

**GENERAL CODE OF PRACTICE FOR  
REMOTE GAMING LICENSE HOLDERS**

Version 1.0



**AS ISSUED BY THE**

**TOBIQUE GAMING COMMISSION**

This General Code of Practice was enacted by the Tobique Gaming Commission on April 5, 2024 pursuant to Section 22 of the *TOBIQUE GAMING ACT 2023*.

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## INTRODUCTION

This General Code of Practice supports and should be read in conjunction with the TOBIQUE GAMING ACT 2023 (the “**Gaming Act**”). Together, these documents form part of the basis on which the Commission, supported by its authorized Direct Licensees, will administer remote gaming based in Tobique First Nation (the “**Territory**”).

As is compliance with the Gaming Act a condition of the relevant permit, license or authorisation, so is the acceptance of this General Code of Practice deemed to be a condition of the issuance and continued validity of the permit, license or authorisation (collectively, a “**License**”). The Commission will cancel or otherwise invalidate the License of any licensee which fails to comply with the obligations and requirements laid down in either the Gaming Act or this General Code of Practice.

## PART 1: APPLICATION AND PURPOSE

### 1. Purpose

The purpose of this General Code of Practice (“**Code**”) is to provide implementation requirements for licensees to follow in order to comply with the provisions of the Gaming Act.

### 2. Application

This Code covers all remote gaming offered from the Territory regardless of the location of the players and including those transactions and processes that are additionally licensed by another regulatory authority as well as those associated with jurisdictions that have no relevant gambling regulation.

The Commission has enacted this General Code of Practice under Section 22 of the Gaming Act and therefore requires all licensees to abide by the provisions of this Code which implement specific sections and principles of the Gaming Act. A licensee found not to be complying with this Code may be subjected to enforcement measures as set out in Part V of the Gaming Act.

### 3. Review

The Commission will review this Code at a minimum on an annual basis on the anniversary of publication if not more regularly. Licensees will have the opportunity to comment on and be consulted on any changes to this Code during a two-month window.

The Commission has the ultimate discretion to decide whether to factor suggested amendments and comments into the next revision of this Code but in any event will provide a summary of the consultation contributions and conclusions drawn by the Commission.



#### 4. Definitions

“**ATL**”: Approved Testing Laboratory, i.e. a testing facility approved by the Commission to certify the integrity and functionality of gaming services in accordance with the provisions of this Code.

“**Dormant account(s)**”: A customer account that has had no account transactions initiated by the customer for a period of 6 months.

“**RNG**”: Random Number Generator, which refers to hardware and / or software that determines random outcomes for use by the games offered by the license holder.

“**%RTP**”: The expected percentage of total wager values that a specific game will return to the customer in the long run. The %RTP can be calculated via either a theoretical or simulated approach. The method used for calculation depends on the game type.

### PART 2: CUSTOMER REGISTRATION & ACCOUNT ADMINISTRATION

#### 5. Account Opening

- 5.1. Licensees must be able to identify their customers prior to allowing them to open an account on their website. The identification entails receiving the customer’s name, email address, date of birth, physical address.
- 5.2. This identification should be achieved via intelligent registration process which *inter alia* is able to detect and block under 18 registrants based on date of birth information, false ZIP or postal codes and other such misinformation.
- 5.3. Licensees’ registration process should elicit and record all available “background” information (“**electronic footprint**”) in respect of registered customers, such as IP address, computer identifier, internet cookies and any other relevant technical data.
- 5.4. The registration process should include the customer’s recorded acknowledgement and agreement to the licensee’s terms and conditions and privacy policy.
- 5.5. Terms and Conditions should provide a full explanation of the conditions applicable to the registration process, including but not limited to: the number of accounts permitted, the prohibition of proxy, nominee or anonymous accounts, the identity and verification process.
- 5.6. By way of clarification, licensees are not allowed to open anonymous accounts or accounts in fictitious names for its customers. In addition, licensees must have mechanisms in place which ensure that its customers can only open one account on its website.
- 5.7. Licensees must have mechanisms in place which ensure that its customers cannot transfer or sell their accounts to another person. Specifically, licensees must incorporate the following prohibition in its general terms & conditions: “The customer is prohibited to transfer or sell their accounts to another person. This prohibition includes the transfer of any assets of value of any kind, such as however not limited to ownership of accounts, winnings, deposits, bets, rights and/or claims in connection with these assets, legal, commercial, or otherwise. The prohibition on said transfers also includes, however is not limited to, the encumbrance, pledging, assigning, usufruct, trading, brokering,



hypothecation and/or gifting in cooperation with a fiduciary or any other third party, company, natural or legal individual, foundation and/or association in any way shape or form”.

- 5.8. All registration and other customer information should be kept in accordance with data protection principles, in particular, it must be accurate, up to date, and relevant for the purposes it was disclosed, and kept confidential subject to any other statutory provision. The data accuracy should also be subject to any further verification necessary where the player meets money laundering criteria and be subject to recorded periodic confirmation by the registered player.

## **6. Identity Verification**

- 6.1. Licensees should take reasonable steps to validate registration details of customers to protect against a number of risks or prohibitions, including but not limited to: money laundering; sanctions, problem gamblers, politically exposed persons, identity fraud. At the point of registration, a licensee should start the process of identity verification checks against third party databases as and where possible. In any event, this verification process should be completed before the earlier of 30 days from first deposit or cumulative deposits of EURO 2000 (or its equivalent) OR first withdrawal.
- 6.2. Licensees should engage with electronic verification services, where these are available and add value, in order to verify registration details and identify both errors in data entries or deliberate attempts to mislead operators.
- 6.3. Licensees should use and develop the means to search and cross check registration, technical and financial data to assist in identify verification, especially where electronic verification services are not reliable. For instance, IP address, payment methods and electronic footprint data can be combined to enable verification of registration details provided by customers.
- 6.4. Where invalid data, missing information, and/or inconsistencies are identified in a registered account, then these should be reviewed on a risk-based approach, but especially when other alerts present themselves. Pending any necessary clarification and verification, if significant inconsistencies are identified and are considered “higher- risk” in terms of the veracity of the customer, peer to peer gambling should not be allowed. All other forms of gambling should be subject to additional supervision/monitoring until identification is verified.

