

Study on the Sharing of Information and Reporting of Suspicious Sports Betting Activity in the EU 28

A study for the DIRECTORATE-GENERAL EDUCATION AND CULTURE, Directorate Youth and Sport, Unit Sport



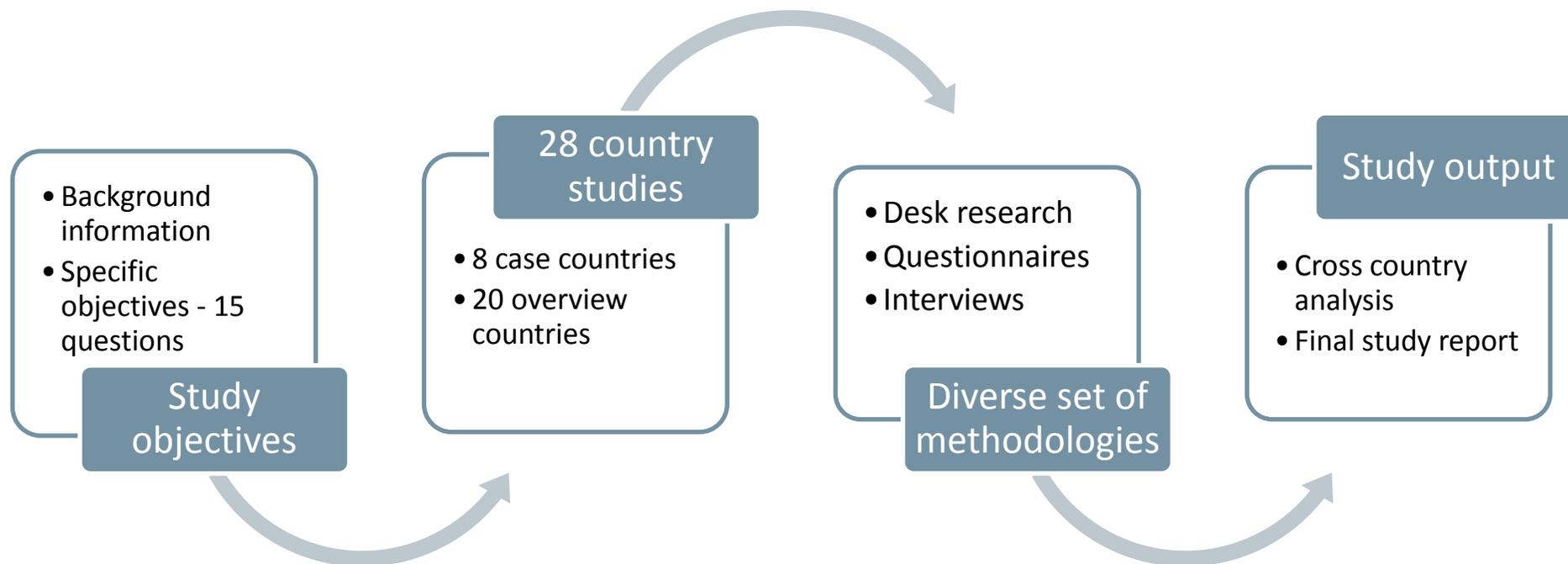
By Oxford Research, Denmark

Today's agenda

1. What does the law at European level say about the possibilities for sharing of information?
2. National frameworks for collecting information and reporting suspicious betting patterns?
3. Barriers for sharing of information?
4. Possible role for the EU going forward?

The study was conducted in collaboration with Professor Marjan Olfers, VU University Amsterdam et al.

Methodology



Tools for collecting information:

- Desk research
- Questionnaires – to betting regulators and betting operators
- Interviews – betting regulators, law enforcement, betting operators, sport governing bodies (national and international)

Sharing of information

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Important distinction:

- Non-personal information (aggregated market level data – odds movements, market volume, etc.) versus **personal information** (name, contact details, personal identity number, bets)
- Who is the information shared with? Law enforcement or private organisation?

