

## Remote gambling and software technical standards

### Consultation responses template

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- 1.1** This template is provided for responses to our consultation on the testing strategy for compliance with remote gambling and software technical standards. Please use this template if possible.
- 1.2** The templates leaves space for responses to all the questions asked in the consultation. However, we understand that respondents may wish to answer only those questions which are relevant for their business, organisation or interests. Please answer questions by inserting an (x) into the bracket next to your chosen response.
- 1.3** All responses should be sent by email to [consultation@gamblingcommission.gov.uk](mailto:consultation@gamblingcommission.gov.uk) by **17 January 2017**.

Alternatively, responses can be sent by post to:

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 Birmingham B2 4BP

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<b>Organisation:</b>	<b>IBAS</b>
<b>Confidential (see paragraph 1.6 below):</b>	<b>No</b>

- 1.4** If you are responding on behalf of an organisation, please indicate which type of organisation:

Licensed operator		Governmental body	
Trade Association		Campaigning or political group	
Test Lab		Problem gambling support organisation (i.e. treatment or education provider)	
Professional services provider		Academic individual or institution	
Other (please specify)	Alternative Dispute Resolution (ADR) body		

- 1.5** If you are responding as an individual, please indicate your own interest:

- 1.6** Please note that responses may be made public or published in a summary of responses to the consultation unless you state clearly that you wish your response or name to be treated confidentially. Confidential responses will be included in any statistical summary of numbers of comments we receive. If you are replying by email or via the website, unless you specifically include a request to the contrary in the box above, we will assume your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system.
- 1.7** Any information or material sent to us and which we record may be subject to the Freedom of Information Act 2000 (FOIA). Our policy on release of information is available on request or by reference to our website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk). We will treat information marked confidential accordingly and will only disclose that information to people outside the Commission where it is necessary to do so in order to carry out our functions or where we are required by law to disclose the information. As a public authority we must comply with the requirements of FOIA and must consider requests for information made under the Act on a case-by-case basis. Therefore when providing information, if you think that certain information may be exempt from disclosure under FOIA, please annotate the response accordingly so that we may take your comments into account.
- 1.8** All information provided to us will be processed in accordance with the Data Protection Act 1998. However, it may be disclosed to government departments or agencies, local authorities and other bodies when it is necessary to do so in order to carry out our functions and where we are legally required to do so.

## Questions

Q1. Do you agree with our proposal to merge IPAs with the technical standards		
		Please explain the reasons for your answer:
Agree		
Neither agree nor disagree	<b>X</b>	
Disagree		

Q2. Do you agree with the proposed requirement that consumers must be able to access account and gambling history for a minimum period of 12 months?		
		Please explain the reasons for your answer:
Agree	<b>X</b>	<p>It is a requirement of approved ADR entities to accept disputes from consumers up to 12 months from the point at which all reasonable attempts to resolve the dispute have been exhausted, so unless there is access to a year's worth of account history information, consumers may struggle to provide important evidence that their arguments might rely on, without depending on ADR entities to retrieve it on their behalf.</p> <p>It would be helpful too if operators either allowed customers to access their account histories, or provided them with a copy of account activity as a matter of course, from the point where an account is closed, either by the operator or at the request of the consumer.</p>
Neither agree nor disagree		
Disagree		

Q3. Do you agree with the proposed requirement that account history should display the total win/loss for the defined period?		
		Please explain the reasons for your answer:
Agree		
Neither agree nor disagree	<b>X</b>	
Disagree		

Q4. Do you agree that the account history must provide a summary across all gambling products?		
		Please explain the reasons for your answer:
Agree	<b>X</b>	
Neither agree nor disagree		
Disagree		

Q5. Do you agree with the proposed requirement that net deposit information is made available to consumers?		
		Please explain the reasons for your answer:
Agree		
Neither agree nor disagree	<b>X</b>	
Disagree		

<b>Q6. Do you agree with the proposal that the new net deposit display requirement commences from defined start date (this is expected to be autumn 2017 – 3 months after the Commission has published its response document)?</b>		
		Please explain the reasons for your answer:
Agree	<input type="checkbox"/>	
Neither agree nor disagree	<input checked="" type="checkbox"/>	
Disagree	<input type="checkbox"/>	