## **7. Transactional Information**

- 7.1. Licensees should maintain a record of the following customer account information:
  - Customer identity details (including customer identity verification results);
  - Any self-/operator- imposed gambling management tools;
  - Details of any previous or related accounts, including reasons for deactivation;
  - Deposit / withdrawal history, and current balance; and,
  - Gambling transaction history.



7.2. Gambling transaction history should include, as relevant:

- Customer ID;
- Event ID;
- Session start and end time;
- Log in and log out time;
- Customer device details (e.g. IP address, computer ID, internet cookies, as available);
- Session's wager(s) (time-stamped);
- Event results (e.g. win €, loss €);
- The display/symbols/result e.g. card, dice, score, etc. determining the final outcome of the event;
- Choices made by customer;
- Total monies wagered for session;
- Total monies won for session;
- Funds added to account for session (time-stamped);
- Funds withdrawn from account for session (time-stamped);
- Account balance at start and end of session;
- Event status (complete, in progress, etc.); and,
- Credits/bonus features awarded in play.

All customer account transactions should be uniquely identifiable and securely maintained in a system audit log.

7.3. Access to any account should be controlled by the use of a designated user identification name and password or similar secure arrangement. The customer should be required to demonstrate their identity in order to access the gambling services provided by licensees or information about their account.

7.4. Licensees should have appropriate account security controls in place. These should include adequate backups of customer account transactions to ensure all customer account balances can be recovered in the event of any system failure.

7.5. Licensees should provide customers with direct remote access to their account history dating back for a minimum period of thirty days, with older material being made available on request as per terms and conditions.

## **8. Payments and Customer Funds**

8.1. Licensee's banking and payment processing of deposit and withdrawal payments made by customers should be via appropriately regulated financial service providers as approved by the Commission under Section 24 of the Gaming Act or applicable Direct Licensee at the time the license was granted or last renewed.

8.2. Licensee shall not change the banking and payment processing arrangements approved in accordance with Paragraph 8.1 above unless they notify and obtain the prior consent in writing of the Commission or applicable Direct Licensee. Before giving consent in accordance, the Direct Licensee shall consult the Commission and take into consideration



any representations that it may make on the proposed alterations or changes to the approved arrangements.

- 8.3. A customer should be able to access their account balance at any time, unless the Licensee is instructed to freeze the account by the Commission or Direct Licensee to carry out an investigation on suspicious activity and then until such time as notified by the Commission or Direct Licensee.
- 8.4. Subject to any legitimate restrictions that may legitimately apply (e.g. ongoing security checks) a customer should be able to initiate the withdrawal of funds from their account at any time.
- 8.5. A licensee should ensure prompt and accurate processing of withdrawal requests, subject to appropriate and necessary checks and verifications. Processing should normally be completed within 5 working days (excluding weekends and bank holidays) of the conclusion of verifications subject to agreed withdrawal limits and payment processing time constraints.
- 8.6. Licensees should provide a description of the withdrawal process on their websites and/or in their terms and conditions as appropriate including a general description of the time normally taken to process withdrawals of different types.
- 8.7. Information about any currency conversion rates applicable to deposits, balances and withdrawals should be readily accessible from the licensees' websites.
- 8.8. A customer should not be given credit for gaming (other than through the provision of a promotion or bonus).
- 8.9. The detection and correction of timeout receipts (disrupted transaction processing) should be conducted in accordance with a documented process.
- 8.10. Account related customer queries should be promptly addressed.
- 8.11. The licensees shall be liable for customer funds and must segregate these in a separate regulated bank or electronic money institution account to its own corporate working accounts, in an amount equal to 100% of the total customer funds amount with additional margin to cover standard costs and fees. Customer balances, pending withdrawals and guaranteed prizes should be separately identifiable at any point in time, and licensees should be able to demonstrate sufficient cash and cash equivalents to pay these balances.
- 8.12. The total amount of funds that licensees' customers have in their accounts at that particular moment and the total amount of funds that licensees have available for immediate pay out at that moment should be as mentioned in Paragraph 8.11 balance. If the total amount of funds of the customers exceeds the total amount of funds that licensee has available for immediate pay out, then the licensee must make up for the deficit within 7 days after the deficit has occurred, where Licensee to send proof of such redress to the Commission or Direct Licensee.
- 8.13. Customer credit and debit card numbers should be stored and processed within licensees' systems in accordance with PCI DSS compliance standards to ensure they are secured from unauthorised use.





## **9. Dormant Accounts**

- 9.1. Dormant accounts (no customer transactions within a continuous period of 6 months) require additional supervision and protection. Dormant accounts may be subject to administrative/management charges up to a maximum of EURO 5 per month, or its equivalent only after a period as specified in Terms and Conditions.
- 9.2. Licensees should review and manage all Dormant accounts, and should attempt to contact customers, including written correspondence, before an account is made dormant and subject to administrative charges. Where licensees impose dormant account charges, these should be proportionate to the cost of the management and administrative efforts made to contact the customer. Attempts to contact the customer should make clear the licensees' Dormant account policy and administrative charges.
- 9.3. Licensees should give at least 14 days written notice to customers before the account is deemed dormant and is subject to deductions/charges.
- 9.4. The efforts to contact customers should be proportionate to the value of the account balance; accounts should not be 'zeroed' until the conclusion of the Dormant account policy.
- 9.5. Licensees' Dormant account policies should be included in the terms and conditions and be readily accessible on their websites.

