



**Policy on Outsourcing in  
Remote Gaming**

**Public Consultation**

**June 2016**

## Foreword

In September 2015 the Malta Gaming Authority (MGA) invited interested companies from the licensed remote gaming industry in Malta to participate in its initiative to form a small Joint Working Group (JWG) with officials of MGA in order to consider the regulatory issues surrounding outsourcing in remote gaming, and to propose a set of principles and policy on how the MGA can improve its effectiveness as a gaming regulator in this area that is yet to be addressed in gaming regulation.

The JWG met eight times; discussed a wide array of pertinent and less critical issues, and agreed on a draft policy that was submitted to the MGA for consideration in April 2016.

The MGA thanks the JWG for their work. It also endorses this draft policy on Outsourcing in Remote Gaming and has adopted it as its own draft. However, the MGA also appreciates all input and from the widest possible representation of the Malta based industry and other stakeholders that are affected by an eventual adoption of such a policy; them being other regulators in other jurisdictions and indeed outsourcing service providers themselves. The MGA is keen to receive input from everyone, but particularly from the latter two of the stakeholder groups.

The MGA considers the proposals made by the JWG and being here presented to you for consultation and input to be work in progress. The Authority will consider all input. It is guided by its aim at being transparent in policy decision-making and to be a more effective regulator while allowing the industry to flourish without compromising its core values and principles of preventing crime and protecting consumers in the gaming sphere under its governance. The MGA considered the proposals made by the JWG to attain that balance.

We thank you in advance for your input.

## 1. Background

As the remote gaming industry continues to specialise, develop, innovate, grow and venture into new geographic and product markets it is increasingly relying on outsourcing for functions and activities that would otherwise be carried out in-house.

Outsourcing in remote gaming is so extensive that it has become the norm for the industry to be interdependent on an ever increasing range of B2B services that may be linked or accessed along the whole supply chain to the consumers' (players) end.

The reasons why a remote gaming operator, (hereinafter referred to as the 'authorised person'), chooses to outsource services, functions and, or processes, as part of its operations, or product and market development, are many and range from acquiring specific expertise that is not available in-house, to cost control, regulatory compliance, marketing, know-how, or simply outright management decisions to outsource most services (core and non-core) to third parties.

### Question 1

(i)	Would you agree that the remote gaming industry is increasingly dependent on outsourced activities? What are the benefits of outsourcing for the industry?
(ii)	<p>How would you describe the future outlook of the industry in terms of outsourcing?</p> <ul style="list-style-type: none"> <li>▪ It would continue as the industry continues to consolidate, through mergers and acquisitions for example?</li> <li>▪ It would slow down due to risks and costs and verge towards insourcing or even in-house development of resource, skill, expertise?</li> </ul>

## 2. Definition of Outsourcing

In order to address the regulatory concerns that may arise from outsourcing, it is considered essential to agree on a definition.

'Outsourcing' is usually and traditionally defined as a regulated entity's use of a third party who is either (i) an affiliated entity within a corporate group; or (ii) an entity that is external to the corporate group, to perform activities/functions on an ad hoc or continuing basis that would otherwise be undertaken by the regulated entity/authorised person itself, whether now or at any point in the future.

The EU defines outsourcing within the context of MIFID<sup>1</sup> as "an arrangement of any form between an authorised entity and a service provider by which that service provider performs a process, a service or an activity which would otherwise be undertaken by the investment firm itself". The definition included in MFSA BR14/2009 was also considered and it is being proposed that the MGA adopts the following definition:

<sup>1</sup> DIRECTIVE 2014/65/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU. Link: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0065&from=EN>

**“Outsourcing means an authorised person’s use of a third party, the third party being the outsourced services’ and, or goods’ provider; to perform activities, functions or provide services which would otherwise form part of the authorised person’s business, at the relevant point in time. The third party supplier may itself be an authorised or unauthorised person. ”**

**Question 2**

<b>(i)</b>	Do you agree with this definition of ‘outsourcing’? If not, how would you change it and why?
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**3. Risks associated with Outsourcing**

The use of outsourcing service providers by the remote gaming licensees (in this document being referred to as the “authorised persons”) to perform management, operational functions and activities presents, or has the potential to present, various risks to an authorised person.