<b>Q7. We intend to give licensees sufficient time to implement these requirements and invite views as to what would constitute a reasonable time period?</b>		

<b>Q8. Do you agree with the amended definition for <i>restricted display device</i>?</b>		
		Please explain the reasons for your answer:
Agree	<input type="checkbox"/>	
Neither agree nor disagree	<input checked="" type="checkbox"/>	
Disagree	<input type="checkbox"/>	

<b>Q9. Do you consider there to be areas in which special dispensation on information provision should be removed or added to the RTS?</b>		
		Please explain the reasons for your answer:
Removed	<input type="checkbox"/>	Our primary area of interest is the accessibility of terms and rules from restricted display devices, an aspect already adequately provided for.
Added	<input type="checkbox"/>	

<b>Q10. Do you agree with our proposal to formalise our position that restricted display devices do not have to provide the licence display details on every page/ screen?</b>		
		Please explain the reasons for your answer:
Agree	<input type="checkbox"/>	
Neither agree nor disagree	<input checked="" type="checkbox"/>	
Disagree	<input type="checkbox"/>	

<b>Q11. Do you agree that the requirement to display licensed status (at a minimum) to consumers prior to gambling or registering to gamble (eg on the website's landing page and on the app store download screen, as well as in terms and conditions) is sufficient? If not which further pages would be sufficient?</b>		
		Please explain the reasons for your answer:
Agree	<input type="checkbox"/>	
Neither agree nor disagree	<input checked="" type="checkbox"/>	
Disagree	<input type="checkbox"/>	

**Q12.** Should the display of licensed status be more prominent? At present this is generally at the foot of a page/screen. Should it be at the top of the page? We do not currently specify that the Commission logo should be used to meet the licence condition requirement, however we are seeking views as to whether this is clearer and easier for consumers to find and use?

		Please explain the reasons for your answer:
Agree		
Neither agree nor disagree	<b>X</b>	
Disagree		

**Q13.** Do you have examples of good practice that should be set as a minimum requirement to meet licence condition 8 (of the LCCP)?

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**Q14.** Do you agree with our proposal to require operators to give players the choice on whether repriced bets should be automatically accepted or not, as set out above?

		Please explain the reasons for your answer:
Agree	<b>X</b>	<p>This is an issue that we have raised with the Commission and individual operators on a number of occasions. In the case of one operator in 2012 we found that customer accounts' default setting was to accept repriced bets regardless of the price shortening or lengthening, meaning that customers could conceivably agree a price up to the 'bet slip' stage but find themselves unwittingly bound to a shorter price.</p> <p>We recognise that almost every operator whose default settings mean that the customer automatically accepts price changes, now apply this only when the live price is greater than the one that appeared on their betting slip. However, even this concerns us. Each year we will consider some disputes raised by customers who complain that some significant event occurred in an in-play betting market during the 'countdown' to bet acceptance, which resulted in them either having a bet they would no longer have wanted or a stake much greater than they would have chosen at the revised, lengthened odds.</p> <p>Even though it may irritate customers who frequently bet in fast-moving in-play markets such as tennis and basketball, our preference would be for all operators offering in-play betting to set automatic price change notifications as the default before any bet was accepted. If a customer who typically bet on basketball, say, and accepted that the handicap or price may change frequently be different from the price or line he or she had provisionally agreed to, then they should be able to alter the site's settings accordingly.</p>
Neither agree nor disagree		
Disagree		

	<p><b><u>Additionally (in relation to in-play betting)</u></b></p> <p>We are concerned that inequality exists in the period between an in-play bet being requested and being processed. Operators understandably set a short time countdown between an in-play bet being requested and being completed to reflect the time lag between the pictures or data they may be relying on and the actual live happenings at the event in question.</p> <p>For some customers, there may be additional bet approval delays as in-play bet requests over a certain threshold are subject to the review of their traders.</p> <p>Although we have seen no evidence of these practices being abused by operators, we note that this creates an imbalance in that once a bet is requested the operator is in complete control of whether the bet is accepted or rejected. Once the customer submits his or her request, there is rarely if ever an opportunity for that request to be withdrawn. That means that if a significant event occurs during the course of the trader's deliberations there is a possibility that their decision whether to accept the bet will be influenced by that event.</p> <p>In practice, we find that most significant events result in all betting on the affected market being suspended (with all incomplete bet requests being automatically cancelled) but we see some instances every year where customers complain that they requested a bet, sat watching and waiting for an acceptance decision and then received one just as a key player went down injured or a crucial putt slipped past the hole.</p> <p>It is not a source of a substantial number of complaints, but we feel that in the process of reviewing technical standards for remote betting, it would be preferable if a customer was able to click to withdraw a request to have a bet during a period when the operator's employees were considering whether to accept it.</p>
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<b>Q15.</b> How do you currently ensure players are informed about how price fluctuations will be dealt with settings during the bet acceptance process?
N/A