## **10. Aborted Transactions**

- 10.1. In the event of a significant or substantial disrupted service that causes pending transactions to be aborted, Licensees are required to implement procedures to refund stakes or wagers in a way that is compliant with the Gaming Act and fair to all the participants affected. The procedures should be readily accessible in the licensees' rules or terms and conditions.
- 10.2. Where the above actions result in any detriment to any of the customers affected, or the interruption arises from suspicious circumstances or illegal activities, licensees should not conduct any further transactions if the transaction is likely to be affected by the same failure and should advise the Direct Licensee of the event at the earliest reasonable opportunity in a format to be agreed. The 'earliest reasonable opportunity' should be proportionate to the seriousness of the disruption, but always within 3 working days.
- 10.3. Where a licensee cancels or voids transactions or withholds winnings for any other reason (e.g. suspected fraud, deception, interference with software etc.), they should advise the Direct Licensee of the action within 24 hours. Other than for incidents that trigger anti-money laundering suspicious activity reports, such reports could be deferred and consolidated if necessary to allow for verification or otherwise of the suspicious activity.
- 10.4. Without limiting the generality of the foregoing, it is not considered that there is a malfunction in the event of a multi-player game if two or more players can continue the game.
- 10.5. All malfunctions in games, as described herein, are passed on to the Direct Licensee by the licensee. The Commission may then request licensees to provide further information on



the cause of the malfunction and may take further steps if it appears to it that the malfunction occurred due to the negligence of the licensee.

## **11. Record Keeping**

- 11.1. Licensees are required to prepare audited annual accounts for their licensed entities in accordance with applicable legislation. The Gaming Act requires the provision of copies of such accounts to be provided to the Commission within 30 days of them becoming available. These accounts are to be made available within 13 months of the end of the licensee's accounting period.
- 11.2. Licensees are required to keep all customer transactional information including those particulars set out in Part 7 above, for a period of 5 years from the date of each customer's last activity and provide the same upon request to the Commission.

## **PART 3: RULES AND CUSTOMER TERMS AND CONDITIONS**

### **12. Game Rules**

- 12.1. For each game, the licensees' game rules and information should be readily accessible and identifiable in a clear and intelligible manner by way of a conspicuous link to the game rules on the home pages for gaming products and within individual games.
- 12.2. The game rules should not be unfair or misleading.
- 12.3. The published game rules and information should be sufficient to explain to customers all of the applicable rules and how to participate. As applicable, game information should include the following:
  - The name of the game;
  - The applicable rules, including clear descriptions of what constitutes a winning outcome;
  - Any restrictions on play or betting, such as any play duration limits, maximum win values, bet limits, etc;
  - The number of decks or frequency of shuffles in a virtual card game;
  - Whether there are contributions to jackpots (progressives) and the way in which the jackpot operates, for example, whether the jackpot is won by achieving a particular outcome;
  - Instructions on how to interact with the game;
  - Any rules relating to bonusing, free spins, i.e., wagering requirements to redeem bonus funds;
  - Information about the likelihood of winning such as the %RTP; and,
  - a description of the way the game works and the way in which winners are determined and prizes allocated.
- 12.4. For each game, information about the potential prizes and/or payouts (including the means by which these are calculated) should be easily available. This should include, where applicable:



- Pay tables, or the odds paid for particular outcomes;
- For peer-to-peer games where the prize is determined based on the actions of the participants, a description of the way the game works and the rake or commission charged;
- For lotteries and other types of events where the potential amount or prize paid out may not be known before the customer commits to gamble, describing the way in which the prize amount is determined will be sufficient; and,
- Displays of jackpot (progressives) amounts that change over time should be regularly updated and as soon as possible after the jackpot has been reset following a win.

12.5. Game rules should be date stamped and previous versions should be made available to customers on request.

12.6. The general playing rules and the payout percentage for a particular game should be the same in free play mode as it is in the real money game.

12.7. Customers should be informed in any betting opportunity relying on ‘live’ monitoring of an event (e.g. betting in play) that ‘live’ transmissions may be subject to delay or interruption. Where a delay is apparent to licensees, or is created by the licensees, the scale of the delay should be made apparent to the customer.

### **13. Customer Terms and Conditions**

13.1. Licensees’ Terms and Conditions should be easily accessible and readable on their website home pages or equivalent and will need to be viewed and agreed to at the time of registration.

13.2. Licensees should have a privacy policy that is stated in a clear and intelligible manner readily accessible on their website homepage, and which should at least refer to:

- The minimum information that is required to be collected, the purpose for information collection, the conditions under which information may be disclosed and the controls in place to prevent the unauthorised or unnecessary disclosure of the information;
- The extent to which licensees, authorised external agencies, licensing, and regulatory staff, have access to their account information; and,
- Where the operator intends to use data for purposes not directly related to the offering of a gambling product (e.g. for marketing), additional specific consent should be granted by the customer. Withholding this type of consent should not be used as grounds to refuse to conduct business with a person.

13.3. The terms and conditions should clearly define the licensees’ policies in respect of all the matters required under this Code.

13.4. Where remote gambling is provided in different languages the terms and conditions and game information should be provided in the language specified for that version.



## **14. Updates**

- 14.1. Licensees should notify customers when any significant terms and conditions are changed. Records should be kept as to how and when such notifications were managed. Licensees must notify the Commission within 24 hours of these significant terms and condition changes together with the rationale for doing so.
- 14.2. Applicable game rules and/or information should not be changed during a session unless adequate advance notification is given to the customer.
- 14.3. Applicable game rules and/or information should not be changed between a customer making a bet and the result of the bet being generated and calculated unless the customer was aware of the change before the bet was made. For jackpots, parameters should not be altered outside stated T&C's once customer(s) have contributed to the jackpot.
- 14.4. Changes to rules and pay tables should not be retrospective in their effect. Generally, and wherever possible, changes should be applied when the facility is inactive or deactivated and be readily apparent to any customer returning to a facility.