It is recognised that some risks are inherent to the activity being outsourced in itself, whereas other risks are introduced with the outsourcing of the activity and with the involvement of a third party. If not identified and managed effectively, the use of third party service providers may expose authorised persons to risks that can result in regulatory action, financial loss and loss of reputation for the operator and the jurisdiction, amongst others.

Risks to be considered by authorised person considering outsourcing include:

<b>Regulatory Risks</b>	These risks may arise when services, products and, or activities provided by a third party fail to comply with the applicable law, regulations and licence conditions governing the authorised person. While this is a broad risk, it is expected that the regulator puts more focus and weighting on ‘compliance’ failures of the authorised person that may ensue in the areas such as those of business integrity [such as AML measures], and consumer protection measures. The third party service providers are usually out of the reach of the sphere of competence of the regulator, either with respect to regulatory remit or jurisdictional competence, or both.
<b>Country Risks</b>	These risks potentially arise when an authorised person engages a service provider located in another jurisdiction, exposing the authorised person to possible economic, political and, or regulatory conditions, events and risks from the jurisdiction where the outsourcing service provider is located (e.g. non-reputable jurisdictions; or different yet applicable regulatory requirements).
<b>Operational Risks</b>	Operational risks may arise when an outsourcing service provider exposes the authorised person to losses due to inadequate or failed internal processes/service quality or systems, or from external events or human error.

<b>Reputational Risks</b>	Such risks arise when the actions or poor performance of an outsourcing service provider causes the public and other stakeholders to foster a negative opinion about the authorised person and, or the licensing jurisdiction, i.e. Malta.
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The above list of risks is not exhaustive and the MGA recognises that different business models may present a different risk profile, which may or may not include other and, or more risks other than those identified above.

### Question 3

<b>(i)</b>	Do you agree that outsourcing presents, or has the potential to present, risks? If not, why not?
<b>(ii)</b>	What, in your opinion, are the main risks associated with outsourcing in remote gaming?
<b>(iii)</b>	Do you think that the regulator should concern itself and take measures in order to limit, as much as possible, the identified and other risks associated with outsourcing? Why?

While the MGA is aware that the industry recognises the various and multiple risks that may be presented to the authorised person by outsourcing, it concedes that, in principle, the regulator (MGA) should only concern itself with outsourcing risks that are directly or indirectly material to regulatory compliance and therefore to the effective attainment of gaming policy and regulatory objectives as included in the governing regulatory framework, and, or the reputational standing of the jurisdiction. For this reason the range of functions, activities, and services that may be outsourced and their potential impact on regulatory compliance were considered and it is proposed that:

- **While the authorised person is free to outsource services and activities at will, the authorised person shall not outsource regulatory risk, its management, and the responsibility for regulatory compliance in the outsourcing practices it undertakes, and that the responsibility for compliance shall continue to reside solely and at all times with the Board of Directors and senior management of the authorised person.**

### Question 4

<b>(i)</b>	Do you agree with the assessment and position being proposed above?
<b>(ii)</b>	What would you add, or remove from the mentioned functions and responsibilities that the authorised person shall not outsource?

Within the context that the Regulator should, in principle, only concern itself with outsourcing risks that are directly or indirectly material to regulatory compliance and the proposed position that regulatory risk, management and responsibility cannot be outsourced, the rest of the draft policy in this paper deals with material activities, material functions and their governance.

#### 4. Material Activities and Functions

It is generally accepted that the risks of outsourcing can be more pronounced and have a potentially more significant negative impact on the authorised person's standing, operation and compliance performance when the outsourced activities are of 'material' significance and import to regulatory processes, performance and compliance of the authorised person.

