

RGF Privacy Notice

Version March 2019

This notice applies to the following research project and is to be read in conjunction with the general Privacy Policy of RGF:

“TAKE ACTION: Against Problem Gambling in Malta - Research Project”

Background:

The function of the RGF is regulated by law and this includes carrying out research projects in relation to problem gambling (see 1 below). The RGF, after consultation with the MGA (see 2 below), has contracted experts (following a public tender process) to carry out a research project which shall provide a confidential and anonymous report to the RGF together with statistical and scientific findings and proposals for improved policies.

The RGF has identified the need for a holistic study into gambling addiction in Malta as well as the need for improved policies and preventive programmes to be put in place. For this reason a research needs to be carried out to identify in more detail the vulnerable groups that are being affected through gambling addictions as well as recommend policies and preventive measures so as to ensure such addictions are not on the rise.

The RGF is committed to protecting the privacy and security of your personal information and in this Privacy Notice describes important information about the processing of personal data in relation to the research project. As a general rule the RGF is committed towards the GDPR Principles, these being that information about individuals which we hold is to be

- 1. Used lawfully, fairly and in a transparent way.*
- 2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.*
- 3. Relevant to the purposes we have told you about and limited only to those purposes.*
- 4. Accurate and kept up to date.*
- 5. Kept only as long as necessary for the purposes we have told you about.*
- 6. Kept securely.*

As a regulatory body, most of the personal data that we typically collect and process is data relating to our regulatory functions and responsibilities. Therefore, for the most part 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.

(1) The Responsible Gaming Foundation ('RGF') – Who are we ?

The Responsible Gaming Foundation is established by virtue of Regulation 4 of Subsidiary Legislation 583.02 of the Laws of Malta. One of the objectives of the RGF as provided in the law is *“to participate in the organisation of, to facilitate or assist the organisation of, and, or to organise projects and initiatives aimed at providing awareness on problem gambling, and, or conducting research initiatives on responsible gaming and problem gambling, and, or assisting in the rehabilitation of problem gamblers, including the offering of necessary support to families of problem gamblers”*.

The RGF is also empowered by law (i) to coordinate with organisations embarking on initiatives consistent with the objectives of the Foundation; (ii) to undergo or commission research into problem gaming; (iii) to enter into collaborative agreements with other organisations which have a similar purpose to the Foundation, or the purpose of which is complementary to the purpose of the Foundation, as may be determined by the board of administrators; and (iv) to do all such acts as are considered conducive towards the attainment of the objectives of the Foundation.

(2) RGF Collaboration with the MGA

The Malta Gaming Authority is established by virtue of Article 5 of the Gaming Act, Chapter 583 of the Laws of Malta. Article 4 of the Act provides that governance and supervision of the gaming industry shall pursue the following main regulatory objectives: “(a) to ensure that regulation of the gaming sector is carried out in the public interest; [...] (c) to ensure that gaming is conducted in a fair, safe and transparent manner; [...] (d) to ensure that the interests of minors and other vulnerable persons are adequately safeguarded; [...] (g) to promote responsible innovation in the gaming sector [...]”

Article 7 of the Act regulates the powers and functions of the MGA. The Authority is empowered inter alia to a. “request, collect, compile and maintain records of all relevant data as the Authority may deem appropriate in connection with its functions and objectives”; “undertake or commission such study, research, or investigation which it may deem necessary”; “to ensure that the interests of minors and other vulnerable persons are adequately safeguarded”; “collaborate with other local or foreign bodies, Government departments, international organisations, and other entities which exercise regulatory, supervisory or licensing powers under any law in Malta or abroad, or which are otherwise engaged in overseeing or monitoring areas or activities in the gaming sector or sectors connected therewith, and to make arrangements for the mutual exchange of information and for other forms of assistance or collaboration in regulatory and supervisory matters” and to “do such other things as are necessary, ancillary or conducive to the attainment of its objectives and, or the performance of its functions under this Act”

(3) Minimal Data Sharing : MGA - RGF

The Responsible Gaming Foundation has identified that the MGA has access to key data required for the purpose of commencing the research project – mainly a data set comprising of (i) a CONTACT NUMBER and (ii) TITLE (Mr/Ms) of concerned individuals who made use of the self-exclusion mechanism contemplated by law.

The MGA and RGF had assessed that the need for this dataset to be used for the purpose of making first-contact with these concerned individuals simply and merely for the purpose of asking them to confirm whether they are willing to participate in the research project or not.