## **15. Information on Website**

- 15.1. The Commission requires all licensees to display on their home page a link or links to a page(s) that includes:
  - Each domain operating under the license must properly integrate and show the license Seal (see Para 16 below) in the footer of the licensed domain. Removal of the seal without proper notice to the Commission or Direct Licensee may result in license suspension;
  - A statement that the licensee is licensed and regulated under the Gaming Act by the Commission; and,
  - A statement in respect of the permitted age for gambling being 18+.
- 15.2. Given the complexity of many licensees' websites and web operating structures, and the diverse means of accessing remote gambling facilities, inclusion of the above information at the home page only is seen as unlikely to be adequate. Consequently, the Commission requires licensees to ensure that the motifs/emblems, and those associated with problem gambling services and any other 'warranty' or 'assurance', or warning links, or terms and conditions, are displayed on the website home page and on an appropriate page at the start of any gambling session, also referred to as the 'lobby' or 'entry' pages, or where username, password and other site access information is typically provided. Similarly, such a link should be provided at the end of the gambling session when the player uses the log out facility.
- 15.3. The Commission understands the term 'readily accessible' to mean a live link from the home page(s), 'about us' page and the customer registration pages of the relevant website(s) to a dedicated presentation of the relevant terms and conditions and rules. Where a licensee controls a series of websites or brands or operates through joint ventures, the rules should be accessible as above for each specific website.



15.4. Licensees should monitor customer interpretation of rules and be prepared to make appropriate amendments where misunderstandings occur.

## **16. Seal**

16.1. The Commission has established a seal that will validate all licensees (“**Seal**”). The Seal shall confirm to third parties and any user of the online site that the licensee is an authorized license holder and has been granted a license by the Commission. Any website not containing such Seal that claims to be a licensee of the Commission is fraudulent and not authorized and cannot claim to be authorized to operate under the Gaming Act. Each domain operating under a license that has been granted in virtue of the Gaming Act must properly integrate and show the license Seal in the footer of the licensed domain. Removal of the Seal without proper notice to the Commission or Direct Licensee may result in suspension, removal, or non-renewal of the license.

## **PART 4: RESPONSIBLE GAMING**

This Part 4 applies to licensees of Gambling and Skill Games products as defined in Section 5 of the Gaming Act.

### **17. Information, Signposting and Monitoring**

17.1. Licensees’ website home pages should have a direct link to a responsible gaming page that:

- Provides a statement of the licensees’ commitment to responsible gaming;
- Provides details of the licensees’ responsible gaming policy;
- Advises on responsible gaming practices and encourages customers to gamble responsibly;
- Advises on and provides a credible problem gaming self-assessment tool or process;
- Provides a link to, and contact details (e.g. email and helpline number) of, at least one organisation dedicated to treating and/or assisting problem gamblers, should anyone be concerned about their own or someone else’s gaming; and,
- Informs customers about and provides access to the licensees’ gaming management tools.

17.2. Responsible gaming information should be accessible via ‘one click’ from the home page and the customer registration pages and whilst gaming pages are accessed.

17.3. Any ‘Responsible Gaming’ (or similarly named) link or logo or other indication of responsible gaming advice, should give direct access (‘one click’) to that advice.

17.4. Licensees should not display commercial advertising or promotional material on their responsible gaming website and/or webpages.

17.5. Responsible gaming information including warnings on underage gaming should also be accessible from the ‘free play’ website presentations as per the real money version.



- 17.6. Licensees should monitor against indicators of problem gaming and take measures as set out in Paragraph 19 below, where customer behaviour and game play are symptomatic of problem gaming.
- 17.7. Licensees must designate a named person (“**Responsible Gaming Manager**”) to be responsible for formulating responsible gaming policies, including, but not limited to, providing training for staff on the implementation of those policies.
- 17.8. The Responsible Gaming Manager should be adequately and appropriately trained in responsible gaming policies and procedures, to ensure awareness and understanding of problem gaming issues in the organisation and, as necessary, in any partner organisations.
- 17.9. The Responsible Gaming Manager should have sufficient authority to develop, communicate, implement, and maintain responsible gaming policies and practices throughout the organisation.
- 17.10. All customer-facing staff and agents should be trained to an appropriate level to ensure awareness and understanding of problem gaming issues and how to respond when receiving contact relating to problem gaming.
- 17.11. Training for staff and agents should be refreshed on an annual basis and staff participation/completion of training should be recorded.

## **18. Gaming Management Tools**

- 18.1. Customers should be provided with the opportunity and tools to help them monitor, manage and control their gaming behaviour. Licensees’ procedures for implementing iGaming management tools should be readily accessible and clearly communicated on their website(s).
- 18.2. The license holder’s gaming management procedure(s) should clearly state the arrangements for setting a gaming management facility and make clear that for a gaming management facility to be implemented the customer is required to follow the gaming management implementation procedure(s).
- 18.3. It is recommended that customers should have the ability to set a gaming management facility (deposit, loss or time) as part of the registration process or at the point at which the customer makes the first deposit but, in any event, customers should have the ability to set these controls at any time after registration.
- 18.4. A license holder’s procedure for customers to initiate a gaming management facility should be user friendly and unambiguous.
- 18.5. The gaming management facilities must include at least one of the following gaming management options:
  - Deposit limit per time period – an overall maximum deposit limit over a specified period of time;
  - Loss limit per time period – an overall cumulated maximum loss limit over a specified period; and/or,



- Time played reminder – a means for the customer to be reminded of the length of time he has been logged on to the gaming facilities.
- 18.6. The licensees may set their own gaming management facility limits for customers where they suspect there is a problem gaming instance in which case customers should be informed of any such limits.
- 18.7. Where a customer requests a limit to be reduced, it should be implemented as soon as reasonably practicable given the circumstances and timing of the request.
- 18.8. Once established by a customer, a request to increase a limit (increased gaming) should, only be implemented after a 24-hour period.