<b>Q16.</b> What are your views on the addition of a new game identifier and supplier details display requirement?		
		Please explain the reasons for your answer:
Agree		
Neither agree nor disagree	<b>X</b>	
Disagree		

<b>Q17. If you agree, what format would you propose for the display of this information?</b>		
N/A		

<b>Q18. Do you consider the additional text to RTS 5A to sufficiently capture the new live RTP monitoring requirement, introduced on 1 September 2016?</b>		
Please give reasons for your answer:		
Yes	<input checked="" type="checkbox"/>	We have no strong views on sufficiency, but we agree that the purpose is a positive one.
No	<input type="checkbox"/>	

<b>Q19. Do you agree with the proposed amendment to RTS 6A?</b>		
Please explain the reasons for your answer:		
Agree	<input checked="" type="checkbox"/>	IBAS receives occasional disputes from customers who appear to believe that they have been playing for real when in fact they have been playing for fun. If there was anyway of clearly distinguishing a version of the game being played for fun, to reduce any potential for confusion, that would be helpful.
Neither agree nor disagree	<input type="checkbox"/>	
Disagree	<input type="checkbox"/>	

<b>Q20. Should games with variable RTP based on length of play be permitted only when game state is stored?</b>		
Please give reasons for your answer:		
Yes	<input type="checkbox"/>	
No	<input type="checkbox"/>	

<b>Q21. Do you agree with summation of the risks associated with games in which RTP is increased based on the size of the stake?</b>		
Please explain the reasons for your answer:		
Agree	<input type="checkbox"/>	
Neither agree nor disagree	<input type="checkbox"/>	
Disagree	<input type="checkbox"/>	

<b>Q22. Are there game design innovations such as those that incorporate an element of skill, for which the RTS could better accommodate?</b>		
Please give reasons for your answer:		
Yes	<input type="checkbox"/>	
No	<input type="checkbox"/>	

<b>Q23. Do you agree with our proposal to require operators to record accurate information of player accounts that are closed?</b>		
Please explain the reasons for your answer:		
Agree	<input checked="" type="checkbox"/>	Among other reasons for favouring the recording of information, we have found that older disputes which concern accounts that have since been closed can on occasions be difficult to conclude satisfactorily because not all of the relevant data/information has been retained.
Neither agree nor disagree	<input type="checkbox"/>	
Disagree	<input type="checkbox"/>	

		Although there may be good reasons to prevent specific individuals from accessing a licensed operator's site, our view would be that those whose accounts had been closed should still be able to access records of their transactions, or be sent a full statement recording those transactions for a defined period.
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<b>Q24.</b> Do you agree with our proposal to require operators to publish a brief policy description that outlines how the operator intends to treat funds that are recovered from players whose accounts are close for integrity issues?		
		Please explain the reasons for your answer:
Agree	<input checked="" type="checkbox"/>	On occasions, this will aid our assessment of whether an operator has acted reasonably and will allow more robust, better informed rulings to be prepared.
Neither agree nor disagree	<input type="checkbox"/>	
Disagree	<input type="checkbox"/>	

<b>Q25.</b> Do you agree with our proposal to require operators to utilise gameplay analysis to identify players that may be in contravention of an operator's rules?		
		Please explain the reasons for your answer:
Agree	<input type="checkbox"/>	The methods operators may use to detect apparent rule breaches should not be subject of ADR recommendations.
Neither agree nor disagree	<input checked="" type="checkbox"/>	
Disagree	<input type="checkbox"/>	