Following from the proposed position [see Section 3 above] that, within the outsourcing context the Regulator should only directly concern itself with such 'material' activities and functions, the MGA considers that when such material supplies and, or activities are outsourced they should be subject to some form of regulatory oversight by the Regulator.

In order to better target this proposed regulatory intervention and not go beyond what is necessary in order to attain its objectives, it is considered necessary to adopt an accepted definition of what constitutes a 'material' activity and, or function and proposes the following:

Definition of material supplies and activities:

**Material activities and supplies means: Activities and supplies of goods or services of such importance that any weakness or failure in the provision of these activities could have significant effect on the authorised person's ability: (1) to meet its regulatory responsibilities, (2) to manage the risks related to these activities and supplies and, or (3) to continue in business.**

The following as a non-exhaustive list of examples of material supplies and functions.

1. Keeping of player funds;
2. Carrying out of CDD;
3. Management of the System Infrastructure:
  - i) Capturing, storing or managing essential regulatory data (player records, gaming transaction records, financial transaction records);
  - ii) Provision of hosting of essential regulatory data and material game elements;
  - iii) Back-up and disaster recovery.
4. Supplying material elements of the games, including those enabling the game, or having an impact on the determination of the outcome of a game, including:
  - i) Random number generator;
  - ii) Event and odds management systems, including content provision for betting;
  - iii) Poker management tools and event control systems;
  - iv) Risk management for betting or other games;
  - v) Running of virtual environments enabling a multi-player environment for gaming;
5. Risk and fraud management;
6. Provision of payment services;

7. Provision of intermediary services between the authorised person and the player, including agents and remote and non-remote facilitation of participation in the games.

It is recognised that as the industry develops and diversifies, and depending on the authorised person’s business model, other supplies and functions may become ‘material’.

### Question 5

(i)	Do you agree with the above definition of ‘material supplies and activities’? If not, how would you change it and why?
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## 5. Critical supplies and activities

The MGA is embracing and implementing a set of regulatory principles that will also be incorporated in the new regulatory framework; including, the principles of ‘proportionality’ and ‘suitability’. The application of the proportionality principle in practice requires that regulatory intervention goes only as far as, and not beyond, what is necessary to address the risk and, or attain the regulatory objective being pursued.

In line with the proportionality principle therefore, and in cognizance of the fact that the nature and extent of regulatory risk posed by outsourcing of ‘material supplies’ can vary widely, the MGA considers that different ‘material’ supplies and activities may warrant different levels of regulatory oversight and therefore categorisation rather than adopting a one size fits all approach.

For this reason, it is being proposed that material supplies and activities posing higher risks should fall within a sub-category to be named “critical”. A material supply and, or activity is considered as being ‘critical’, due to the increased regulatory and, or business integrity, safety, privacy, continuity risk that may or will ensue from failure of supply and or activity in itself, to the entire remote gaming system, and the authorised person.

Definition of critical supply:

**“critical supply” means a material activity or supply to an authorised person, whether directly or indirectly, partly or wholly, which is indispensable to determining the outcome of game(s) in the gaming offering to the end-customer, and, or an indispensable component in the processing and management of regulatory data of the authorised person.”**

The following as a non-exhaustive list of examples of critical supplies:

1. Supply of critical elements of games or critical activities to the running of the gaming operation, including the RNG, risk management for matchbooks and the running of virtual environments enabling a multi-player environment for gaming;
2. Management of system infrastructure:

- a) Capturing, storing, managing essential regulatory data (player records, gaming transaction records, financial transaction records);
  - b) Provision of hosting of essential regulatory data and critical game elements;
3. Payment service providers
4. Provision of intermediary services between the authorised person and the player, who perform functions, in part or in full, of regulated activities or parts thereof.

It is recognised that the as the industry develops and diversifies, and depending on the authorised person’s business model, other supplies and functions may become ‘critical’.