## 19. Self-Exclusion

- 19.1. Licensees must have in place systems that enable a customer to request to be excluded from accessing the licensees' gaming facilities for any period of time or permanently.
- 19.2. Requests for exclusion should be recorded and implemented as soon as practicable.
- 19.3. Licensees' description of its exclusion procedures should be readily accessible and clearly communicated on or from the Responsible Gaming pages.
- 19.4. The customer's request for self-exclusion should be implemented consistently across all brands and products under the control of the licensee.
- 19.5. Where a customer requests access control the license holder should ensure that:
- As soon as reasonably practicable following licensees' processing of the request, no new bets or deposits are accepted from that customer, until such time as the control has expired or been removed;
  - During the exclusion period, the customer is not prevented from withdrawing any or all of their cleared account balance; and,
  - Where 'permanent' self-exclusion is selected, the licensee should ensure that the customer's account balance is remitted to the customer.
- 19.6. In the event of six months or more exclusion, where the customer is identified as wishing to resume gaming after the conclusion of the exclusion period, the excluded customer should be invited to confirm to the licensee via a documented process that they wish to return from the exclusion before their account or the facility is re-instated.
- 19.7. Licensees may decide to exclude a customer for the reasons set out below ("**operator discretionary imposed exclusion**"), in which case a record should be kept of the assessment and decision made and any account balance remitted to the customer. Reasons for operator discretionary imposed exclusion:
- There's a suspicion that a participant customer is cheating or colluding with other participants.
  - The participant has behaved improperly.



- The participant is showing signs of problem gaming, in which instance licensees should intervene and direct the participant to problem gaming management tools, and their problem gaming page to help mitigate the risk of problem gaming as a first step before excluding the participant from gaming.
- The participant appears to be under the influence of alcohol or narcotics.

19.8. Licensee must exclude a customer for the reasons set out below (“**operator mandatory imposed exclusion**”) in which case a record should be kept of the assessment and decision. Reasons for operator mandatory imposed exclusion:

- There is clear evidence that a participant customer is cheating or colluding with other participants.
- The participant is exhibiting threatening behaviour.
- The participant is proven to be an uncontrollable problem gambler.
- The participant is known to be under the influence of alcohol or narcotics.
- The participant is shown to be under the age of 18, at which time their balance must be returned to them.

19.9. Licensees should take all reasonable steps to prevent their own marketing material being sent to customers who are subject to operator or customer-imposed exclusion.

19.10. Where a self-excluded customer is able to breach the exclusion system and is subsequently detected, the reimbursement of deposits is at the licensees’ discretion and should take into account the history of the customer. Breaches to self-exclusion should not be incentivised by the automatic reimbursement of deposits or the payment of winnings.

19.11. Licensees must report details of self-excluded customers (including operator discretionary imposed exclusion) to Commission, such reports shall be made to the Commission as part of their quarterly reporting. The Commission will consolidate the licensees’ reported self-exclusions, which will be available to view within the Compliance portal.

## **PART 5: UNDERAGE GAMING**

### **20. Information**

20.1. Licensees must not allow anyone under the age of 18 to open an account and play. Preventing underage access to gaming facilities is an ongoing process rather than a single activity. Terms and Conditions should make clear that underage gaming is not acceptable and that such attempts or activities are reported to the Commission.

20.2. Licensees are required to ensure that their marketing campaigns, are not directed or specifically attractive to under 18s. Additionally, the presentation and content of sites should not be designed to appeal to underage audiences, and sites should carry repeated warnings that those under the permitted age are not permitted to open accounts and play.

20.3. Winnings should not be paid out until age and identity have been formally verified.

20.4. Licensees should include on their websites a webpage dedicated to underage gaming that provides links to, and/or advises of:





- The licensees' underage gaming policy;
- Reputable filtering service providers such as Internet Content Rating Association (ICRA) Net Nanny, or Cyberpatrol to assist parents (or other) prevent access by persons under 18.

20.5. The following webpages of the licensees' website(s) should display an obvious sign or hyperlink to the effect that persons under 18 are not permitted to participate in the gaming activities (as defined in the Gaming Act) provided by licensees which links through to the licensees' information addressing underage gaming.

- Home page;
- Account registration pages;
- Responsible gaming webpage;
- The 'lobby' or 'entry' pages where username, password and other site access information is typically provided; and,
- 'Log out' page or at the end of the gaming session when the customer uses the log out facility.

## 21. Age Verification

21.1. The registration process should include a positive age affirmation by the new customer as well as providing date of birth, e.g. over 18 check box.

21.2. Licensees' Terms and Conditions should make it clear that identity documents may be required to verify the member's age and identity and release winnings.

21.3. Licensees may place reliance on payment methods which are reserved for and only accessible to over 18s, so long as licensees have conducted necessary assessment of the same to ensure they have rigorous age verification systems in place themselves.

21.4. A licensees' age verification system should include an element of objective validation via a verification service, such as that provided by specialist identity verification companies or through direct reference to reliable documentation, for example a passport, driving license or birth certificate. Staff should be appropriately trained in age verification procedures.

21.5. Age verification processes should be commenced at account opening and must furthermore be completed within 30 days of first deposit or before the customer wagers more than an equivalent of EUR 2,000 of their own funds (as opposed to recycled winnings) and before any money is paid out ("**age verification period**"). Unsuccessful age verification should lead to the account being supervised and then reviewed, restricted or suspended until procedures establish the age of the customer as over 18.

21.6. During the age verification period:

- Customers may be able to deposit funds and participate in gaming, however, they will not be able to withdraw any deposits or winnings until they are confirmed as over 18; and,



- Any deposited funds must be available for prompt return if it becomes apparent that the customer is/was underage where stakes (includes entry fee, bets and wagers) should be voided.
- 21.7. Where there is no evidence of fraud, deposits should be returned to an underage customer. Reimbursement is not expected to leave the underage customer any better than 'neutral' in terms of their gaming activity. Any winnings to be paid in respect of such gaming shall be forfeited to the Commission, provided that any winnings paid or payable to the person before the license holder became aware that the participant was under the minimum permitted age shall not be forfeited to the Commission.
- 21.8. Where licensees are satisfied that an underage customer has breached the underage prohibition and participated in gaming, the licensees should suspend the relevant account(s) and report the case to the Commission. Consideration should be given to providing underage gamers with the contact details of a gaming support organisation.
- 21.9. A record should be kept of all accounts and gaming transactions affected by the participation of persons underage. A description of the event/circumstance(s) that resulted in the account and associated gaming being permitted should also be recorded.
- 21.10. Licensees should have a clear, documented policy which is applicable in the event that an underage individual is identified.
- 21.11. Game design and/or game features shall not be of a nature that is primarily appealing to or associated with under 18's.
- 21.12. In addition to reliance on certain payment methods as described in Paragraph 21.3 above to verify age, licensees may use a balance of personal, technical, financial or other data, including third party data and data provided by the customer, to establish age verification. A record of that methodology and its outcomes should be maintained.

