Sharing data is primarily for the purpose of performing our regulatory functions such as assessing individuals' suitability to be licensed, but it may also be necessary to share information for other reasons, such as the prevention and detection of crime or the collection of tax or duty.

## **Your rights**

Depending upon the information we hold about you, and the reasons for our holding it, you have various rights under GDPR in the Data Protection Law – as set out below. If you have any questions about this, please contact the Commission at the address stated above.

### **The right to rectification**

You are entitled to have relevant records/ files amended if the personal data we hold is inaccurate or incomplete.

### **The right to erasure**

In limited circumstances you will have the right (where the data is no longer needed for the purposes it was collected, where you have withdrawn consent and there is no other lawful basis on which we can continue to process it, you object to processing and there are no overriding legitimate grounds to continue, where the data has been unlawfully processed or where the data has to be erased for compliance with a legal obligation) to request that we erase the information we hold about you.

As most of our processing is conducted in order for us to comply with a legal obligation and/or perform a public task, this right will not be available in most circumstances.

## **The right to restrict processing**

You have the right to seek to restrict processing of your data in the following circumstances:

- the accuracy of the data is contested – for a period necessary to allow us to verify its accuracy
- the processing is unlawful and you request restriction instead of erasure, or
- we no longer need the data for the purposes it was collected, but you need it in connection with a legal claim.

## **The right to object to processing**

You have the right to object to our processing of data which is done on our predominant ground for processing – the exercise of our statutory/ regulatory functions. In this case, we will stop processing unless we can demonstrate compelling legitimate grounds for continuing the processing which override your interests.

## **Law enforcement processing**

The Data Protection Law sets out how the rights (together with rights of access – explained below) apply in circumstances where we are conducting law enforcement processing. This includes the prospect of certain rights being restricted (in whole or in part) where necessary and proportionate: to avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or expectation of criminal penalties; to avoid obstructing an official or legal inquiry, investigation or procedure; or to protect public security, or the rights and freedoms of persons other than the data subject.

## **Accessing your personal data**

You have the right to confirmation as to whether or not we are processing your personal data and, if we do, the reasons we hold it, the period it will be retained and who the information has been shared with.

Your request must be in writing. You can submit your request by post or email to [info@jgc.je](mailto:info@jgc.je)

The request must include:

- your name
- your address/ email address for sending the information to you
- a description of the information you wish to obtain.

To ensure confidentiality, we will need evidence which confirms your identity. A copy of photo identification, and proof of your address such as a copy of a photo driving licence or passport and a recent utility bill. Please do not send original documents.

Most requests will receive a response within one month of receipt of a valid request; those which are more complex or numerous may take up to three months.

You may not be entitled to see all the information held about you if an exemption under the GDPR/ the Data Protection Law applies, e.g.: if it contains data mixed with other individuals' data, if disclosure would prejudice the exercise of our regulatory functions or is subject to legal privilege. Requests which are manifestly unfounded or excessive will be refused.

## **Overseas transfers**

Our systems are Jersey based. The prospect of international transfer of data will only generally arise in circumstances where we need to send information to our international gambling regulatory counterparts, sports governing bodies based overseas or to officials overseas in connection with regulatory or criminal investigations or processes.

## **Changes to this privacy statement**

We keep this privacy statement under regular review and may change it from time to time. If we change this statement we will post the changes on this page, and place notices on other pages of our website as applicable.

## **How to contact us**

Please contact us at the address stated above if you have any feedback or questions about this privacy statement.

## **How to complain**

If you have any concerns about how we collect or process your data then you can write to us. You also have the right to lodge a complaint with the Information Commissioner's Office.

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