Údarás Rialála Cearrbhachais na hÉireann
Gambling Regulatory Authority of Ireland

Policy Guidance for Licence Applicants

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Purpose of this Guidance

This document is intended to provide practical guidance to assist proposed Business-to-Consumer ("B2C") licensees in preparing policy documentation for submission as part of their Gambling Regulatory Authority of Ireland (GRAI) licence application.
This document should be read together with the Gambling Regulation Act 2024.

Basis for the GRAI Policy Assessment

Section 96 of the Gambling Regulation Act 2024 gives the Authority a basis to request supporting documentation as part of the licence application process. Licensees are expected to submit policy documentation as requested by the GRAI. This documentation assists the GRAI in considering whether the licensee has appropriate systems, controls and procedures in place, and the content of the submitted policies is expected to demonstrate the applicant's readiness to comply with the obligations under the Gambling Regulation Act 2024. ("the Act").

Document Submission Requirements

All policy documents should be submitted in **Microsoft Word** or **PDF format**. Please note where a policy refers to linked material for example hyperlinks to another document, procedures or an external webpage this information cannot be reviewed. The GRAI will not open, access or verify linked material. If such information is relevant, the proposed licensee can upload this as a separate document if they deem necessary.

The following documents are requested for submission:

1 Anti-Money Laundering/ Countering the Financing of Terrorism (AML/CFT) Policy

An AML/CFT Policy is a document which details the operators' controls, procedures and systems for identifying, assessing, managing and reporting money laundering, terrorist financing and related financial crime risks. It is expected that the AML/CTF policy clearly demonstrates how the operator complies with their requirements under relevant EU Directives, the Criminal Justice Act and other relevant legislation.

Section 156
Obligations to notify Authority of suspicious gambling patterns
Under section 156, if a licensee becomes aware of a suspicious gambling pattern (i.e., an attempt to influence the outcome of a relevant gambling activity) they must stop accepting payments, issue and retain written notices, notify the Authority, provide relevant records and inform An Garda Siochana. The licensee must not pay out winnings until the Authority confirms it may do so. Section 156 can be found here.

2 Know Your Customer (KYC) Policy

A KYC Policy is a document which details how the operator establishes the identity of a customer, ensuring they have reached the appropriate age and understanding the nature of a customer's activities (to ensure the source of funds is legitimate) while also assessing the money laundering risks, if any, associated with the customer. They are expected to be closely linked with AML/CTF policies. Although KYC Policies may vary depending on the scope of the applicant's gambling operations/business model, they should clearly outline the steps taken to identify and verify the customer's identity when opening an account and assessing and monitoring customer behaviour over time.

The content of the KYC policy should reflect how the proposed licensee intends to address the following obligations under the Gambling Regulation Act 2024.

Section 169

Application to open gambling account with licensee of remote gambling licence

A person must be aged 18 or over to be able to apply to open an account with a remote gambling licensee. The Authority may specify the form and manner that an application to open an account must take and any documentation which must be included. Licensees must verify the identity and age of all applicants before opening a remote gambling account. To do so, licensees must require:

a) A copy of a document that specifies the name, address and date of birth of the person and contains a photo of that person (e.g. a driving licence), or

b) A copy of a document that specifies the name and date of birth of the person and contains photo identification of that person together with a copy of two documents confirming their address (e.g. a passport and a utility bill and insurance policy) The licensee must be satisfied that the documents submitted relate to the person who is applying to open an account and confirm that they are over the age of 18. It is a criminal offence not to comply with these requirements. Section 169 can be found here.

Section 158

Obligation not to permit a child to participate in gambling activities.

A licensee must not permit a child to participate in gambling activities. There are different ways for licensees to ensure that children do not participate in gambling activities. For in-person licensees, if the licensee has any doubt about whether the participant is 18 years old, they should seek appropriate identification containing the name, date of birth and photo (e.g. passport, driving licence) from the participant before allowing them to participate in a gambling activity.

For remote licensees, there is a separate requirement (under section 169 of the Act) that all participants must open an account before engaging in gambling activities. As part of the application to open an account, licensees must request appropriate identification from participants (see section 169). Remote licensees must be satisfied that the person opening a gambling account is over the age of 18.