## **PART 6: FAIR GAMING**

### **22. Game Features and Functionality**

- 22.1. Before allowing a game, the Direct Licensee and Commission may require licensees to demonstrate that the game is fair by evidencing their internal testing and quality assurance procedures and subjecting it to examination by an ATL in respect of those features and functionality that the Direct Licensee and Commission deemed necessary for independent testing, such as those set out in Paragraph 25 below. Where a Licensee acquires control over a range of software products the testing arrangements shown to have been applied by the previous controller will be considered.
- 22.2. Licensees should make information available to customers on their website(s) about their testing and quality assurance arrangements in place to assure fairness and randomness in their gaming products, including information about testing/certification by an ATL where applicable and where this can be accessed.
- 22.3. Licensees should ensure appropriate systems and resources are deployed to prevent or detect attempts to collude and cheat by customers or other parties. Such measures should

be applied on a risk sensitive basis deployed to identify long term or systemic cheating as well as short/medium term sporadic efforts.

- 22.4. Games should be implemented and operate fairly and strictly in accordance with the published rules and prevailing RTP where applicable.
- 22.5. Games designed to give the customer only the perception that speed or skill influences the outcome of a game (e.g. ‘steering’ or ‘aiming’) should make this apparent in the game description.
- 22.6. A license holder should not implement game designs or features that may reasonably be expected to mislead the customer about the likelihood of particular results occurring. This includes, but is not limited to the following:
  - Where a game simulates a physical device the theoretical probabilities and visual representation of the device should correspond to the features and actions of the physical device (e.g. roulette wheel).
  - Where multiple physical devices are simulated the probabilities of each outcome should be independent of the other simulated devices (e.g. dice games).
  - Where the game simulates physical devices that have no memory of previous events, the behaviour of the simulations should reflect the behaviour of the physical devices (e.g. roulette wheel, cards, dice games).
  - Games should not falsely display near-miss results, that is, the event may not substitute one random losing outcome with a different losing outcome.
  - Where the event requires a pre-determined layout (for example, hidden prizes on a map), the locations of the winning spots should not change during play, except as provided for in the rules of the game.
  - Where games involve an element of skill, every outcome described in the virtual event rules or artwork should be possible, that is, the customer should have some chance of achieving an advertised outcome regardless of skill.
  - Where a customer contributes to a jackpot pool, that customer should be eligible to win the jackpot whilst they are playing that game, in accordance with the game and jackpot rules.
- 22.7. If a cap is established on any jackpot, all additional contributions once that cap is reached should be credited to the next jackpot.
- 22.8. If the artwork contains game instructions specifying a maximum win, then it should be possible to win this amount from a single game (including features or other game options).
- 22.9. Casino games should operate at a speed that allows the player to establish the result of each cycle of the game. Players may be permitted to accelerate the speed of a game where they are still able to establish the result of each cycle.
- 22.10. In the case of games of skill, where the skill of the participant can influence the outcome of the game, despite there being an element of chance involved (as is the case in most games), the outcome of such game must be shown to depend predominantly on the skill of the participants.
- 22.11. Licensee must obtain prior written consent from the Direct Licensee before any modification, addition or removal of a permitted game that materially affects the outcome



of the game permitted under this Part 6 can be operated. In addition, Licensee must obtain prior written consent from the Direct Licensee before any changes are made to its previously approved gaming hardware environment.

22.12. Without limiting the generality of the foregoing, it is forbidden to offer games if the outcome of which depends partly or entirely on actual events related to:

- Animal cruelty,
- Endangering the lives of humans or animals; and/or,
- Exploitation of minors.

22.13. It is forbidden to offer games that, by means of images or graphic media, depict acts that are contrary to morality or ethical standards that would tarnish the image and reputation of the Tobique First Nation.

22.14. A customer should retain control of the gaming experience where auto-play functionality is provided. The auto-play functionality should:

- Enable the customer to choose the stake and either the number of auto-play instances or the total amount to be gambled.
- Enable the customer to stop the auto-play regardless of how many auto-play instances they initially chose or how many remain.
- Not override any of the display requirements (e.g. the result of each instance should be displayed for a reasonable length of time before the next play.)

22.15. Licensees should ensure that all games and wagering activity that are available on their online gaming site and/or platform adhere to all appropriate protective mechanisms and resources which are hereinabove mentioned. The Direct Licensee, and/or the Commission, at their unfettered discretion, may at any time demand that such games and wagering activity be certified by a third-party platform certification provider recognized by the Commission. Such a demand may be made at any point within the context of the license application and/or renewal or during the time that the Licensee is a holder of a License granted by the Commission.

### **23. P2P Games**

23.1. In respect of P2P games, in particular poker, licensees should ensure appropriate collusion pattern analysis and reporting is in place to identify any biases or patterns that indicate collusion and be able to provide an appropriate level of investigation/intervention. As a minimum the analysis should:

- Aim to identify those individual players with unusually high/low levels of success and be satisfied that these outcomes are consistent with fair and predictable playing patterns and do not arise through extraneous or irregular events or actions.
- Be able to identify players who routinely make decisions contrary to the mathematically optimal course of action, and yet persist to have success levels greater than expected.
- Review player table placement and aim to identify players who tend to collude or operate inappropriately in team groupings.



