



REPORT ON THE RESOLUTION OF THE DIRECTORATE-GENERAL FOR THE REGULATION OF GAMBLING, APPROVING THE DATA MODEL OF THE INFORMATION MONITORING SYSTEM, AND AMENDING ANNEXES I OF TWO RESOLUTIONS OF THE DIRECTORATE-GENERAL FOR THE REGULATION OF GAMBLING, CONCERNING THE TECHNICAL SPECIFICATIONS AND THE IDENTIFICATION AND SUBJECTIVE PROHIBITIONS ON PARTICIPATION IN GAMBLING ACTIVITIES IN ACCORDANCE WITH LAW 13/2011, OF 27 MAY 2011, ON THE REGULATION OF GAMBLING.

Introduction

The explanatory memorandum to Law 13/2011 of 27 May 2011, regulating gambling, highlighted the reasons for the need to adopt regulatory mechanisms that would provide legal certainty to both operators and participants of the different games, without forgetting the essential protection of minors, of those persons who had voluntarily requested non-participation, as well as the protection of public order and the prevention of money laundering and the financing of terrorism.

This was reflected both in the operative part of the law and in Article 1 on the object and purpose of the regulation, which stated that this was to regulate gambling activity, in its various forms, at State level, in order to ensure the protection of public order, combat fraud, prevent addictive behaviour, protect the rights of minors and safeguard the rights of players.

Title IV of the law, on the control of the activity, laid down the minimum technical requirements to be met by technical equipment and systems that would support the activity of authorised gambling and which would ensure that minors, incapacitated persons and persons who, by their own free will or by judicial decision were prohibited from accessing such activities through telematic and interactive means, are prevented from doing so. In this regard, Article 18 of Law 13/2011 of 27 May 2011, stated in Article 18(4) on the Central Gaming Unit that: *'Both the Central Gaming Unit and its replica shall incorporate secure computer connections compatible with the systems of the National Gambling Commission, which allow this body to carry out real-time control and monitoring, if required, of the gambling activity carried out, the prizes awarded and the identity of the persons who participate and are rewarded in them, and, where appropriate, of the return of prizes that may occur when the games are cancelled, all without prejudice to the possibility of carrying out face-to-face inspections. The Central Unit must be available for monitoring from within Spain by the Spanish National Gambling Commission, irrespective of its location. The Spanish National Gambling Commission may require secondary units of the operator's systems to be located in Spain for the purpose of verification and control of information.'*



Royal Decree 1613/2011 of 14 November 2011 implementing Law 13/2011 of 27 May 2011 on the regulation of gambling, with regard to the technical requirements and systems for gambling activities, complied with the legal mandate to be constituted in the regulatory development relating to the technical gambling systems of the operators referred to in Chapter III of Title IV of the Law and laid down the technical requirements to be met in the development and operation of gambling activities.

On the other hand, Chapter II of Title V of Law 13/2011 of 27 May 2011 in relation to the Directorate-General for the Regulation of Gambling (hereinafter DGOJ after the Spanish *Dirección General de Ordenación del Juego*) listed in Article 21(5) as one of its functions: '*To establish technical and functional requirements for games, technological operating standards and certificates of quality, processes, procedures and plans for disaster recovery and plans for business continuity and security of information, in accordance with the provisions of the corresponding regulations and the criteria established by the Council on Gaming Policies.*'

Article 24(1) also went further into the DGOJ's own inspection and control functions, stating that it was responsible for auditing, monitoring, inspecting and controlling all administrative, economic, procedural, technical, IT, telematic and documentation aspects and standards relating to the development of the activities provided for in the Law.

Given the need to enable the DGOJ to fulfil all the functions assigned to it, the first final provision of Royal Decree 1613/2011 of 14 November 2011 empowered it, in accordance with the provisions of Article 23 of Law 13/2011 of 27 May 2011 on the regulation of gambling, to issue those provisions that were necessary for the development and execution of the Royal Decree, so that the adoption of the three resolutions whose annexes are now amended, respond to that authorisation.

With regard to the approval of the data model of the information monitoring system, it was adopted for the first time by the Resolution of 18 November 2011 of the Directorate-General for the Regulation of Gambling, which developed the data model of the Internal Control System (ICS) defined in the Royal Decree as the set of components intended to record all the operations and transactions carried out in the development of the games in order to guarantee the DGOJ the possibility of maintaining permanent control over the operator's gambling activities.