If a child is permitted by a licensee to participate in gambling activities, unless the licensee proves that they were reasonably mistaken that the child was over the age of 18, they will be guilty of an offence.

Section 158 can be found here.

3 Responsible Gambling Policy

A Responsible Gambling Policy (Safer Gambling Policy) is a document which details the operators' controls, procedures and supports available to help participants monitor, control and reduce gambling-related harm.

The content of the Responsible Gambling Policy is expected to reflect how the proposed licensee intends to address the following obligations under the Gambling Regulation Act 2024.

Section 164

Obligation to provide facility to enable participant to set monetary limit

Licensees must enable participants to set a spending limit for gambling. This means that participants must be able to set a limit on the amount they can pay to participate in any individual gambling activity, or total amount they can pay to participate in all gambling activities provided by the licensee.

Participants must be able to set the time period that the spending limit applies for. There must be no restrictions on the length of time the participant can set the spending limit for. The participant must not be able to remove or increase the spending limit until after the time period expires.

While the spending limit applies, licensees must not provide a gambling activity to the participant which would result in them exceeding their set limit. If that occurs, the licensee must refund to the participant any relevant payment made in excess of the limit within 7 days.

While the spending limit applies, licensees are also restricted from communicating with the participant in a manner that invites (or has the effect of inviting) the participant to participate in a relevant gambling activity, or that advertises a relevant gambling activity to that participant.

It is a criminal offence to fail to comply with these requirements.

Section 164 can be found here.

Section 173

Obligation to provide information to account holder

Remote gambling licensees must provide account-holders with certain information.

The Authority will be making regulations setting out this information. This information will relate to:

a) The recognition of the identifying characteristics of excessive or compulsive gambling and its adverse effects,

b) The facilities available to support account- holders to gamble in a manner that avoids excessive or compulsive gambling,

c) The facilities available to account-holders to block their access, or the access of a child, or both, to gambling websites,

d) Gambling support services providing information and assistance in respect of excessive or compulsive gambling.

In addition to providing the information to account-holders, the information must be prominently displayed on the home page of the licensee's website, and on each online platform where a gambling activity can be accessed.

Remote gambling licensees must send alerts to account-holders' accounts at certain intervals (to be set by the Authority) detailing (a) the account- holder's winnings and losses, and (b) the time spent by the account-holder participating in gambling activities through their account.

Remote gambling licensees must also provide account-holders with immediate access, via their account to (a) the amount of money in their account, and (b) details of the amounts paid by the account- holder to participate in each gambling activity over certain periods of time (to be set by the Authority).

It is a criminal offence not to comply with these requirements.

Section 173 can be found here.

Section 174

Protection of Children

A remote gambling licensee must display a hyperlink to parental control programmes on the homepage of their website and on each online platform where a remote gambling activity is provided. Parental control programmes are programmes that help parents manage and restrict what their children can access on digital devices like computers, smartphones, tablets etc.

These programmes aim to protect children from inappropriate content. They monitor and, in some cases, prevent children from engaging in certain online activity. Licensees should ensure that information on parental control programmes is provided on their website and on each of their online platforms.

Section 174 can be found here.

4 Customer-Facing Policies, including Terms and Conditions

Customer Terms and Conditions are a customer-facing document detailing the contractual terms governing the relationship between the proposed licensee and the participant including rules that apply to account use, payments, winnings and account closure.

It is the GRAI's preference that the proposed licensee clearly refers to the Irish regulatory framework, the Gambling Regulation Act 2024. This is particularly important where a licensee operates in more than one jurisdiction or uses group wide Terms and Conditions.

The content of the Terms and Conditions is expected to reflect how the proposed licensee intends to address the following obligations under the Gambling Regulation Act 2024.

Section 172

Obligation to provide copy of Terms and Conditions of remote gambling activity

Remote gambling licensees must provide their terms and conditions when a person accesses remote gambling activity with that licensee for the first time, and on each occasion after the terms and conditions change. In addition, remote gambling licensees must ensure that their terms and conditions are accessible at all times on their website.

