

Royal Decree 1613/2011 of 14 November, which implements Law 13/2011 of 27 May on the regulation of gaming with regard to the technical requirements of gaming activities.

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I

Law 13/2011 of 27 May on the regulation of gaming establishes the regulatory framework for state-wide gaming activity in its various forms with a view to protecting public order, combating fraud, preventing addictive behaviour, protecting the rights of minors and safeguarding the rights of the games' participants.

Article 20 of the abovementioned Law creates the National Gaming Commission as the regulatory body for the gaming sector and whose aim is, amongst others, to supervise and control the development, operation and marketing of gaming activities.

The abovementioned control over gaming activity is regulated in title IV of Law 13/2011 which dedicates chapter III to the approval of technical gaming systems.

The technical gaming system comprises the Central Gaming Unit and all the systems and technical or electronic instruments that enable games to be organised, marketed and held by such means and must have the appropriate authentication mechanisms to guarantee, amongst other aspects, the confidentiality and integrity of communications, the identity of participants, the authenticity and calculation of the bets, control over the proper operation of same, compliance with the subjective prohibitions regulated in article 6 of Law 13/2011 of 27 May on the regulation of gaming and that access to the computer system components is restricted to authorised personnel or the National Gaming Commission itself under the conditions that the latter may establish.

Those entities that organise, operate and carry out the games regulated in the abovementioned Law must have the duly approved software, equipment, systems, terminals and instruments required for developing gaming activities, and the National Gaming Commission is responsible for approving the technical gaming systems and for setting the specifications required for the operation of same.

This royal decree implements in regulations the provisions set forth in Law 13/2011 of 27 May on the regulation of gaming, in relation to operators' technical gaming systems as mentioned in title III of the abovementioned law and establishes the technical requirements

that such operators must fulfil in carrying out and operating gaming activities. The technical requirements of operators authorised to market Lotteries shall be regulated in a special and separate regulation given the specific nature of this gaming product.

The legislation also grants the National Gaming Commission wide-ranging powers by means of exercising its regulatory powers to establish the details of the procedures and define the requirements and conditions that, precisely due to their essentially technical nature, could be subject to changes as a result of technical developments and that, solely from the regulator's perspective, may be handled with the appropriate speed.

II

This Royal Decree is divided into seven chapters, with twenty-seven Articles, an additional provision and two final provisions.

Chapter I defines the object of the regulation and certain concepts which are important for interpreting it correctly.

Chapter II establishes the technical requirements needed for the technical gaming systems, the Central Gaming Unit and the random number generator.

Chapter III is concerned with the procedure, entities and effects of the approval and certification of technical gaming systems. It also regulates the recognition of approvals and certifications validated by other administrations.

Chapter IV is dedicated to the control of gaming activities through monitoring and supervision, establishing technical requirements to be adopted by operators to ensure the correct performance of such duties by the National Gaming Commission. It also establishes the obligation to implement an internal control system in the operator's technical gaming system to capture and record all gaming operations and financial transactions between the participants and the operator's Central Gaming Unit.

Chapter V sets out the criteria for monitoring payment methods and gateways.

Chapter VI establishes the security requirements for technical gaming systems, regulates the access control and security of technical systems, communications with participants and communications between technical gaming system components. It also governs the traceability and registration of gaming operations and sets out the obligation to draw up a Technological Contingency Plan to ensure the operational game continuity in the event that the operator's Central Gaming Unit or its main infrastructures and computer systems are unavailable.

Finally, Chapter VII focuses on monitoring participants, establishing technical requirements for their identification, and applicable criteria for controlling the subjective prohibitions of participation in gambling referred to in Article 6.2(a), (b) and (c) of Law 13/2011 of 27 May on the regulation of gaming.

III.

In order to comply with the provisions of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998, amended by Directive 98/48/EC of the European Parliament and of the Council of 20 July 1998, this Royal Decree has been subjected to the procedure for information regarding technical standards and regulations in relation to information society services, governed by Royal Decree 1337/1999 of 31 July.

By virtue whereof, at the proposal of the Ministry of Economy and Finance, in accordance with the Council of State and by resolution of the Council of Ministers at its meeting held on 11 November 2011,

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CHAPTER I

General provisions

Article 1. *Purpose.*

The purpose of this Royal Decree is to establish technical requirements to be met by operators for the organisation, operation and development of gaming activities requiring a licence, in accordance with Law 13/2011 of 27 May on the regulation of gaming.