Subsequently, and taking into account the experience gained together with the regulation of new forms of gambling, such as random gaming machines and cross betting, it became necessary to update this initial data model, and therefore the Resolution of 6 October 2014 was adopted.

With regard to the Resolution of 6 October 2014 of the Directorate-General for the Regulation of Gambling, approving the provision implementing the technical specifications for gambling,



traceability and security to be complied with by the technical systems of non-reserved gambling subject to licences granted under Law 13/2011, of 27 May 2011, on the regulation of gambling, it has also been necessary to adapt it due to changes that have arisen in subsequent years and that had to be transferred to it, such as the Resolution of 29 December 2017 of the Directorate-General for the Regulation of Gambling, which agreed to authorise a form of liquidity other than that of the participation of players with Spanish user registration for the game of on-line poker, and amending certain resolutions on the gambling activities provided for in Law 13/2011, of 27 May 2011, on the regulation of gambling and the Resolution of 31 October 2018, of the Directorate General for the Regulation of Gambling, amending certain resolutions on the gambling activities provided for in Law 13/2011, of 27 May 2011, on the regulation of gambling.

Finally, the Resolution of 12 July 2012 of the Directorate-General for the Regulation of Gambling, approving the provision implementing Articles 26 and 27 of Royal Decree 1613/2011 of 14 November 2011 concerning the identification of participants in games and the control of subjective prohibitions on participation arose from the development of these articles. Thus, Article 26 laid down the obligations of operators in relation to the verification of data and entrusted the current DGOJ with determining the terms of the process of verifying the data provided by the participants in their user registration applications. Article 27 established that the current DGOJ would have the means and procedures to compare the data in the user registers with the data in the General Register of Gambling Access Bans, as well as the means to enable operators to verify the age of majority of the participants by means of a Spanish national identity card or foreigner's identification document.

However, more than 12 years of experience since the adoption of the first of those resolutions, together with certain events that have led to new developments in the obligations imposed on operators, such as the approval of Royal Decree 958/2020 of 3 November 2020 on commercial communications of gambling activities and Royal Decree 176/2023 of 14 March 2023, developing safer gambling environments, which are subject to monitoring by the DGOJ, have led to the need to incorporate those new data into the annexes to the resolutions that are now being amended.

Due to all the above and in order to implement a new version of the data model that improves the functionality and clarity of the system, and avoids errors, redundancies and excessive system size, the DGOJ now adopts this resolution that allows Annex I to the resolution of 6 October 2014, approving the data model, to be replaced by the current annex, repealing the previous one.

The same is true of the annexes to the other two resolutions, since their amendment is necessary in order to adapt them in accordance with certain provisions of Royal Decree



958/2020 of 3 November 2020 and Royal Decree 176/2023 of 14 March 2023 and to standardise the storage periods for the information.

Legal basis

This resolution has its legal basis in the first final provision of Royal Decree 1613/2011, of 14 November 2011, which empowers the DGOJ, in accordance with the provisions of Article 23 of Law 13/2011, of 27 May 2011, to issue those provisions that may be necessary for the development and execution of the Royal Decree.

Specifically, it is Chapter IV of the aforementioned regulation dedicated to the control of gambling activities through monitoring and supervision, which indicates the technical requirements to be adopted by operators for the proper performance of these functions by the DGOJ. Thus, it establishes the obligation to implement in the technical gambling system of the operator an Internal Control System (ICS) that captures and records all the gambling operations and the economic transactions that are carried out between the participants and the operator's Central Gaming Unit.

Taking into account the need for the DGOJ to be able to exercise its legally mandated and regulatory functions in relation to the ICS, such as access to a secure database set up by the operator, which ensures the capture and recording of gambling operations, the technical requirements to be met by the ICS and the access line to the secure database, protocols and, where appropriate, encryption tools, which are to be used for the recording of data and the minimum security requirements to be met by the operator for both access to and retention of the control system, the DGOJ may extend or reduce the number of operations that are captured and recorded, by resolution (as established in Article 13); as well as the capture, recording and retention of the operations and transactions to be carried out by the ICS, which must be in accordance with the terms established by resolution of the DGOJ (as provided for in Article 24(2)).