The terms and conditions of a remote gambling activity must:

- be written in clear and plain language
- be expressly accepted by the account-holder when they access remote gambling activity with that licensee for the first time and on each occasion after the terms and conditions change (when the person accesses the remote gambling activity for the first time after that change) before payment is accepted by the licensee.
- be made available by electronic means so the account-holder can store and retrieve the terms and conditions.

It is a criminal offence not to comply with these requirements

Section 172 can be found here.

Section 165

Obligation in respect of method of payment for relevant gambling activity

- A licensee cannot accept payment by credit card. This includes payment by any electronic or digital means that uses money loaded from a credit card.
- A licensee cannot extend a credit facility to a participant.
- A licensee cannot participate in, arrange, permit or facilitate the giving of credit to a participant in connection with a gambling activity.

It is a criminal offence not to comply with these requirements

Section 165 can be found here.

Section 155

Obligation to pay out winnings

A licensee must not unreasonably withhold the payment of winnings. The following are examples of situations where licensees might be said to be reasonably withholding winnings:

- The licensee becomes aware of a suspicious gambling pattern in relation to the gambling activity (i.e., an attempt to influence its outcome).
- The participant has breached reasonable contractual terms and conditions imposed by the licensee. It is considered best practice for the licensee to have an internal complaints or disputes process in place to deal with such matters in the first instance.

Section 155 can be found here.

Section 167

Obligations before providing relevant gambling activity by remote means

A person can only participate in remote gambling activities if they hold an account with the licensee. The Authority may make regulations requiring a separate account for each remote gambling activity. Licensees must not provide remote gambling activities to any person unless the following conditions have been met:

- The person has opened a gambling account with the licensee.
- The licensee has recorded in their register of account-holders the person's name, address, and date of birth, and how the licensee has complied with the obligations imposed under sections 172 and 173
- The person has received the licensee's terms and conditions (in writing).

It is a criminal offence to fail to comply with these requirements

Section 167 can be found here.

Section 171

Obligation to close gambling account

A remote gambling licensee must close an account-holder's gambling account when requested in writing by the account-holder or after 13 months of inactivity (not counting periods when the account-holder was entered on the National Gambling Exclusion Register.

The licensee must refund any money in the account to the account-holder. Where the account has been closed due to inactivity and the licensee is unable, having made reasonable efforts, to refund the money to the account-holder, the money must be transferred to the Authority for payment into the Social Impact Fund.

Where the account-holder subsequently contacts the licensee to obtain that money, the licensee should direct them to the Authority for a refund and notify the Authority in writing that they are satisfied this is the account-holder and provide details regarding the money transferred.

It is a criminal offence not to comply with these requirements.

Section 171 can be found here.

5 Whistleblowing Policy

A Whistleblowing Policy also referred to as a Protected Disclosures Policy details how workers can raise and report concerns about suspected wrongdoing in their workplace. A Whistleblowing Policy is only applicable where the licensee has **50 or more staff**. Where the licensee/entity is resident outside of Ireland, a Whistleblowing Policy from that jurisdiction will be accepted.

6 IT Security Policy

An IT Security Policy is a document that details how an operator protects and manages its IT systems, data, access controls, IT security risks and incident response procedures.

7 Disaster Recovery and Business Continuity Plan

A Disaster Recovery and Business Continuity Plan is a document which details how an operator will respond to, manage, recover and restore key business operations, technology systems and data in the event of a disruption.

8 Remote Gambling Operational Map

A Remote Gambling Operational Map is a diagram which shows the location and provider and or operator of all systems and activities used by the business to deliver gambling services and facilities. The diagram is expected to show the location of key equipment, and the relationship between the systems, activities, and the third-party providers, including how they interact and/or link together.

Disclaimer:

These guidelines are not and do not purport to be a legal interpretation of the Gambling Regulation Act 2024 or any Regulations made under that Act.

Having regard to the potential legal and operational implications for your organisation, we would suggest that you seek independent legal advice on this matter. Independent legal advisors will be best placed to provide definitive legal guidance that is tailored to your organisation and to ensure compliance with same.

These guidelines may be updated from time to time and the most recent version will be available on the Gambling Regulatory Authority of Ireland's website at **www.grai.ie**.

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