Article 2. *Definitions.*

For the purpose of this Royal Decree, the terms used here will be understood to have the meanings established in this Article.

1. **Technical gaming system.** Technical gaming system is understood to mean the equipment, systems, terminals, instruments and software used by the operator for the organisation, operation and development of gaming activity. The technical gaming system supports all the operations necessary for the organisation, operation and development of gaming activity, as well as for the detection and recording of the corresponding transactions between players and the operator.

The basic elements of the technical gaming system are the Central Gaming Unit and the internal control system.

2. **Central Gaming Unit** Central Gaming Unit refers to the technical elements necessary to process and manage the operations carried out by gaming participants.

The gaming platform and gaming software form part of the Central Gaming Unit.

3. **Internal control system.** The internal control system means the components used for recording all operations and transactions carried out in the performance of games in order to guarantee the National Gaming Commission can maintain permanent monitoring of the operator's gaming activities.

The fundamental elements of the internal control system are the capture system and the secure database.

4. **Capture system.** The capture system is a component of the internal control system designed to capture and record monitoring and control data established by the National Gaming Commission, followed by their translation and storage in the secure database

5. **Secure database.** The secure database is a storage system that contains monitoring and control data entered by the capture system, and may be accessed at any time by the National Gaming Commission.

6. **Access record.** The access record is a system that stores all operations carried out in the Central Gaming Unit by operators, administrators and other persons related to the operator or, where applicable, to the National Gaming Commission, who have access to it.

7. **Gaming platform.** Gaming platform means the software and hardware infrastructure constituting the main interface between the participant and the gaming operator.

The gaming platform offers players the tools required to open or close their gaming account, to save and edit their profile information, to take funds out of or put funds into their gaming account, or to view details or a summary of their account transactions.

The gaming platform includes any technical element that shows participants relevant information on the games offered by the operator, as well as any client software that participants must download and install on their system in order to interact with the platform.

The gaming platform enables the operator to manage the user and gaming accounts of participants, to manage financial gaming transactions, to report on

game results, to activate or disable records and accounts and to establish all configurable parameters.

The gaming databases and payment gateway form part of the gaming platform.

8. Gaming databases. Gaming databases means the storage systems used to record and save the personal information of gaming participants, information on all the transactions they carry out and on the results of general events or sporting events, coefficients and other data relevant to the operation and management of gaming activities.

9. Payment gateway. Payment gateway means the technical systems and instruments facilitating financial transactions between the participant and the gaming operator, which contains the means necessary to transfer funds from the payment method used by the participant to the operator, and back to the participant.

10. Gaming software. Gaming software consists of the modules used for managing games and for authorising and implementing the rules of each game accessed through the gaming platform.

11. Random number generator. The random number generator is the software or hardware component which, through procedures that guarantee randomness, generates the numeric results used by the operator to determine the result of certain games.

12. User account. User account refers to a unique register that allows the participant to access the gaming activities of a certain operator and which contains data such as, among other things, the participant's identification details and any other data required to complete financial transactions between the user and the gaming operator.

13. Gaming account. Gaming account refers to the account opened by participants and linked to their user account, into which they make financial deposits for use as payment for participation in gaming activities and from which they pay gaming entry fees. The gaming account must not contain a credit balance under any circumstances.

CHAPTER II

Technical gaming systems

Article 3. Requirements of technical gaming systems.

1. The technical gaming systems used by operators authorised to organise, operate and perform gaming activities through electronic, computer, telephonic and interactive means must satisfy the conditions established, in a specific provision, by the National Gaming Commission and must ensure compliance with the obligations established in Law 13/2011 of 27 May on the regulation of gaming, those established in this Royal Decree and, where applicable, those established in basic game rules and their authorisations.

2. In all cases, technical gaming systems must ensure the effectiveness of controls in relation to game playing time, maximum bet placed or the use of self-exclusion options, among other measures, as required by the National Gaming Commission in relation to the operation of games or their various forms of implementation, and the other stipulations of Article 17.2 of Law 13/2011 of 27 May on the regulation of gaming.

Article 4. Requirements of the Central Gaming Unit.

1. In accordance with Article 16 of Law 13/2011 of 27 May on the regulation of gaming, the operators authorised to organise, operate and develop the ongoing games to which that law refers must have a Central Gaming Unit which meets the relevant specifications established by the National Gaming Commission, allowing the operator to:

a) Record all actions or operations carried out by the equipment and users connected to it, operations and results of betting events and lotteries, distribution of prizes, operations of user and gaming accounts, aggregated and control data, and operational events of the gaming platform.

b) To guarantee the proper operation of the gaming activities.

c) Monitor at all times, where necessary, the operations carried out, the participants in the operations and their results, where the nature of the game permits it, and accurately reconstruct all actions or operations carried out through it.