Chapter VI of the Royal Decree lays down the security requirements of technical gambling systems, regulates the access control and security of the technical systems (Article 21), communications with participants and communications between the components of the technical gambling systems, as well as the traceability and recording of gambling operations (Article 24).

Finally, Chapter VII, on the control of participants, lays down the technical requirements for their identification, as well as the criteria applicable to the control of the subjective prohibitions on participation in games referred to in points (a), (b) and (c) of Article 6(2) of Law 13/2011 of 27 May 2011 (Articles 26 and 27).



Therefore, it is in the aforementioned precepts that the legal support for the adoption of this resolution amending the annexes to the three DGOJ resolutions cited above is found.

Alternatives to the adoption of the resolution

Bearing in mind that more than 12 years have passed since the first of the three resolutions covered by this regulation was adopted, and that there have recently been new regulations that imply greater obligations for operators and which must be incorporated into the data model, no alternative can be envisaged other than to adopt a new resolution approving a new data model of the information monitoring system for gambling transaction records; the provision that implements the technical specifications for gambling, traceability and security to be complied with by the technical systems of non-reserved gambling subject to licences granted under Law 13/2011 of 27 May 2011 and the provision implementing Articles 26 and 27 of Royal Decree 1613/2011, of 14 November 2011, in relation to the identification of participants in games and the control of subjective prohibitions on participation.

With the adoption of this resolution, the aim is to provide greater and better functionality, clarity and efficiency to the data model, as well as to adapt the technical specifications of gambling, traceability and security of the technical gambling systems and the system to verify the identity of the participants to the new regulations applicable since its entry into force.

What's new in the resolution

Among the main innovations incorporated in this resolution are those derived from the unavoidable adaptation of the same to the incorporations brought about by the approval of both Royal Decree 958/2020, of 3 November 2020 and Royal Decree 176/2023, of 14 March 2023.

Thus, the most important aspects included in this draft regulation can be highlighted according to each of the resolutions it addresses:

1.- With regard to the Resolution of the Directorate-General for the Regulation of Gambling, which approves the data model of the information monitoring system:

- The incorporation of aspects derived from the latest regulations approved and that have entailed new obligations for operators that in turn must be monitored by the DGOJ, such as the introduction of session information for casino games or the classification of players and the incorporation of the profile of the special player



according to the criteria of Royal Decree 176/2023, of 14 March 2023, which develops safer gambling environments.

- The unification of the two game data files (the JUT and JUD files) into a single record.
- Changes in the form of reporting of certain information, in order to apply the methodology set out in the supervisory data standard approved by the European Committee for Standardisation (CEN), such as:
 - the replacement of deposit limit data by a more general concept of player limits that will allow for the incorporation of any limits that are set.
 - The incorporation of a new field that will allow the collection of players' self-exclusions in the operator.
 - The expansion of the current list of bet types to include the types defined in the standard.
- The elimination of daily Unified Tax Registry records, moving to a monthly basis only.
- Defining new data types to limit strings to 10, 20, 50, 100 or 200 characters, depending on the field.
- The limitation of many text fields, going from free fields to listed fields.

2.- With regard to the amendment of Annex I to the Resolution of 6 October 2014 of the Directorate-General for the Regulation of Gambling, approving the provision implementing the technical specifications for gambling, traceability and security to be complied with by the technical systems of non-reserved gambling subject to licenses granted under Law 13/2011, of 27 May 2011, on the regulation of gambling:

- The express inclusion of the obligation to record and retain customer service communications with players.
- The inclusion of the obligation to characterise and classify the documents used for the documentary verification of the identity of the players.
- The express inclusion of the obligation to record and retain the documents used for the documentary verification of the means of payment, as well as their categorisation and classification.
- The express inclusion of the obligation to preserve the source code of the games; maintaining the reference to the conservation of binaries, but this no longer being mandatory; and the same with regard to the reference to the preservation of the digital fingerprint of the files.
- The elimination of the obligation to have the ICS data warehouse in Spain. It can now be established anywhere in the European Union.
- The inclusion of the provision that the DGOJ may require the suspension of the gambling offer in the event of very serious incidents in the supply or quality of the ICS information.