- Be aware of existing and developing trends in player collusion methods and tactics.
- 23.2. Under their terms and conditions, poker rooms should make explicit that collusion of any form between players will not be tolerated and may lead to the suspension of funds pending investigation.
- 23.3. Licensees should not permit the use of robots by customers and should have procedures in place to monitor the rooms for robots and, where detected, stop their play and conduct a review of the account.

## **24. Sports Integrity**

- 24.1. Sports betting licensees should have procedures for identifying suspicious betting transactions and patterns which might identify a threat to the sport's integrity or any form of cheating. Where a threat is identified, there should be a procedure for notifying the relevant sporting body in line with applicable data protection requirements, and for informing the Direct Licensee and the Commission.
- 24.2. License holders should give active consideration to joining properly structured and organized information sharing/alert mechanisms for managing suspicious bets or accounts.
- 24.3. Effective risk control mechanisms should be in place for managing events offered, bet sizes and prices, taking into consideration available cash and cash equivalents.
- 24.4. The terms and conditions for sports betting (and other betting events) should be 'fit for purpose' in terms of the products offered and the safeguards need to deter or disrupt corrupt betting, breaches of the rules of any sport or competition attracting bets, or any other attempt to cheat, commit fraud, breach terms and conditions or otherwise operate an account in a way that may undermine the integrity of the affected event or the betting on that event.

## **25. Random Number Generation**

- 25.1. Licensees should be able to demonstrate the fairness and randomness of all games to the Commission by means of current and valid certification by ATL.
- 25.2. The output obtained through the use of the RNG in games shall be proven to:
- Be statistically independent;
  - Be uniformly distributed over their range;
  - Pass various recognised statistical tests intended to demonstrate the above and the absence of patterns;
  - Be unpredictable without knowledge of the algorithm, its implementation, and the current seed value (all of which should be secure); and,
  - Be random and distributed in accordance with the rules and expected probabilities of the game.

## **PART 7: DATA SECURITY AND DISASTER RECOVERY**



## **26. Data Security**

- 26.1. Information security processes should include the implementation of programs and practices to protect information and information systems from unauthorized access, use, copying, disclosure, disruption, modification, or destruction and ensure that an adequate audit trail of any actions is created.
- 26.2. Security policies and procedures should be documented and communicated to relevant employees and reviewed at least annually or in the event of material changes or system failures.
- 26.3. Security policies and procedures should be implemented and monitored. Risk- based internal and external security reviews should be conducted at least annually or in the event of material changes or system failures.
- 26.4. Physical security perimeters should be in place to restrict access to authorized personnel to areas that contain information and information processing facilities and to reduce the risk of environmental threats and hazards to equipment.
- 26.5. Relevant third party and business partner contractual terms and conditions should provide for the equivalent or greater protections that those applied by licensees.
- 26.6. Virus scanners and/or detection programs should be installed on all relevant and vulnerable information systems. These programs should be updated regularly to scan for new strains of viruses and other malicious software.
- 26.7. Controls should be in place to manage changes to information processing facilities and systems in order to reduce the risk of security or system failures. These include a robust firewall to protect against unauthorized access and conducting regular security audits and penetration testing to identify and address vulnerabilities.
- 26.8. All system users may have their identity verified with an account identifier/password pair, or by any other means that provide equal or greater security, prior to being permitted to access the system. All system user actions should be logged.
- 26.9. Information involved in online transactions should be protected to prevent incomplete transmission, misrouting, unauthorised message alteration, unauthorised disclosure, unauthorised message duplication or replay.
- 26.10. A policy on the use of cryptographic controls for protection of information should be developed and implemented.
- 26.11. The Direct Licensee and Commission recognise that there are various recognised information security guidelines / standards, including ISO/IEC 27001 by the International Organisation for Standardisation (ISO), the Standard of Good Practice by The Information Security Forum, PCI, eGap and COBIT. These and credible equivalents may be adopted by licensees.
- 26.12. Substantive disruptions to licensees' operating systems should be notified to the Direct Licensee and Commission commensurate with the seriousness and nature of the disruption; interference or manipulation of systems to affect gaming transactions should be notified at the earliest opportunity.



26.13. Licensees are required to provide detailed overview of the hardware infrastructure of their website/s including, but not limited to, API integrations to 3rd party services, public IP address/es of each server, at any time during the term of this agreement or any renewal thereof. Any changes to this schema should be notified to the Commission in writing before the changes take place, or where this is not possible, as soon as practicable after.

## **27. Disaster Recovery**

27.1. Licensees should have a documented Business Continuity Plan (“BCP”) which includes roles, responsibilities and actions to ensure business continuity following any disruptions and/or interruptions to critical functions or other. A BCP includes disaster recovery planning.

27.2. The Commission requires that critical data and information must be encrypted, backed up and secured off-site on a daily basis with a Commission approved service provider; including, namely the following information:

- All receipts from players and payments to players;
- A complete history of all transactions that affect player balances; and,
- The backup should not contain personal information but only Transaction ID, Player ID, amount and final account standing.

27.3. Backup and disaster recovery responsibilities between software providers and operators should be clearly defined.

27.4. Information required for the fair resolution of an incomplete game should be recoverable by the system.

27.5. Recorded transaction information involving customer funds should be recoverable by the system in the event of a failure or malfunction.

27.6. If an operator has reason to believe or to suspect that an interruption has been caused, or a transaction affected by illegal activity, the operator may withhold payment to the relevant accounts pending further investigation by the Direct Licensee or Commission.

## **28. Data Protection Obligations**

28.1. Licensees with a direct contractual obligation with end customers to provide facilities for gaming, also known as B2C licensees will be responsible the obligations of a data controller in regard to those customers’ personal data.

28.2. As a data controller, B2C licensees will need to comply with applicable data protection laws and regulations as relevant and in so far as they apply in the jurisdictions where their customers are based and where their operational headquarters are.

28.3. B2C licensees must publish their data protection and privacy policy on their home page and ensure it is agreed to on customer first registration. This policy must comply with this the provisions of Paragraph 13.2 above at a minimum.