2. In accordance with Article 18, sections 2 and 3, of Law 13/2011, of 27 May, on the regulation of gaming, authorised operators must ensure the existence of the necessary back-up data copies and the application of technical measures and contingency plans to guarantee data recovery in any type of adverse event, and must have a back-up duplicate of their Central Gaming Unit that will allow gaming activity to proceed as normal with full guarantees in the event that the main unit goes out of service.

3. The Central Gaming Unit and its backup shall be installed in premises under constant access control and surveillance, with the operator being liable for their custody.

The operator will facilitate access to these premises, wherever they may be located, to National Gaming Commission inspectors for the performance of onsite inspections at any location of physical resources belonging to the Central Gaming Unit.

The operator is responsible for guaranteeing access to and inspection of the Central Gaming Unit, wherever it may be located, and regardless of the ownership of the resources used and of the country in which those resources are located.

If the location of the gaming platform or of any of its components is virtual, or if it uses offsite elements, the operator shall guarantee access to them and grant the necessary powers to carry out the inspection from the physical sites in which the services are managed.

In all cases, the personnel working in the operator's facilities, whether internal or from entities which facilitate or provide any type of service, shall collaborate fully with National Gaming Commission inspectors in order to facilitate access and inspection. The operator shall be held responsible for any lack of collaboration by such personnel, irrespective of the legal or working relationship by which they are connected.

Article 5. Requirements of the random number generator.

Without prejudice to any additional requirements established by the National Gaming Commission, the random number generator must meet at least the following specifications:

a) The random data generated must be unforeseeable and

indeterminable. b) The series of data generated must not be reproducible.

c) Scaling methods must be linear and must not introduce any bias, pattern or predictability.

d) The method of conveying game symbols or results shall not be subject to the influence or control of a factor other than the numeric values produced by the random number generator.

CHAPTER III

Approval, certification and auditing of technical gaming systems

Article 6. *Approval of technical gaming systems.*

1. The National Gaming Commission is responsible for approving technical gaming systems and for setting out the specifications needed for their operation, in accordance with Article 16 of Law 13/2011 of 27 May on the regulation of gaming. Approvals may be based on reports certifying that the operator's technical gaming systems are suitable, issued by appropriate bodies designated for this purpose.

2. The National Gaming Commission will establish the technical specifications to be met by technical gaming systems for approval and certification. In this regard, the National Gaming Commission shall prevent the introduction of any obstacles that may distort competition on the market.

Article 7. *Authorised approval and certification bodies designated to issue reports certifying technical gaming systems.*

1. Reports certifying technical gaming systems must be issued by bodies designated for this purpose by the National Gaming Commission.

2. The National Gaming Commission will establish technical requirements and conditions to be met by approval and certification bodies in order to be designated as referred to above, and the application procedure for stakeholders.

3. The requirements or conditions and the procedure established for designating bodies to certify technical gaming systems must not add any obstacles that may unjustifiably distort competition.

4. The National Gaming Commission will publish on its website a list of designated bodies that can issue certification reports on technical gaming systems.

Article 8. *Approval and certification procedure and period.*

1. The National Gaming Commission will approve technical gaming systems, in accordance with Article 16 of Law 13/2011 of 27 May on the regulation of gaming, in a maximum of six months from the time of notification of the granting of the authorisation.

Within the framework of the criteria established by the Ministry of Economy and Finance and the Gambling Policy Council, the National Gaming Commission will establish the procedure for technical gaming system approval and certification. The Commission will also specify the minimum content of reports issued by designated bodies.

2. The initial approval procedure for technical gaming systems will take place within the framework of the procedure for issuing general and specific licences.

The licence application shall be accompanied by a technical draft detailing the fundamental aspects of the system for operating gaming activities and, in particular, the components of the Central Gaming Unit and internal control system.

The National Gaming Commission may request any information it deems necessary from the stakeholder to evaluate the technical project.

3. Certification reports must focus on whether the technical requirements applicable to the licence requested are met, and must contain at least the following content:

a) In relation to the gaming platform, reports shall include a detailed functional description of the processes supported by the platform, such as user account registration, session data, gaming account, informing participants of their bets, charging and payment systems, participation limit mechanisms and any other process implemented within the system.