### Question 6

(i)	Do you agree with the above definition of ‘critical supplies and activities’? If not, how would you change it and why?
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## 6. Regulatory oversight

It is recalled that the regulatory oversight /intervention by the MGA into outsourcing by an authorised person should be proportionate to the risks posed by outsourcing arrangements and supplies and that the responsibility for regulatory compliance and performance resides, totally, with the authorised person. Currently the MGA has the power and requests to vet all third party, revenue-sharing agreements the authorised person enters into.

In order to address such real or potential risks, the MGA considers that the best approach is to assess the outsourcing risks to which an applicant/authorised person may be subject to, holistically, and as part of the pre-licensing assessment or post-licensing oversight (ad-hoc or routine, as applicable) of the applicant/authorised person. This would correspond with the position that the responsibility for regulatory compliance should continue to reside wholly and seamlessly on the authorised person’s Board of Directors and senior management.

The adoption of such an approach would require that the regulatory requirements imposed on the authorised person should continue to be fulfilled by the authorised person subject to requirements listed under Section 7 below.

Importantly though, the implementation of such an approach would require that the Regulator has full knowledge and comfort of the ability of the authorised person to meet its regulatory obligations, irrespective of outsourcing arrangements and risks which must be managed and treated by the authorised person.

In order to attain this; the regulatory oversight foreseen and the proposals being outlined hereunder, mainly focus on requirements to be fulfilled by the authorised person (Section 7). However, and further to the higher risks that may be presented by outsourcing of ‘critical supplies and activities’; the MGA is of the opinion that there should be a set of requirements to be fulfilled by providers of ‘critical’ supplies and activities (Section 8) which will be further elaborated upon in with the launch of the new regulatory regime.

## Question 7

(i)	Do you agree that the MGA should adopt a holistic, risk-based approach towards outsourcing by authorised persons? If not, what other approach do you suggest and why?
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## 7. Requirements to be fulfilled by the applicant or authorised person prior to outsourcing ‘material supplies and, or activities’

### 7.1. Submission of Information to the Regulator (MGA)

In order for the MGA to be in a position to assess the exposure to regulatory and other risks of the authorised person originating from outsourcing arrangements, the MGA would require the person to submit sufficient and factually correct information. The submission of this information by the applicant would be expected to form part of the presentation of the business model and plan submitted to and discussed with the Regulator at the early stages of the application process.

These information requirements may become applicable and due to the Regulator at a later stage of the licensing process or throughout the duration of the licence, depending on the time at which the authorised person:

- The name and address of outsourcing service providers,
- The material and, or critical supplies and, or activities to be outsourced;
- The reasons for outsourcing such supplies or activities; and,
- Information and relevant documentation on the regulatory status, if applicable, of the outsourcing service provider in Malta or in a foreign jurisdiction, including any certifications held;
- Any other information as the MGA may require in order to ensure that the regulatory requirements are met or will be met effectively and seamlessly by the authorised person.

### 7.2. Authorised Person’s risk management policy on outsourcing

The authorised person should adopt and implement an outsourcing risk management programme. The programme should provide a system of oversight and internal controls commensurate with the type, nature and extent of risks presented by the outsourcing arrangements in which the authorised person is engaged in or intends to engage in. The Risk Management Programme should primarily focus on outsourced activities that have a material impact on the authorised person’s licensed activities, involve sensitive customer/player data and information; and, or present material compliance risk.

The depth and formality of the risk management programme by the authorised person usually depends on the criticality, complexity, dependence/reliance on outsourcing and number of material business activities being outsourced. The person’s risk assessment and management programme should thus identify and distinguish between the outsourced activities and functions that are ‘critical’; those that are ‘material’, and the rest.

While the activities necessary to implement an effective outsourcing risk management programme may vary, based on the scope and nature of the authorised person's outsourced activities; effective programmes usually include the following core and updated elements [from a regulatory perspective]:

- i) Risk assessment and management policy;
- ii) Due diligence and selection of service providers, to include assessments of the providers' suitability, adequacy and capability ;
- iii) Contract provisions and considerations;
- iv) Incentive/compensation review;
- v) Oversight and monitoring of service providers;
- vi) Internal Implementation and controls; and
- vii) Business continuity and contingency plans.