28.4. Gaming software licensees and other relevant suppliers to B2C licensees will be deemed data processors in so far as they handle customer personal data as part of their servicing



agreements with those B2C Licensees. As data controllers, B2C licensees will need to ensure that they have adequate agreements and provisions in place with these data processors in compliance with this General Code and applicable data protection laws and regulations.

## **PART 8: COMPLAINTS**

### **29. Complaints Handling**

- 29.1. Licensees are required to promptly inquire into: any complaint about a gaming transaction made to them by a participant; or any complaint referred to them by the Direct Licensee or the Commission. The details of all substantive complaints should be retrievable by licensees.
- 29.2. Licensees should have a documented complaints procedure for staff to follow as well as details of the complaints process for customers to follow as part of the licensees' terms and conditions. The details of all substantive complaints should be retrievable by license holder. This procedure should include adequate resources to address complaints expeditiously, a means of identifying and preserving all relevant material associated with the complaint, access to any independent adjudication process for appropriate disputes, and a means of maintaining a record of all complaints that can be made available to the Commission as and when reasonably required.
- 29.3. The Commission requires that, wherever possible, complaints should be properly investigated by Licensees and referred to the attention of the Direct Licensee only if the Licensees' complaints procedure has failed to resolve the issue. Exceptions to this advice would include very serious complaints involving substantial sums or issues of public interest, which should be brought to the Commission's attention at an early opportunity.
- 29.4. The term 'gaming transaction' should be given a broad interpretation by Licensees, to include such matters as the wider administration of accounts, marketing and any matters designed to affect gaming transactions.
- 29.5. Contact information for customer service, including complaints and dispute resolution, should be available on the licensees' websites.
- 29.6. Customers should be able to submit complaints and disputes on a 24/7 basis.
- 29.7. Where possible websites should aim to provide assistance and guidance to all customers in the same language as the content of the site.
- 29.8. Any disputes which are unresolved by the Licensee to a customer's satisfaction within a period of 2 months must be referred to an approved alternative dispute resolution ("ADR") entity. Both parties to the dispute must abide by the decision of the ADR entity

## **PART 9: REPORTING**

### **30. Periodical Reporting**





- 30.1. The Commission requires licensees to provide monthly and quarterly statistical/financial returns in respect of each license. This data is seen as a primary indicator of licensees' scale and range of activities and will be used by the Commission to allow regulatory trend and activity analysis to take place. Suitable security and confidentiality measures will be applied by all parties.
- 30.2. Monthly reports shall include the following:
  - 30.2.1. Complaints: report data for the period should include:
    - Player/Complaint ID (reference)
    - Number of complaints received
    - Number of cases closed
    - Number of ongoing complaints
    - Number not settled and need to go to ADR
- 30.3. Quarterly reports shall include the following:
  - 30.3.1. Player Funds Reports: Covering player fund balances and related supporting documents, required from all B2Cs and B2Bs managing pooled jackpots.
  - 30.3.2. Any changes to the licensees hardware setup.
  - 30.3.3. Self-exclusions – customer or operator initiated. Report data must include:
    - Player/Complaint ID (reference);
    - Number of requests received;
    - Number of exclusions granted; and,
    - Total number of total active self-exclusions (allow for reconciliation controls).
  - 30.3.4. Addition of all new or removal of currently registered 3rd party suppliers.
  - 30.3.5. Any updates in legal texts: Terms and Conditions, Privacy statement, KYC, AML, etc. (upload the updated version).
  - 30.3.6. Changes in relation to the games offered.
  - 30.3.7. Any changes to contact information. Should provide contact information for new contacts and remove irrelevant information.
  - 30.3.8. Confirmation that no significant changes to customer terms and conditions have been made in absence of reporting under Paragraph 14.1 above.
  - 30.3.9. Licensees are required to prepare audited annual accounts for their licensed entities in accordance with applicable legislation. The Gaming Act requires the provision of copies of such accounts to be provided to the Commission within 30 days of them becoming available. These accounts are to be made available within 13 months of the end of the licensee's accounting period.

## **31. Ad Hoc Reporting**



- 31.1. Licensees/ license holders must inform the Direct Licensee on the resignation of any of the Directors or Controllers of the Licensed entity itself or its parent entity. The license holder likewise is obliged to inform the Direct Licensee of any changes of ownership in the Licensed entity or its parent entity. Significant changes in ownership or control of a licensed entity will result in the immediate renewal of Know Your Customer (KYC) and Customer Due Diligence (CDD) documentation/ checks by the Direct Licensee and is a prerequisite for the continued use of the license by the licensee/ license holder.
- 31.2. Within one week after a new director is appointed, licensees must provide the Direct Licensee with the name, address, contact information and a certified copy of the passport (or other acceptable government-issued photo ID) of its new director.
- 31.3. The Commission requires immediate reports from licensees, no later than 24 hours after the following occurrences, namely:
  - Changes to the company structure;
  - Breach of the security of the offer of a game as a result of which personal information of players or game data has (possibly) been jeopardized, as well as the measures taken as a result;
  - Failure, loss or damage to part or all of the equipment or software as a result of which the facilities for gaming have been lost in whole or in part, as well as the measures taken as a result;
  - Serious fraud or other forms of criminal behaviour of participants related to the gaming experience, as well as the measures taken in response thereto.

## **PART 10: ADVERTISING**

### **32. General Advertising Standards**

- 32.1. The Commission shall monitor all licensees advertising displayed on their websites, where licensees must specifically ensure that advertisements are not:
  - 32.1.1. Indecent, pornographic or offensive.
  - 32.1.2. False, deceptive or misleading.
  - 32.1.3. Intended to appeal specifically to persons under the minimum permitted age.
  - 32.1.4. In breach of copyright laws.
  - 32.1.5. Likely to tarnish the image of the Tobique First Nation.
- 32.2. Licensees must in any event comply with the specific marketing and advertising provisions set out above in this Code in relation to responsible gaming and underage participation.