Reports shall also evaluate how the platform behaves in the event of system failures, recovery procedures, session management, measures to protect against fraud and money laundering, responsible gaming measures and obligations to inform participants.

b) For each game for which a specific licence is requested, the report shall confirm if the rules implemented by the software adapt to those established in the basic game regulations, including, where applicable, all possible options, payment policy, details of game prizes and probabilities, as well as the player return percentage.

c) In relation to the random number generator, the report shall indicate its level of intrinsic quality after passing all the statistical tests deemed necessary to demonstrate that the data generated are of a random, unpredictable and non-reproducible nature, and that the scaling and reporting methods are linear and independent of any factor other than the generator itself.

d) In relation to the internal control system, the report will include a detailed functional description of the processes implemented for capturing gaming operations and recording them in the secure database.

Certification reports will be accompanied by a copy of the approved software, digitally signed by the designated bodies, which will be used to test its integrity in technical gaming system auditing procedures.

4. Certification reports will include a list of all components, software and hardware considered critical, along with detailed information on the location of each component within the technical gaming system, the names of components and levels of review. For these purposes, components considered critical are the random number generator, the user account and gaming account, the internal control system, the connections to the National Gaming Commission, and payment processing.

Any substantial change to a critical component will require prior authorisation from the National Gaming Commission, following submission of the corresponding approval report.

The National Gaming Commission may classify as critical any components of the operator's technical gaming system that were not initially considered as such, which it justifiably believes affect or could affect the operation of games, the rights of participants or public interest.

Article 9. *Recognition of approval and certifications validated by other public administrations or by the competent authorities of the States of the European Economic Area.*

1. The National Gaming Commission will establish the effectiveness of approvals and certifications validated by other countries within the European Economic Area or by competent bodies of the Autonomous Regions in procedures for granting gaming authorisations equivalent to the licences awarded in Law 13/2011 of 27 May on the regulation of gaming, as well as procedures in which these must be considered, where applicable.

2. The regulations issued by the National Gaming Commission for this purpose must be based on the principle of reducing the administrative burden, avoiding the repetition of technical tests validated by other Administrations.

The certificates presented to the Commission to be made effective must have been issued, where applicable, by an independent body designated for this purpose by a procedure accrediting its technical competence.

3. Based on Directive 98/34/EC, which establishes the procedure for information on technical standards and regulations, the European Commission must have been notified of the regulations on which the request for recognition or effectiveness of approvals, certifications or documentation is based, as applicable.

Article 10. *Effects of approval.*

1. The approval of technical gaming systems accredits compliance with the technical requirements applicable to the operation of gaming activities within Spanish territory or which apply to participants in Spain or with a user account in Spain.

2. After a provisional or final report is issued in favour of approving technical gaming systems, the stakeholder will submit it to the National Gaming Commission following the corresponding procedure, whether for awarding licences or modifying the technical gaming systems, and it will then be evaluated using the methods and in the period established for that purpose.

3. The approval of technical gaming systems is valid for ten years from the date of issue of the corresponding report.

Article 11. *Provisional and final approval of technical gaming systems.*

1. The provisional award of licences will be contingent on obtaining a report in favour of approval within a non-extendable period of six months from the notification of the stakeholder.

2. The report certifying the operator's technical gaming systems will be prepared by a body designated by the National Gaming Commission.

3. The provisional certification report, to be submitted with the licence applications, will have the content established by the National Gaming Commission and, based on the technical project presented, will focus at least on the correct functioning of the gaming platform, or, if applicable, of the game; the projected security elements; and the connection between the operator's technical systems and the National Gaming Commission.

During the approval process, the National Gaming Commission, either directly or through the designated body, will monitor the functioning of the technical gaming system with real data and its compliance with the requirements of Law

13/2011 of 27 May on the regulation of gaming and its implementing regulations, and may recommend that the operator implement any improvements and modifications to the technical gaming system that it deems necessary to ensure correct compliance with the technical requirements. These recommendations will form part of the final approval report, which must also specify the degree of operator compliance with them.

4. After the report in favour of final certification of the technical gaming system is issued within the stipulated time, the operator will forward it to the National Gaming Commission for evaluation.

If the report is approved, the National Gaming Commission will officially change the registration of the licence from provisional to final.

If the report is not approved, the National Gaming Commission will order the suspension of operator activity, adopting the necessary measures to prevent any harm to participants and to public interest.

Article 12. Auditing technical gaming systems.