- The inclusion of the session of other games and presorted lotteries and the elimination of the reference to the random gaming machine session.
- Correction of references that have become obsolete in relation to personal data protection regulations.
- The unification of the information retention periods to four years; except for the registration of communications with participants through the different channels, for which a period of two years is established.
- The replacement of references to repealed legislation by references to current legislation.

3.- With regard to the amendment of Annex I to the Resolution of 12 July 2012 of the Directorate-General for the Regulation of Gambling, approving the provision implementing Articles 26 and 27 of Royal Decree 1613/2011 of 14 November 2011 concerning the identification of participants in games and the control of subjective prohibitions on participation:

- The modification to establish the information retention periods, this being four years.

Content of the resolution

The resolution is structured in the following sections:

An expository part, which sets out the background and the need to adopt this resolution, the legal authorisation that supports it, as well as the main procedures carried out during its preparation.

The enacting terms of the resolution are divided into six paragraphs:

The first is dedicated to the approval of the data model of the information monitoring system for gambling transaction records, contained in Annex I.

The second is dedicated to the approval of the file structure of the XSD (XML Definition) data monitoring system, which will be published at the DGOJ website.

The third paragraph is dedicated to the amendment of Annex I to the Resolution of 6 October 2014 of the Directorate-General for the Regulation of Gambling, approving the provision developing the technical specifications for gambling, traceability and security to be complied with by the technical systems of non-reserved gambling subject to licenses granted under Law 13/2011, of 27 May 2011, on the regulation of gambling, which includes eleven amendments.



The fourth is dedicated to the amendment of Annex I to the Resolution of 12 July 2012 of the Directorate-General for the Regulation of Gambling, approving the provision implementing Articles 26 and 27 of Royal Decree 1613/2011 of 14 November 2011 concerning the identification of the participants in games and the control of subjective prohibitions on participation, which includes a single amendment.

The fifth paragraph concerns the repeal of the Resolution of 6 October 2014 of the Directorate-General for the Regulation of Gambling approving the data model of the system for monitoring the information relating to gambling transaction records.

The sixth paragraph is dedicated to the entry into force of the resolution.

Finally, Annex I, which considers the data model of the monitoring system for gambling transaction records.

Description of the process

The draft resolution must be subject to the following procedures:

- Public information. The project was submitted to this procedure between 6 July and 6 September 2023.
- The draft has also been submitted for review by the State Attorney's Office of the Ministry of Consumer Affairs, and was issued without observations on 2 January 2024.
- Finally, it must be subject to the procedure for the provision of information in the field of technical standards and regulations, and of the rules on information society services set out in Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and the rules on information society services.

Impacts

I. ECONOMIC AND BUDGETARY IMPACT

It is estimated that this project will result in an increase in public expenditure due to the necessary adaptation of its data model and the corresponding requirements and technical specifications. However, it will not lead to a decrease in financial or non-financial public revenue.



In order to estimate the costs involved in implementing this resolution, it is possible to differentiate between the two types of actions that must be carried out:

On the one hand, the adaptation of the model for supervising compliance with Royal Decree 176/2023 of 14 March 2023:

- Modifications relating to the classification of players.
- Modifications relating to the casino session report.

On the other hand, the simplification, refinement and streamlining of the current data model, including:

- The unification of game data files (JUD/JUT).
- The adaptation of the CEN model:
 - Self-exclusion
 - Definition of limits
- Limitation of strings of characters.
- Entering listed fields.

Estimated costs for DGOJ:

As regards the estimated adaptation costs that will affect the DGOJ budget, taking into account that the DGOJ needs to adapt the ICS (NAIPE) management application and the control procedures to the new data model, a budgetary impact of EUR 168 000 is estimated. (See *Annex detail*), to be financed with funds from the Recovery, Transformation and Resilience Plan.

Estimated costs for operators:

As regards the estimated adaptation costs for operators in view of the need to carry out the necessary technological development tasks in order to adapt to the new model, the following considerations should be taken into account:

- the operator has almost all the information requested in the model but in some cases this information will have to undergo a transformation process (e.g. to adapt to the encoding of certain listed fields in the model).
- in specific cases, and depending on the particular system implemented by the operator, it will be necessary to obtain certain additional information from suppliers (e.g. certain data relating to the means of payment or sports competitions that are the subject of the bets).
- many operators share the management platform, so there will be some economies of scale.
- to obtain the overall estimate, operators with an active singular licence are considered.