<b>Q26.</b> Do you agree with our proposal to introduce the requirement that operators must monitor the effectiveness of their policies and procedures for detecting and preventing collusion and other integrity issues?		
		Please explain the reasons for your answer:
Agree	<input checked="" type="checkbox"/>	
Neither agree nor disagree	<input type="checkbox"/>	
Disagree	<input type="checkbox"/>	

<b>Q27.</b> Do you agree with our proposal to require gambling operators to detail what type of software they permit players to use?		
		Please explain the reasons for your answer:
Agree	<input type="checkbox"/>	This is the subject of only very rare disputes.
Neither agree nor disagree	<input checked="" type="checkbox"/>	
Disagree	<input type="checkbox"/>	

<b>Q28.</b> Do you agree with our proposal to require gambling operators to contact players to draw their attention to what type of software is permitted?		
		Please explain the reasons for your answer:
Agree	<input type="checkbox"/>	
Neither agree nor disagree	<input checked="" type="checkbox"/>	
Disagree	<input type="checkbox"/>	

<b>Q29. Do you agree with our proposal to require gambling operators that prohibit certain types of software to implement policies and procedures to prevent their use?</b>		
		Please explain the reasons for your answer:
Agree		
Neither agree nor disagree	<b>X</b>	
Disagree		

<b>Q30. Do you agree with our proposal that licensees must give consumers the option to set account-level financial limits?</b>		
		Please explain the reasons for your answer:
Agree		No strong view. But wherever limits are applied, it is important to be clear what the limit means. Sometimes deposit limits are referred to as 'daily loss limits', which – it has been argued to IBAS – confuses those who log out on an overnight balance and believe that they should be limited in how much of that balance (as opposed to new, additional deposits) they might choose to risk in the following days.
Neither agree nor disagree	<b>X</b>	
Disagree		

<b>Q31. Do you agree with our proposal that where limits are set across separate products it should be clear to consumers using the facility that a limit will need to be set for each individual product?</b>		
		Please explain the reasons for your answer:
Agree	<b>X</b>	
Neither agree nor disagree		
Disagree		

<b>Q32. Do you consider the proposed definition for <i>gaming session</i> to be sufficient?</b>		
		Please explain the reasons for your answer:
Yes	<b>X</b>	
No		

<b>Q33. Do you agree with the proposed amendments and additions to RTS 13B?</b>		
		Please explain the reasons for your answer:
Agree		
Neither agree nor disagree	<b>X</b>	
Disagree		

<b>Q34. Do you agree with the inclusion of a set of standards in the RTS for providers of live dealer studios that have not been audited by other jurisdictions?</b>		
		Please explain the reasons for your answer:
Agree		
Neither agree nor disagree	<b>X</b>	
Disagree		

<b>Q35. Do you consider the live dealer standards, as set out above, to be sufficient?</b>		
		Please explain the reasons for your answer:
Yes		
No		

<b>Q36. Do you consider the linked progressive jackpot standards, as set out above, to be sufficient?</b>		
		Please explain the reasons for your answer:
Yes		We would be grateful for some clarity on how a progressive jackpot win should be treated in the event that the player who wins the jackpot is subsequently identified to have breached the site's terms and conditions and/or a self-exclusion arrangement. Are the jackpot funds returned to the game? To the game operator? Site operator? Charity?
No	<b>X</b>	

<b>Q37. Do you agree with the principle of adding further guidance for virtual sports odds to ensure fair and open objectives are met?</b>		
		Please explain the reasons for your answer:
Agree	<b>X</b>	Agree, although it is the source of very few e-mails or letters to IBAS.
Neither agree nor disagree		
Disagree		

<b>Q38. If you agree, is the Commission's position (as set out above) sufficiently clear? If not, what changes should be made?</b>		
		Please explain the reasons for your answer:
Yes	<b>X</b>	
No		

<b>Q39. Do you agree with the inclusion of the following additional ISO 27001 standards:</b> <i>a) 16 Information Security Incident Management</i> <i>b) 14.2 Security in development and support processes</i> <i>c) 14.3 Test data</i>		
		Please explain the reasons for your answer:
Agree		
Neither agree nor disagree	<b>X</b>	
Disagree		

<b>Q40. Are there standards not listed above that you think should be included in the amended Information Security Standards?</b>		
N/A		

