

EGBA: Terms and Conditions Review and Comparison



Contents

Important Notice	3
Glossary	4
Executive Summary	5
Findings	9
Know Your Customer	
Customer Safety	
Data Protection	
Anti-Money Laundering	
Advertising	
Appendices	20
Appendix A – Sources	

Important Notice

This report has been prepared by KPMG for the European Gaming and Betting Association (“EGBA”).

This report is being provided in accordance with the terms of our Engagement Letter dated 15 August 2022. This report is subject to the terms, conditions, qualifications and restrictions contained in our Engagement Letter and herein.

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Our report was designed to meet EGBA’s requirements, determined by their needs at the time. Our report should not therefore be regarded as suitable to be used or relied on by any party wishing to acquire rights against us other than EGBA for any purpose or in any context.

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The report is intended to be used solely by European Gaming and Betting Association. The findings, interpretations and conclusions presented in this report do not necessarily reflect the views of KPMG.

Glossary

Term	Definition
AML	Anti-Money Laundering
CPR	Danish Central Person Register
EEA	European Economic Area
EGBA	European Gaming & Betting Association
GAMSTOP	Gambling Self-Exclusion Scheme (UK)
KYC	Know Your Customer
PEP	Politically Exposed Person
ROFUS	Register Over Frivilligt Udelukkede Spillere (Register of Voluntary Excluded Players) (Denmark)

Executive Summary

Background and approach

Background

KPMG were approached by the European Gaming and Betting Association (“EGBA”) to undertake an engagement to compare the terms and conditions of its 6 Member Firms in respect of 5 distinct areas set out below (“Areas of focus”).

EGBA requested that this information was collated for all Member Firms in both Denmark and the United Kingdom in order to give a broad overview for these two jurisdictions.

A further comparison was requested covering the same areas for the following sectors considered to be providing other adult services online in both jurisdictions: -

- Social Media Platforms (1 platform spanning both Denmark and UK)
- Financial Services (1 Danish investment business, 1 UK bank)
- Relationship/Dating Sites (1 site spanning both Denmark and UK)
- Alcohol Retailers (1 Danish retailer, 1 UK)
- Video/Gaming e-Sports (1 Danish company, 1 UK)

Areas of focus

- 1. Know Your Customer.** This included a review of how identity and age verification is considered by the companies, as well as the ways companies state that they undertake to know their clients.
- 2. Customer Safety.** This included a review of how usage, time and spending tracking by the companies were stated, as well as matters which would result in account suspension and the ease of customer service access for website users.
- 3. Data Protection.** This included a review of stated privacy provisions, the use of cookies, as well as how users are advised that data integrity is maintained and how data is used and stored.
- 4. Anti-Money Laundering.** This included reviewing statements of how ongoing monitoring and the reporting of suspicions are handled, as well as other stated AML or financial crime prevention measures.
- 5. Advertising.** This included reviewing how third-party agreements and customer selection criteria are set out on the websites.

Our Approach

Our approach involved performing desktop research using publicly available information contained with the companies’ terms and conditions and other links appearing on the companies’ websites. This research was conducted on UK and Danish sites (where different), as detailed above.

All findings for all companies have been anonymised, and Member Firms were randomly numbered in order to preserve privacy.

Some of the companies selected in other sectors outside of the EGBA membership spanned both jurisdictions (e.g. Social Media), and where this was the case, the same company was reviewed for both the UK and Denmark to determine whether there were differences to their terms and conditions across the jurisdictions. For some services, there were companies that were selected that did not span across both jurisdictions, e.g. Financial Services, Alcohol Retailers and e-Sports.

Key findings

The majority of the Member Firms' websites contained comprehensive and easily accessible information for users within their terms and conditions, providing detailed information in respect of the areas of focus. For one Member Firm potential customers had to first open an account with the company prior to being able to see their terms and conditions, which was an outlier within the industry; this was the same for the Danish and UK sites. Once the account was opened, however, the terms and conditions were easily accessible.

Conversely, the majority of non-Member Firms did not have detailed information in all areas on their websites in either country, with the notable exception of Financial Services. The Financial Services industry has been heavily regulated for a number of years and it would be expected that the majority of the areas of focus would be within the terms and conditions of these types of business. The lack of detail for other non-Member Firms, however, is not unusual in the majority of areas given the types of services provided by these firms.

All companies had detailed information in respect of advertising and data protection included on their UK websites.

In respect of areas where detailed information was not available:

- **Know Your Customer:** there were no KYC requirements noted on the websites in either jurisdiction for one non-member firm, and they were only present on the UK site for another non-member firm.
- **Customer Safety:** there was nothing noted in either jurisdiction in respect of wider Customer Safety for three of the non-member firms.
- **Data Protection:** one of the non-member firms did not include information about the lawful basis on which they process customer data.
- **Anti-Money Laundering:** two of the Member Firms had only partial information in respect of their anti-money laundering practises within both the Danish and UK sites.
- **Advertising:** one Member Firm had limited information on its Danish site in respect of advertising. The majority of non-Member Firms also had limited information in respect of advertising.