The MGA and RGF consider that the use of the dataset is permitted by law (including the GDPR) as *it is necessary for the performance of their regulated function in the public interest* and also because the law allows that personal data collected for a particular purpose may be used for a compatible lawful purpose, including for scientific and/or statistical purposes.

Apart from having a lawful ground to do this, the MGA and the RGF have signed a robust agreement between them regulating why and how the dataset is to be used, imposing strict limitations and security measures to protect that data. This agreement also imposes on RGF the obligation to reflect the same level of protection in a contract with the third-party research experts which it has contracted pursuant to the public tender. The tender itself imposed obligations of confidentiality and strict limitations of use of data collected during the process and the RGF has also entered into a Data Processing Agreement with the contractor. This means that when carrying out the research project the contractor is contractually bound to process the personal data only on the instructions of the RGF.

The MGA shall not be providing the dataset to the RGF for further use except for the purpose of making first-contact for the research project. If a concerned individual refuses to participate in the research project, the personal data of that individual will not feature in the research project.

(4) Responsibilities :- MGA - RGF

In the context of the sharing of the dataset by the MGA – the MGA and the RGF are both jointly responsible (as joint controllers of the data). You may address your concerns to either of them.

Otherwise, when an individual agrees to participate in the research project, the controller is the RGF and any concerns must be addressed to the RGF.

Both the RGF and the MGA have their respective DPOs. The contact details are listed below for your ease of reference.

(5) Contact Details

Contact Details for the MGA and RGF	MGA: info@mga.org.mt RGF : info@rgf.org.mt
DPO Details for the MGA and RGF	MGA: dpo.mga@mga.org.mt RGF : dpo.rgf@rgf.org.mt

(6) PRIVACY NOTICE FOR PARTICIPANTS WHO AGREE TO PARTICIPATE IN THE RESEARCH PROJECT

a. Purpose of research project

It is not RGF's aim to sell or promote anything. This is a research survey using scientific methods in the public interest and we commit, in obtaining your co-operation, not to mislead you about the nature of the research or how the findings will be used. Your responses will be treated as confidential unless you consent to being identified.

As with all forms of marketing and opinion research, your co-operation is voluntary at all times. No personal information is sought from or about you without your prior knowledge and agreement.

All research projects are different and the information we collect will vary. However, researchers will only collect information that is essential for the purpose of the research. Research data is normally anonymised as quickly as possible after data collection so that individuals cannot be recognised and your privacy is protected. You will not be able to withdraw your data after this point. Some data e.g. survey data is frequently collected anonymously so cannot be withdrawn once you have given permission for it to be used. Where you may be identifiable in a research publication (e.g. an attributable quote or a photograph), we will seek your explicit consent.

The Contractor shall obtain informed consent from the participants for participation in the research. The Contractor shall inform the participants of their rights. The Contractor shall ensure that the participants are aware of the nature of the study. The Contractor will guide the RGF as to whether it is best for full disclosure of project rationale to occur before or after the survey has been carried out due to the social desirability effect and response bias. The Contractor shall assure participants of anonymity and confidentiality. The Contractor shall follow good research ethics whilst carrying out this research study.

b. Controller Responsibility

The controller of personal data (being the entity which is determining the means of processing of personal data) is the RGF.

c. Personal Information required for the Research Project

Personal data, or personal information, means any information about an individual from which that person can be identified, whether directly or indirectly. It does not include data where the identity has been removed (anonymous data). There are certain types of more sensitive personal data which require a higher level of protection, such as information about a person's health or sexual orientation. Information about criminal convictions also warrants this higher level of protection.

We will collect, store, and use the following categories of personal information about you:

Contact details from the dataset provided by the MGA, for the initial contact with research subjects.

Contact details of research subjects who opt to provide such contact details to participate in future research projects conducted by the RGF

We will also, depending on the Research Project and with your consent, collect data regarding (amongst others): gambling patterns, motivations, factors relating to gambling addiction, socio-economic factors, socio-emotional factors, age, nationality, employment situation, education, sex, civil status, and residence. Such data will be stored anonymously solely for research purposes.

A part of the data subject will involve personal interviews with research subjects. These interviews will be audio recorded. These recordings shall be retained internally by the RGF according to its retention policy, and thereafter will only be retained in an anonymous manner by transcribing the recording in an anonymised manner,

and/or by anonymising the audio recording itself including by deleting parts of the recording and altering the voice pitch.