The MGA considers that it should have access to the risk assessment and management policy at both pre-licensing and post licensing stages and should be kept up to date at all times.

The MGA may issue high-level guidelines on what these 7 core elements that the Risk Management Programme should address. It is cognizant however that these guidelines cannot be prescriptive, but rather more principle-based since their invoking in different jurisdictions of operation by a person authorised in multiple jurisdictions and within different legal systems may render them very difficult to apply in practice.

### **7.3. Governance of relationship between the authorised person and outsourcing service provider:**

The MGA considers that in managing the authorised person's relationship with the outsourcing service provider, the authorised person should ensure that a written agreement, which for the purposes of this paper is referred to as a Service Provider Agreement (SPA), is always put in place. The MGA recognises that this is usually the case but it notes that most of these agreements as seen by it cover solely the commercial terms that govern the relationship between the authorised person and the service provider. However, it considers that from a regulatory perspective, the regulator should not, in principle, be concerned with or get involved in the commercial provisions of the SPA but rather focus on the provisions that may attend to regulatory risk/s emanating from the outsourced activity/outsourcing service provider: such as those mentioned in points (ii) to (vii) under 7.2 above.

Therefore, while the MGA does not exclude the eventual need and or decision to establish the salient features and elements that a well-defined SPA must include, it proposes that as a minimum:

- A SPA would contain a mixture of quantitative and qualitative performance targets, to enable the authorised person to assess the adequacy of service provision;

- SPA would contain obligations incurred by the outsourcing service provider to ensure regulatory compliance by the authorised person;

Apart from the SPA, the authorised person should also consider the need to evaluate performance of its outsourcing service provider by using mechanisms such as service delivery reports, self- certification, or independent review or the service provider’s internal or external auditors. The authorised person should be prepared and have the ability to take remedial action if the outsourcing service provider’s performance be inadequate, is interrupted or fails.

### **Sub-contracting by the outsourcing service provider**

It is relatively common practice in some business areas of remote gaming that an outsourcing service provider, providing its own services to authorised persons, subcontracts part/s of the services provided from third parties in order to offer a bundle of services required by the outsourcing authorised person. While the MGA considers that this should not present any regulatory obstacles; it recognises that sub-contracting may present associated risks. In such situations the authorised person should take account of sub-contracting arrangements when entering into outsourcing agreements with providers and in conducting its risk management programme/s.

- On its part the authorised person should take appropriate steps to address any risk of any weakness of sub-contracted activities having a significant and material effect on the outsourcing service provider’s ability to meet its responsibilities under the SPA.
- The authorised person should ensure that sub-contractor/s will also fully comply with the obligations existing between itself and the outsourcing service provider; including, where possible, obligations incurred to ensure regulatory compliance.

### **Question 8**

<b>(i)</b>	Do you think that the 3 pronged approach highlighted in Sections 7.1 to 7.3 are adequate in order to manage the risks that outsourcing may present?
<b>(ii)</b>	If not, what would you change and why?
<b>(iii)</b>	How could the risks associated with outsourcing be better managed by the authorised person and, or the Regulator?
<b>(iv)</b>	Do you think that the MGA should issue guidelines on what should be included in the risk assessment and the SPA mentioned under 7.2 above?
<b>(v)</b>	Would you rather more regulatory oversight is placed on the authorised person or on the outsourcing service provider? Why?

## **8. General regulatory approach envisaged for outsourcing service providers**

Outsourcing service providers are essentially Business-to-Business (B2B) providers and as such, one category of such providers already falls under the regulatory scope of the current Remote Gaming Regulations (S.L. 438.04); namely the Class 4 licensees. However, within the context of the regulatory overhaul currently underway in Malta, the licensing structures are envisaged to

change; and largely to capture gaming providers under two broad categories, and namely: Business-to-Consumer providers and Business-to-Business providers.