1. Technical gaming systems must be audited every two years. This audit, the cost of which will be covered by the operator, may be carried out by the National Gaming Commission or by another body proposed by the Commission from those recognised for the approval and recognition of gaming systems, which must not be the body that carried out the last approval and certification report on the operator's technical gaming systems.

2. The first audit must be carried out within six months following the expiry of the two-year term, starting from the date of issue of the approval. Further audits must also be carried out within six months of the expiry of the two-year term.

If the audit was not carried out by the National Gaming Commission, any favourable report must be submitted to the Commission for evaluation.

3. If, after the established period has expired, the National Gaming Commission has still not received a favourable audit report, it will order the provisional suspension of operator activity and start proceedings for the revocation of the specific licence.

4. In the context of a penalty proceeding or as part of actions prior to its commencement, the National Gaming Commission may order an audit of any gaming system of the operator presumed to be in violation. This audit may be carried out by the National Gaming Commission or by another body proposed by the Commission from those recognised for the approval and recognition of gaming systems, which must not be the body that carried out the last audit of the operator's gaming systems.

5. The National Gaming Commission will specify any provisions or specific instructions it considers necessary for the audit.

CHAPTER IV

Monitoring and supervision of gaming activities

Article 13. The internal control system.

1. Operators' gaming activities will be monitored and supervised through the internal control system.

2. Operators' technical gaming systems must include an internal control system that captures and records all gaming operations and financial transactions between participants located in Spain or with a Spanish user account and the operator's Central Gaming Unit.

The internal control system must be suitable for the different channels for marketing games and interacting with participants, ensuring all gaming operations are captured and recorded.

Where a single game uses various marketing or participant interaction channels, the operator must establish gateways, interfaces or communication channels between all forms of participation or interaction in the game in order to allow the National Gaming Commission access to all operations and transactions carried out, whatever the method used.

3. The operator will implement systems and mechanisms that ensure the capture and recording of gaming operations, operations and results from betting events and lotteries, distribution of prizes, user account operations, financial transactions in gaming accounts, aggregated and control data, and operational incidents in gaming platforms, and their storage in a secure database accessible only by the National Gaming Commission. The operator will also be responsible for establishing and maintaining a secure line giving the National Gaming Commission access to the database, and resources and systems guaranteeing the conservation and, where necessary, recovery of data recorded by the internal control system.

The National Gaming Commission may increase or reduce the number of operations that can be captured and recorded, by resolution.

4. The internal control system must allow the National Gaming Commission to monitor all recorded gaming operations under the terms and conditions that it establishes.

5. The National Gaming Commission will specify the technical requirements to be met by the internal control system and the line of access to the secure database, protocols and, where applicable, encryption tools to be used in recording data. It will also establish minimum security requirements to be met by the operator both for access to the control system and for the conservation of data.

Article 14. *Control of the operator's Central Gaming Unit and its backup.*

1. The Central Gaming Unit and its backup will incorporate secure computer connections that are compatible with the systems of the National Gaming Commission, allowing it to control and monitor, in real time if necessary, gaming activity, prizes awarded and the identity of the people participating in and winning prizes from the activity, as well as, where applicable, any repayment of prizes due to game cancellations, all without prejudice to its ability to carry out onsite inspections.

2. It must be possible for the National Gaming Commission to monitor the Central Gaming Unit and its backup from within Spanish territory, wherever they are physically located.

The operator is responsible for establishing and maintaining a secure line that gives the National Gaming Commission access to the operator's Central Gaming Unit and its backup. The National Gaming Commission will specify the technical requirements to be met by the access lines.

3. In order to facilitate the verification and control of information, the National Gaming Commission may require the gaming operator to locate some of the secondary units of its technical system in Spain.

Article 15. *Gaming activities carried out via a website.*

1. For commercial transactions and the operation of website-based gaming activities within the scope of Law 13/2011 of 27 May on the regulation of gaming, operators must set up a specific website with a ".es" domain name, to which all login sessions originating from Spain or carried out through a Spanish user account must be directed.

2. The operator must establish systems, mechanisms or agreements which guarantee that all gaming activities carried out from Spain or using a Spanish user account are processed from the operator's website under an ".es" domain. Specifically, the operator must ensure that all login sessions originating in Spain or carried out by participants through a Spanish user account that were initially directed to websites under a domain other than ".es" which are owned or controlled by the operator, its parent company or its subsidiaries, be redirected to the operator's specific website under the domain ".es".

3. The operator will notify the National Gaming Commission of its domain name and any relevant data and information regarding the website it uses for its activity, and of any changes to them.