"Special categories" of particularly sensitive personal information, such as information about your health, racial or ethnic origin, sexual orientation or trade union membership, require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent;
2. Where we need to carry out our legal obligations or exercise rights;
3. Where it is needed in the public interest.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

d. How this personal data will be used

To communicate our research to the public and the academic community your anonymised data is likely to form part of a research publication or conference presentation or public talk. Where researchers wish to use any information that would identify you, specific consent will be sought.

Should you opt to provide contact details to participate in future research projects, such contact details will be used solely for the said purpose. We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose or if it is permitted by law.

If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

Note that, in the event of any restructuring of RGF or amendments to the law regulating RGF, this may require that any personal data held by the RGF is transferred or shared, in which case you will be informed accordingly.

e. Confidentiality of the Information you will provide

Confidentiality means not sharing information with anyone else about what you tell us. The way we plan to keep your information confidential is as follows:

1. The RGF shall only use the dataset provided by the MGA to make the initial conduct with prospective research subjects. The RGF shall permanently delete the dataset provided by the MGA, whether the persons contacted opt to participate in the research studies or not
2. The RGF shall only collect data for research purposes, and such research data shall be collected, stored and published in an anonymised manner. Should particular circumstances require research data to include personal data, such as recordings of personal interviews, such data shall be stored internally and shall be converted in an anonymised manner after the research project.
3. The Contractor is bound by data protection legislation and by the obligations which the RGF and MGA are undertaking in relation to your data.
4. Should you opt to provide your contact details to participate in further research studies, such contact details shall be stored internally by the RGF and used solely for the said purpose.

Please note that we adopt internal procedures to limit the amount of persons who see or process personal data based on a needs-basis.

f. Anonymity of the Information you will provide

Research shall be collected, stored and published in an anonymised manner. Should particular circumstances require research data to include personal data, such as recordings of personal interviews, such data shall be stored internally and shall be converted in an anonymised manner after the research project.

g. How the research findings/report will be made public

Official public press conference where local media will be invited to attend

h. Other entities who may receive your personal data.

The RGF has engaged an expert third-party after a tender process to select a competent and experienced researcher having the competence and ability to draw up the research and make the relevant assessments and proposals to the RGF.

The contractor is bound by contract to the RGF to deliver the service efficiently, in confidence and according to ethical standards. the processing of personal data by the contract is regulated by a Data Processing Agreement between RGF and the contractor and the contractor is itself subject to rules arising under the GDPR to protect personal data.

i. **Retention Periods - for Individuals who agree to participate in the project**

We will only retain your personal information for as long as necessary to fulfil the purpose/s we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

[Details of retention periods for different aspects of your personal information are available in our **retention policy** which is available from <http://www.rgf.org.mt>. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

Anonymised survey data will be kept for the purposes of analysing the data for an indeterminate amount of time (until we no longer need it).

Where individuals have opted to participate in future research, email addresses will be stored until the individual unsubscribes, upon which it will be promptly and permanently deleted.

(7) Appropriate technical and organisational security measures

RGF has implemented the following measures geared towards securing the integrity, availability and confidentiality of the personal data:

1. **RGF entered into an agreement with the MGA detailing the appropriate technical and organisational security measures to protect the personal data.**

[RGF to reflect Section 1.6 of the Agreement with MGA once approved]

2. **RGF has entered into a DPA with the contractor;**
3. **RGF has trained its staff on matter of GDPR**
4. **[Technical security measures]**
 - Cabinets with hard copies kept under lock and key. Only Managers have access keys to such cabinets.
 - Hard copies shall be destroyed at the termination of the research projectData set does not include name of individuals
5. **[Organisational security measures]**
 - Anti-fire protection measures.
 - Authorised personnel only will have access to this data.
 - Password protected files.

(8) Your Privacy Rights

Under certain circumstances, and subject to certain limitations, by law you have the right to:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.
- **Withdraw consent given** In the limited circumstances where you

may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact dpo.rgf@rgf.org.mt. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact dpo.rgf@rgf.org.mt in writing.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it

(9) Filing a Complaint

You have the right to make a complaint at any time to the Office of the Information and Data Protection Commissioner Office (IDPC), the Maltese supervisory authority for data protection issues.

(10) Correct information

Please do inform us should you believe that we hold incorrect or inaccurate information about you.

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.