In so far as the outsourcing service provider is supplying services to another business and not to the ultimate consumer, the MGA considers that:

- i) Regulatory oversight should be proportionate to risks presented or may be presented by the outsourcing of the activity and, or function itself and depending on whether the function, and or activity is a 'material supply' or a 'critical supply'.
- ii) Regulatory oversight should not overlap with already existing regulation of services being or intended to be provided, even if such services are a material and, or critical supply in the gaming context. In this respect, the MGA considers that it should not impose any unnecessary additional regulatory requirements on activities already regulated by other competent bodies (notably, payments services providers licensed as such by financial regulators within the EEA and licensed trustee services).

### **8.1. Material, non-critical activities and functions:**

The MGA considers that apart from the requirements listed under Sections 6 and 7, which include steps to be taken by the applicant/authorised person internally, in relation to the outsourcing provider and information to be submitted to the Regulator for assessment, the authorised person/applicant should also provide (verifiable) evidence of the adequacy of the outsourcing service provider itself to the MGA. For example, where the outsourced activity relates to the storing and, or hosting and management of data the outsourcing service provider should have in place: (i) adequate business continuity measures; (ii) adequate information security measures. In this example, the outsourcing service provider that has ISO27001 certification would be deemed to fulfil all the above requirements and no further evidence should be required to establish the provider's adequacy in this regard.

This approach would require that the outsourcing service provider is approved as such by the MGA, on an application by application basis, presented by the applicant/authorised person.

Alternatively, and in order to simplify the regulatory procedures, the MGA is considering the possibility of providing for outsourcing service providers to apply for a 'general recognition' type of approval of its compliance with the applicable requirements that can be granted by the MGA. The applicable requirements will be made public in advance; and be relevant and appropriate to particular service and or function being provided. Notwithstanding; the MGA considers that it should retain the right to impose additional requirements on certain class of outsourcing service providers in order to obtain a 'general recognition'.

### **8.2. Critical activities and functions:**

The MGA is proposing that these activities should fall under the extended scope of application of the new regulatory framework that intends also to extend the scope of governance falling under the remit of the MGA and to include, amongst other, more B2B activities and functions.

The requirements to be fulfilled by such providers will be detailed in the new regulations and other regulatory instruments that will be adopted as subsidiary to the new Act. The new regulatory framework is expected to distinguish between activities and functions that may already be regulated by other sectoral regulators (such as PSPS) and, or in other jurisdictions in order to avoid undue duplication of checks and controls and in line with the principle of proportionality.

### Question 9

<b>(i)</b>	Do you agree with the general regulatory approach being envisaged by the MGA for outsourcing service providers? If not, what would you suggest differently for suppliers of material activities and suppliers of critical activities?
<b>(ii)</b>	Do you agree that service providers of ‘critical supplies and activities’ should be captured directly by the new regulatory framework that would require a form of direct authorisation or approval to be granted by the Authority?
<b>(iii)</b>	What should the regulatory requirements of suppliers of material supplies and activities include and, or exclude, if any?
<b>(iv)</b>	What should the regulatory requirements of suppliers of critical supplies and activities include and, or exclude, if any?

## 9. Consultation Process

The following is the relevant information about the consultation process, key dates and the process to forward queries to the MGA during the consultation period.

### 9.1. Period

The MGA will allow a total period of six (6) weeks for the public consultation which will be set as follows:

<b>OPENING DATE OF CONSULTATION:</b>	Monday, 20 June 2016
<b>CLOSING DATE OF CONSULTATION:</b>	Monday, 1 August 2016, 16:00h

### 9.2. Consultation Questions

The MGA is keen to seek the input of stakeholders and has set out a series of questions throughout this document which should be addressed by contributors. Appendix A contains the consolidated list of the consultation questions. Please respond to as many questions as possible and provide supporting information where required and provide examples where applicable. Kindly use the question numbering in your responses.

The MGA is open to all types of responses, and other comments on the MGA’s position and proposals are welcome.