If the National Gaming Commission deems it necessary for the protection of the public interest and of minors, it may require commercial transactions and the operation of certain types of game to take place through an exclusive website created for this purpose by the

operator.

Article 16. *Gaming activities carried out through fixed or mobile telephony text messaging services.*

1. Operators who organise, operate or develop gaming activities that use fixed or mobile text messaging services as the primary or secondary means of participation or interaction must implement a control system capable of capturing and recording all messages sent and received by participants and, if necessary, translating them to the language used for recording in their database.

2. Communications between participants and the operator will be recorded in a secure database in the formats established by the National Gaming Commission. The National Gaming Commission may access the secure database used to record such communications at any time.

3. The operator must establish mechanisms and systems that allow the National Gaming Commission to monitor and control its servers for sending and receiving text messages, its databases of clients and operations, and the implementation of measures to limit participation and inform participants.

Article 17. *Gaming activities through voice communication services.*

1. Operators who organise, operate or develop gaming activities that use voice communications services as the primary or secondary means of participation or interaction must implement an internal control system capable of capturing and recording all communications between participants and the operator.

For the purpose of this Royal Decree, it is understood that people attending calls by participants and automatic interactive answering systems will both form part of the technical gaming systems.

2. The operator must establish mechanisms and systems that allow the National Gaming Commission to monitor and control its servers for sending and receiving voice communications between participants and the operator, while also allowing the recording of such communications, and its databases of clients and operations.

3. Communications between participants and the operator will be recorded and stored in a secure database using the formats and methods established by the National Gaming Commission. Recordings must irrefutably determine the date and time they were made.

The National Gaming Commission may access the secure database used to store such recordings at any time.

4. The operator must keep recordings for at least one year, or until the prizes for the corresponding gaming activities expire, if this period is longer.

Article 18. *Gaming activities through audiovisual media.*

Operators who organise, operate or develop gaming activities through audiovisual media must implement an internal control system capable of capturing and recording all communications between participants and the operator.

Depending on the methods used for participation and interaction with the participant, the operator must adapt its internal control system to the requirements established in this Royal Decree and by the National Gaming Commission.

Article 19. *Gaming activities through auxiliary terminals and machines.*

1. For the purpose of monitoring and controlling gaming activities carried out through auxiliary terminals or machines, the operator must adapt them in order to allow the National Gaming Commission, either directly or through the inspection services of the corresponding autonomous region or city, to access such auxiliary terminals and machines and the technical gaming systems to which they are connected.

2. Auxiliary terminals and machines used for the organisation, operation or development of gaming activities, and the software they use, form part of the gaming platform and are subject to approval and certification within the terms established in Chapter III of this Royal Decree.

CHAPTER V

Monitoring payment methods and gateways

Article 20. *Monitoring payment methods and gateways.*

Without prejudice to its obligations to capture and record all operations and financial transactions related to gaming activities, the operator will establish systems and mechanisms that allow the National Gaming Commission to access the payment systems, channels and gateways used by the operator to charge for participation by and to pay out prizes to participants.

The National Gaming Commission will establish the technical and access requirements it deems necessary and proportionate for monitoring charge and payout transactions.

CHAPTER VI

Security requirements for technical gaming systems

Article 21. *Access control and security.*

1. The operator must establish a protocol for physical and virtual access to its technical gaming systems, setting out procedures for their control, a list of persons authorised to access them, and the operations that may be carried out on the systems.

The operator must keep a record of access to the Central Gaming Unit, to its backup and to the internal control system for at least two years.

2. The Central Gaming Unit and its backup will be accessible only to people specifically designated for this purpose by the operator and, for inspection purposes, to National Gaming Commission personnel.

3. The operator must establish physical and virtual security measures ensuring control of access to the Central Gaming Unit and its backup, which can detect and block access to unauthorised persons.

4. The operator will guarantee the National Gaming Commission has access to the technical gaming systems in the terms established in Articles 13 and 14 of this Royal Decree.

5. The National Gaming Commission will establish additional conditions of access to operators' technical gaming systems and the technical requirements that they must meet.

Article 22. *Communications with participants.*

The operator must implement systems and mechanisms that guarantee the integrity and confidentiality of the communications of participants with its technical gaming systems and, in particular, with the Central Gaming Unit and its backup.

The system must guarantee the identity of the sender and the receiver, the confidentiality of the information transmitted through the use of effective encryption and authentication algorithms, and the integrity of information sent through the communication channels used for participation in and interaction with the gaming systems.