The European Union Data Protection **Directive** 95/46/EC of 1995 sets the conditions for sharing of **personal information**

- allow the free sharing of personal information within the EU
- protect the fundamental rights to privacy with respect to the processing of personal data

How to evaluate if personal information can be share?

- Has the subject given his/her consent?
- Legal obligation?
- Justified?
- Proportional?
- The only option?
- Shared with organisation able to handle information?

National frameworks for: 1. collection of information and 2. reporting of suspicious sports betting activity

Frameworks for collection of information and reporting of suspicious sports betting activity

Categorisation of frameworks to collect and share information:

Neither the betting regulator nor the betting operator has an obligation **to collect or share information** – typically countries that have not revised their gaming act recently

The betting regulator is obliged to **collect information** on suspicious betting patterns (proactive)

The betting operators are obliged to **collect information** on suspicious betting patterns with authorities (reactive)

- It might/might not be specified how this obligation should be fulfilled
- Not all betting operators who are obliged to collect information are also obliged to share the information.

The betting operators are obliged to **share information** on suspicious betting patterns with authorities (reactive):

- It might/might not be specified how markets should be monitored to enable the betting operators to detect suspicious patterns and share information – often it is not
- It might/might not be specified what constitutes suspicious betting patterns and when betting operators should be informed – often it is not

Frameworks for collection of information and reporting of suspicious sports betting activity

The proactive approach:

- France – Arjel has access in real time to all transactional data generated
- Italy – ADM has access in real time to all transactional data generated

The reactive approach

- The UK – betting operators are obliged to report suspicious betting activity to the Gambling Commission (direct obligation)
- Spain – betting operators must be able to answer information requirements of the Spanish gambling regulator => must collect information (indirect obligation)
- The Netherlands – Upcoming law requires betting operators to have betting fraud detection system capable of identifying irregularities
- Schleswig Holstein, Germany – operators shall work with two independent monitoring systems

Frameworks for collection of information and reporting of suspicious sports betting activity

Even in the absence of regulation all – at least medium and large - betting operators will **collect information** on betting activity and betting pattern

Voluntary Frameworks:

- Both national lotteries (ELMS) and some of the large private betting operators **share information internally** (ESSA)
- MoUs - If betting operators share information with sport governing bodies they do it through Memorandums of Understanding (MoUs)
- Commercial betting monitoring companies also collect information on suspicious betting activity – like SportRadar
- To open an account a customer often have to sign a statement allowing the betting operator to share information on suspicious betting patterns

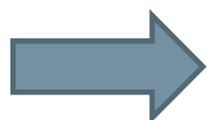
Sharing of information - barriers

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As explained the Data Protection Directive sets certain boundaries for sharing of information - the right to privacy – but certain issues complicate it further:

Most cases are unique - Judged on a case by case basis

Little precedent from previous cases to provide guidance



insecurity -> causes actors to be cautious

Police/prosecutors are reluctant to inform private organisations – betting operators and sport governing bodies

EU Directive is implemented differently in different countries

It differs within the EU if betting operators in general is regarded as being able to share personal information with sport governing bodies

Sharing of information - barriers

Practical barriers for sharing of information:

- A cross border phenomenon - which sport governing bodies and public authorities to contact in other countries?
- Difficult to have MoUs with all sports governing bodies in all countries
- Potential receiver of information might not have appropriate information handling procedures
- The entity in possession of information might not want to share information

A pan European law for data protection is underway – expected to be important step in the direction of harmonisation between countries – but does not necessarily make it easier to share information.

Possible role for the European Union

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Encourage MS to ratify and implement the Council of Europe Convention on Match Fixing

Support MS' implementation of the convention on match fixing – i.e. national platforms

Evaluate need for coordination platform to improve coordination of efforts, cooperation between national platforms and information sharing at EU level

- Facilitate sharing of non-personal information

Address uncertainty and stimulate exchange of personal information within the limits of the data protection directive

- Bring more clarity to what personal information can be shared and under what circumstances?
- Secure that new pan European law for data protection allow for an appropriate degree of sharing of personal information in cases of match fixing

Thank you – questions?

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