Q41. Do you agree with the proposal to replace 'in-running' with 'in-play'?		
		Please explain the reasons for your answer:
Agree		In-play better suits sporting events, in running better suits racing events.
Neither agree nor disagree	<b>X</b>	
Disagree		

Q42. Are there any other potential regulatory impacts of the proposals in this document that we have not identified?	
<p>We have no comment to make regarding regulatory impacts of the proposals made in the document, but we would urge the Commission to consider one area not addressed within these proposals which, according to the volume of dispute forms received by IBAS, is having more adverse impact on consumers than any other.</p> <p>5.3 of the consultation document explains that the Commission “may make amendments to the RTS to tackle any specific remote technical issues emerging from our work with the Competition and Markets Authority about the use of potentially unfair terms and misleading practices.”</p> <p>The CMA has publicly disclosed the focal points of its investigation, one of which is potentially confusing or onerous terms governing promotions and bonuses offered by remote gambling operators. We recognise that there are a great many aspects in which the CMA’s findings could potentially impact upon the required technical standards for remote gambling operators but our view is that one change to regulations should be introduced without any further delay.</p> <p>The Commission will no doubt be aware that the fastest growing field of consumer disputes in the ADR sector is that relating to the terms and conditions governing ‘bonuses’ awarded to players of online casinos. Typically, operators offer an award of a bonus, topping up a customer’s balance either without any commitment or in return for the customer making an account deposit. Players are then required to meet certain levels of gameplay before they can convert the bonus money to withdrawable cash. Typically, the rules of the offer will state that any breaches of the offer’s terms and conditions result in all winnings being forfeit.</p> <p>The term most frequently breached by customers appears to be the commonly applied ‘maximum stake per game’. Either the player fails to note that a maximum stake applies or the maximum stake clause has been displayed in a manner that the customer argues was inaccessible and unfair.</p> <p>The majority of these disputes could be avoided if the Commission’s Remote Technical Standards required casino software to be designed in such a manner that prevented breaches of the terms and conditions of any offer that the customer had chosen to participate in. We can see no reason why software should not be designed to reject any stakes which breach maximum stake or other promotional offer terms.</p> <p>Of course, we have no wish to pre-empt the CMA’s findings but even if the CMA makes no recommendations in this area we will continue to assert that this growing problem can and should be addressed through enhanced game software standards. If the CMA recommends even more stringent measures to be imposed upon either operators or software providers, then surely these can be bolted on to the initial developmental work at a later date. We would strongly prefer not to wait for the CMA recommendations if this risks resulting in further, readily avoidable disputes in the interim.</p>	

### **Additional RTS Recommendations**

Given that a review is in process and noting that the Commission plans to wait for the recommendations of the Competition and Markets Authority, there are a number of other consumer fairness concerns that may not currently be within the focus of the CMA that we feel could be addressed within the Remote Technical Standards. These include:

a) Maximum Payouts on Betting/Sportsbook products

We feel it would be helpful if the Commission required that customers whose bets had the potential to exceed the operator's advertised maximum payout were automatically alerted to the fact before the bet was confirmed. In many cases customers with multiple bets may choose to proceed regardless, but the alert may prevent customers from risking stake money that has no potential to increase their winnings.

b) Automatic IP Address Screening at Account Opening

Although we recognise that this would not eliminate disputes based on alleged multiple account opening/controlling, if it was possible for operators to develop software that detected at the point of registration whether the customer's IP address had been used to open or operate other accounts with the same company, it could avoid disputes and accusations of unfairness or prevent those who had previously self-excluded from opening new accounts with different personal details.

c) Automatic Debit/Credit Card Checking

Again, we recognise that there are limits on the technical checks that can reasonably and quickly be conducted at account opening, but we recommend that operators are required to display a clear, visible notice when a new card or payment method is being added to a customer's account, warning them – if applicable – that payment methods registered to a third party could result in bets or games being subsequently cancelled.

Ideally, whenever a new card or payment method is added to an account, the operator's systems would be capable of running a near-instant check on whether that card or payment method had ever been used to fund a different individual's account with the same website and suspending the account opening process, pending further investigations, if it had. Again, we feel that this would reduce payment-based disputes and reduce the risk of self-excluded customers funding third parties' accounts.

We would recommend similar checks on mobile telephone numbers for operators who allow accounts to be funded using mobile credit.