The National Gaming Commission may establish any additional details and conditions it deems necessary to guarantee the security and integrity of communications between participants and operators' technical gaming systems.

Article 23. *Communications between the components of technical gaming systems.*

The integrity and confidentiality of the systems used to communicate data between different components of the technical gaming systems must be guaranteed. Specifically, the operator must guarantee the integrity of all communications between the Central Gaming Unit and the internal control system.

In cases where different components of the technical gaming system communicate through public or third party communication networks, the operator must use secure communication protocols that guarantee their integrity and confidentiality.

The National Gaming Commission may establish any additional details and conditions it

deems necessary to guarantee the security and integrity of communications between the different components of operators' technical gaming systems.

Article 24. *Recording and traceability of gaming operations.*

1. The Central Gaming Unit must guarantee the traceability and recording of all gaming operations and financial transactions, allowing an accurate reconstruction of all recorded gaming operations and transactions.

2. The internal control system will capture, record and conserve operations and transactions as established by the resolution of the National Gaming Commission.

All elements of the internal control system must be protected physically and logically, and unauthorised access must be prevented.

3. Without prejudice to any resolutions the National Gaming Commission may issue in relation to the capture and recording of additional data, operators must capture and record in the secure database at least the following operations:

a) Gaming operations including, at least, confirmed participation or bets, bets cancelled or annulled by the operator, bets denied, and payment or payout transactions carried out by the operator.

b) Operations involving gaming events including, at least, registration of the event or events which determine the results of a game, modification of the parameters of the event or events, events cancelled or annulled by the operator in its gaming systems, and the result of the event or events.

c) Operations involving payment for participation in games and the payout of prizes won.

d) Operations involving user and gaming accounts including, at least, the opening of an account and information provided by the participant, acceptance of terms and conditions, changes to account settings, financial movements, deposits and payments in gaming accounts, and account closures.

The National Gaming Commission will establish details of the capture and recording of operations and the minimum fields to be included in the secure database in relation to each one.

4. The system must enable the capture and recording, in real time, of data relating to gaming operations and the financial transactions linked to them. The National Gaming Commission, according to criteria of proportionality, will establish how frequently the operator must record data in the secure database, and how these entries must be associated with reliable timestamps.

5. Operators will also include the following in the secure database:

a) The aggregated and control data established by the National Gaming Commission.

b) A register of incidents including at least interruptions to services and suspended games.

c) Any other data required by the National Gaming Commission generally or specifically, following a control procedure.

The National Gaming Commission will establish the scope of the data to be recorded, the period for updating them, and the technical availability and access requirements.

6. The operator's secure database and all records must be kept for a minimum of six years. The operator must establish protection and backup systems that guarantee their integrity and security during this period and their full recovery after any incident.

Article 25. *Continuity of gaming activity.*

1. The operator must have a Technology Contingency Plan to ensure the operational continuity of gaming.

2. This Technology Contingency Plan must include the technical, human and organisational resources necessary to guarantee the continuity of the service. The operator must provide adequate information about its policies regarding interruptions to the service and how these might affect its clients. The operator will adopt the necessary measures to ensure that its clients are fairly treated in the event of an interruption to the game or their bet.

3. The Technological Contingency Plan must guarantee that in no case will data or transactions be lost that affect or which could affect the operation of the games, the rights of

participants or public interest.

4. As part of the Technology Contingency Plan, the operator must create a backup of the Central Gaming Unit which will enable gaming activity to proceed as normal.

5. The Plan will also handle any unavailability of the internal control system, ensuring the continuity of the functions of capturing and recording data, gaming operations and the related financial transactions. If the internal control system should be unavailable due to technical

problems, the operator must suspend the gaming offer until the internal control system is active again.

6. The National Gaming Commission will evaluate operators' Technology Contingency Plans and, if necessary, order the operator to adopt any additional measures it considers necessary to ensure the continuity of gaming activities.

CHAPTER VII

Control of participants

Article 26. *Identification of participants.*

1. Operators will establish systems and mechanisms to enable the identification of game participants. In exceptional cases, in accordance with the special conditions of the resources used for commercial transactions and game operation, based on the criteria of proportionality and at the justified request of the operator, the National Gaming Commission may authorise participation without the prior identification of participants.

In all cases, the identification of participants and verification that they are not affected by any of the subjective prohibitions referred to in Article 6.2 (a), (b) and (c) of Law 13/2011 of 27 May on the regulation of gaming will be an essential condition for paying out prizes won, of any amount and nature.