### 9.3. Queries

The MGA has set up a dedicated electronic mailbox for the purposes of this consultation. The MGA will receive queries and requests for clarifications that contributors may have in respect of the contents of the paper and proposals, and contributions/feedback from interested parties on the following email address: [consultations.mga@mga.org.mt](mailto:consultations.mga@mga.org.mt)

All queries will be acknowledged in writing within two (2) working days from receipt.

**Note:** The MGA will consider only those contributions that clearly identify the originator of the contribution, contact information, and a clear statement of which interest they represent.

### 9.4. Transparency

The MGA will maintain a register containing details of all contributions received. This register will be published on the MGA's website following the closing date of the consultation. The following information will be published in the register; names of respondents, and all related documents and individual contributions.

The MGA will consider contributions which include a request for anonymity on a case-by case basis. However, for such requests to be considered, they must include a clear indication of the interest group which the contributor represents/belongs. Where such requests will be granted, the contributors information will be anonymised and will clearly indicate the stakeholder/interest group.

The MGA will ensure that any data that is confidential to the operator's environment or business is kept confidential at all times and will not be disclosed in the consultation reports.

### 9.5. Post Consultation

The MGA will consider all responses carefully when finalising its proposals, but will only alter its position if it believes there is a sound basis to do so. Following the end of the consultation the MGA will prepare a summary of responses, which it will publish alongside the finalised documents.

### 9.6. Data Protection Statement - Data Protection Act (Chapter 440)

As part of this consultation, individuals are invited to forward their recommendations, views and opinions which will enhance the process. We intend to collect the following information: name of the organisation or individual responding to the consultation, the contact details of the individual (e-mail and telephone number). The contact details provided will enable us to contact the person to clarify their contributions – if the moderator of this consultation needs to seek such clarifications.

The recommendations will be analysed and placed, in full or in part, on the MGA website after the consultation has been concluded. The comment of the organisation or the individual will be accompanied by the 'Display Name' as listed at the time when the comment was entered by the individual. If an individual chooses to have his name removed from the comments, the moderator will categorise these comments according to the following stakeholders' list:

- Gaming parlours operators;

- Casino operators;
- Service providers to the industry;
- Testing laboratories and other standards' auditors ;
- Industry experts;
- Sector associates or stakeholders;
- Citizens;
- Others.

The personal data collected will be processed by the people involved in the consultation process according to the provisions of the Data Protection Act (Cap 440) and will not be accessed or disseminated to third parties.

Contributors may request for modification or deletion of their submitted contribution to this consultation process, by sending their request via e-mail to: [consultations.mga@mga.org.mt](mailto:consultations.mga@mga.org.mt)

In addition, please be aware of:

- Disclosure under the Freedom of Information Act (Chapter 496)

As the MGA is a public authority all documents held by the Authority, including documents related to this public consultation process, may be released following a request under the Freedom of Information Act (Chap. 496), unless such request may be subject of an exemption arising from the same Act.

## Appendices

### Appendix A: Full list of Consultation Questions

#### Question 1

(i)	Would you agree that the remote gaming industry is increasingly dependent on outsourced activities? What are the benefits of outsourcing for the industry?
(ii)	<p>How would you describe the future outlook of the industry in terms of outsourcing?</p> <ul style="list-style-type: none"> <li>▪ It would continue as the industry continues to consolidate, through mergers and acquisitions for example?</li> <li>▪ It would slow down due to risks and costs and verge towards insourcing or even in-house development of resource, skill, expertise?</li> </ul>

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(i)	Do you agree with this definition of 'outsourcing'? If not, how would you change it and why?
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<b>(ii)</b>	Do you agree that service providers of ‘critical supplies and activities’ should be captured directly by the new regulatory framework that would require a form of direct authorisation or approval to be granted by the Authority?
<b>(iii)</b>	What should the regulatory requirements of suppliers of material supplies and activities include and, or exclude, if any?
<b>(iv)</b>	What should the regulatory requirements of suppliers of critical supplies and activities include and, or exclude, if any?