The greatest efforts for the operator will be the tasks of unifying the game data files (JUD/JUT) into a new data file, with the deletion of the previous two files; the encoding of the listed fields; and, where applicable, in the acquisition of additional data to be provided to them by their service providers.

On the other hand, the new data model eliminates and relaxes some of the previous model's specifications, which will mean a reduction of administrative burdens:

- The generation of daily Unified Tax Registry (RUT) files is no longer required as these will be generated monthly.
- The retention period for queries made to the Jurisprudence Surveillance Service (SVJ) is reduced from 6 to 4 years.
- The retention period of ICS information is reduced from 6 to 4 years.
- The retention period for all the procedures, queries and demands made in the process of verifying the data is reduced from 6 to 4 years.
- The requirement to have a full copy of the data warehouse in Spain is removed.

With all this, an overall cost for the 60 active operators is estimated to be EUR 700 000. (*See detail in the annex*).

II. Gender impact.

With regard to the gender impact assessment, since there are no initial inequalities in relation to equal opportunities and treatment between women and men, in relation to this matter, no modification of this situation is foreseen with this project, so there is no impact.

III. Impact on children and adolescents.

Finally, with regard to the impact on children and adolescents, no impact is expected on these groups.



ANNEX. Cost estimate

1.- Estimated costs for DGOJ.

The number of development days estimated for the adaptation of the NAIPE application is 400 with the following distribution of profiles and cost.

PROFILE	NUMBER OF DAYS	UNIT PRICE	TOTAL PRICE
PROJECT MANAGER	120	€460	€55 200
ANALYST	240	€420	€100 800
PROGRAMMER ANALYST	40	€289	€11 560
TOTAL	400		€167 560

The total budget would be approximately **EUR 168 000**.

The cost distribution per block of tasks to be performed is as follows:

Work blocks for the DGOJ	Weight of effort
Developments in the ETL process to include the new data records and modify existing records	30 %
Developments in NAIPE to introduce quality controls for all new changes	20 %
Developments to ensure the coexistence and convergence of models 2.14 and 3.0 during the transition that elapses from the publication of the new model until its mandatory implementation	30 %
Developments to adapt control and monitoring procedures to the new data model	20 %

2. Estimated costs for operators

To estimate the cost incurred by the operator, there are considered to currently be 60 operators with an active singular licence. The cost analysis carried out for the DGOJ is taken as a starting point, although it is adapted to the operator's situation with the following factors:

Work blocks for the operator	Weight of effort (in relation to the work to be carried out by the DGOJ)
Developments in the ETL process to include the new data records and	30 %



modify existing records	
Developments for encoding the listed data fields	10 %
Developments to include, where appropriate, data not currently included in the back office	10 %

Therefore, it is estimated that the cost per operator for the development of adaptations to the new model will be in the order of 50 % of the estimated cost for the DGOJ, i.e. EUR 84 000.

On the other hand, it should be borne in mind that some operators share a platform. In these cases, there will be some economies of scale. Considering that there are 42 different gambling platforms in the 60 active operators, the overall cost of development would be EUR 3 500 000, the result of multiplying EUR 84 000 (individual cost) by the 42 gambling platforms.

According to the information available from the operators' information storage contracts, the annual storage cost is EUR 2 500, so reducing the retention time from six years to four years implies a saving of EUR 300 000 per year, the result of multiplying EUR 2 500 by 2 years and by 60 operators.

According to the information available from the operators' ICS service contracts, the annual warehouse maintenance cost for an operator with an average volume of activity is EUR 73 000. For the estimate, a figure of 1 300 active players per day has been assumed.

Eliminating the obligation to maintain a complete copy of the ICS in Spain could affect 35 operators. Therefore, an overall cost saving of EUR 2 500 000 is estimated, the result of multiplying EUR 73 000 (individual cost) by 35 operators.

Operator development costs	3 500 000
Savings by reducing the data retention period	- 300 000
Elimination of the warehouse in Spain	- EUR 2 500 000
Estimated cost to operators of adopting the resolution	700 000