2. Participants will be identified through a single user account which contains at least the identification data necessary to verify that the participant is not affected by any of the subjective prohibitions referred to in Article 6.2 (a), (b) and (c) of Law 13/2011 of 27 May on the regulation of gaming.

The user account will also include the participant's tax identification and residence details and any other data required for the completion of financial transactions, and the details of the gaming operator, as determined by the National Gaming Commission.

The operator shall establish the procedures and mechanisms necessary for ensuring that a player does not have various active user registrations.

3. Opening a user account requires participants to submit the data referred to above, which must be verified by the operator.

After the data have been verified according to the terms established by the National Gaming Commission, the operator may activate the user account.

The National Gaming Commission will establish the necessary procedures for authenticating and verifying the identity of Spanish residents in real time and, where this is not possible, in less than three days.

The operator must verify the data provided by participants who are not resident in Spain within a maximum of one month from the activation of the user account. This will be an essential condition for the payment of prizes won by the participant, of any amount and nature.

In both cases, if the data have not been verified after one month from the application for a user account, the account will be cancelled.

The operator is responsible for the accuracy and periodic checking of the data in its user accounts, in the terms established by the National Gaming Commission.

4. The operator may suspend user registrations that remain inactive for an uninterrupted period of more than two years. Suspended user registrations may be activated at the request of the participant. Any accounts that are not reactivated four years after suspension will be deleted by the operator.

5. The National Gaming Commission will establish additional requirements and conditions to be met by user and gaming accounts, and the protection measures which must be provided by operators.

Article 27. *Control of subjective prohibitions from participation in gaming and money laundering.*

1. Operators will be responsible for monitoring the subjective prohibitions from

participation in gaming referred to in Article 6.2 (a), (b) and (c) of Law 13/2011 of 27 May on the regulation of gaming.

2. The National Gaming Commission will provide the necessary means and establish adequate procedures to grant operators online or telephone access to the General Register of Gaming Access Bans.

In all cases, during the process of opening a user account, before the account is activated, and for the payment of prizes, the operator must check the data in the user account against those in the General Register of Gaming Access Bans to verify that the participant is not listed in the Register.

The National Gaming Commission will establish procedures to be followed by operators when periodically checking data in their user accounts against the General Register of Gaming Access Bans.

3. Without prejudice to any procedures operators may establish, the National Gaming Commission will provide the necessary resources to verify participants are adults using their National Identity Document or foreign resident identity number. For this purpose, the competent public administrations will collaborate with the National Gaming Commission as necessary.

The National Gaming Commission will establish the necessary consultation procedures.

4. The National Gaming Commission will comply with the regulations on the prevention of money laundering and terrorist financing, without prejudice to the powers of supervision and inspection attributed by Article 47 of Law 10/2010, of 28 April, to the Executive Service of the Commission for the Prevention of Money Laundering and Monetary Offences. If the National Gaming Commission should detect possible breaches of the regulations on the prevention of money laundering and terrorist financing, it will report them to the Office of the Commission for the Prevention of Money Laundering and Monetary Offences as specified in Article 48.1 of Law 10/2010, of 28 April.

Single additional provision. *Specific regime of the National Organisation for Blind People in Spain (ONCE).*

In accordance with part three of additional provision two of Law 13/2011 of 27 May on the regulation of gaming, in order to continue the strict public control on the gaming activity of ONCE, the powers which this Royal Decree attributes to the National Gaming Commission and the Minister for the Economy and Taxation will be exercised by the ONCE Supervisory Board in relation to this organisation's reserved activities, except for the powers corresponding to the Council of Ministers.

First final provision. *Authorisation of the National Gaming Commission.*

In accordance with Article 23 of Law 13/2011 of 27 May on the regulation of gaming, the National Gaming Commission is authorised to issue the provisions necessary for the implementation and execution of this Royal Decree.

In relation to the licences for occasional games specified in Article 12 of Law 13/2011 of 27 May on the regulation of gaming, the Commission may establish the adaptations of and exceptions to those technical requirements and approvals which are not objectively justified based on the nature of ongoing games.

Second final provision. *Entry into force.*

This Royal Decree will enter into force the day after its publication in the State Gazette".

Issued in Madrid, 14 November 2011.

KING JUAN CARLOS

The Deputy Prime Minister for the Economy and Minister of Economy and Finance, ELENA
SALGADO MÉNDEZ

This consolidated text does not have legal status.
Further information at info@boe.es

Translated