A number of firms' terms and conditions were standard across all industries on both their UK and Denmark sites, however, there was evidence that these had been tailored to country specific requirements to meet regulatory/legal obligations within each country.

It was noted that the majority of Member Firm websites included their membership badges and links to the EGBA website.

Our analysis did not include an assessment of Member Firms' compliance with their statutory obligations in respect of information to be publicly provided.

Key findings overview

Company/Type	Know Your Customer (incl. identity and age verification)		Customer Safety (incl. tracking usage, time, spending, customer service access, suspension)		Data Protection (incl. privacy, cookies, data integrity)		Anti-Money Laundering (incl. ongoing monitoring, reporting of suspicions)		Advertising (incl. third-party agreements, customer selection)	
	DEN	UK	DEN	UK	DEN	UK	DEN	UK	DEN	UK
Member Firm 1*	Green	Green	Green	Green	Green	Green	Yellow	Yellow	Red	Green
Member Firm 2	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Member Firm 3	Green	Green	Green	Green	Green	Green	Yellow	Yellow	Green	Green
Member Firm 4	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Member Firm 5	Yellow	Green	Green	Green	Green	Green	Green	Green	Green	Green
Member Firm 6	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Social Media	Yellow	Yellow	Yellow	Yellow	Green	Green	Red	Red	Green	Green
Financial Services	Green	Green	Red	Yellow	Green	Green	Green	Green	Red	Green
Relationships	Yellow	Yellow	Yellow	Yellow	Green	Green	Yellow	Yellow	Green	Green
Alcohol Retailer	Red	Yellow	Red	Red	Yellow	Green	Red	Red	Red	Green
e-Sports	Red	Red	Red	Yellow	Red	Green	Red	Red	Red	Green

* This Firm required a user to open an account and provide personal information before terms and conditions and other relevant information could be accessed; this is indicated throughout the report with an asterisk as above

KEY

- Limited or no publicly available information on the website ■
- Moderate or partial publicly available information on the website ■
- Detailed publicly available information on the website ■

Findings

Member Firms - Know Your Customer

Overview

There is generally a robust representation of Member Firms' Know Your Customer ("KYC") responsibilities noted across all websites in both jurisdictions, though one Member Firm required website users to create an account in order to access their Terms and Conditions. All but one Danish Firm clearly set out the requirements for proof of identity when attempting to open an account, the exception being unspecific about the information required from users.

Member Firms terms state that they undertake checks to assist them in ensuring applicants are legally allowed to open an account and participate in gambling. Some of the Firms in both jurisdictions state these checks are undertaken using automated systems.

Some Firms stated that additional checks may be undertaken to verify identity, such as telephone or video calls or even physical letters sent to the address of the applicant – this was noted across both jurisdictions.

Company	Know Your Customer (including identity and age verification)	
	Denmark	UK
Member Firm 1*	Green	Green
Member Firm 2	Green	Green
Member Firm 3	Green	Green
Member Firm 4	Green	Green
Member Firm 5	Yellow	Green
Member Firm 6	Green	Green

One UK Firm requires the user to create an account (which requires personal information to be provided) before they can access terms and conditions and other statutorily-required information on the website

All Firms explicitly state users must be 18+ (or older depending on specific local laws, e.g. Greece which requires users to be 23)

One UK Firm explicitly states that PEPs and individuals with sanction connections are prohibited from opening accounts

Several Firms place limits on the amount that can be wagered before accounts are fully verified, and many explicitly state that they don't allow funds to be withdrawn until customer identity has been verified

One Danish Firm states that license conditions require them to check ROFUS to ensure any player applying has not self-excluded

Several Danish Firms confirm customer identity using the Danish Central Person Register ("CPR")

Non-Member Firms - Know Your Customer

Overview

The amount of personal information requested by Non-Member Firms is much lower than that requested by Member Firms, however, we would not expect all details in this area to be documented publicly in terms and conditions. The exception to this was the Financial Services websites, whose personal information requirements appear broadly similar to those of Member Firms.

The Relationships websites do request some personal information, such as sex and date of birth, however, it is the responsibility of the user to supply accurate information.

The Relationships websites also require users to comply with and be transparent in matters such as declaring or self-excluding if a user has registered as a sex offender, however, there were no documented details in relation to verifying this information noted on the site.

Company Type	Know Your Customer (including identity and age verification)	
	Denmark	UK
Social Media	Yellow	Yellow
Financial Services	Green	Green
Relationships	Yellow	Yellow
Alcohol Retailer	Red	Yellow
e-Sports	Red	Red

There are no KYC requirements noted on the websites of either jurisdiction for e-Sports and none for alcohol purchase in Denmark, which is expected given the nature of the products/services provided

Only the Financial Services websites in both jurisdictions appear to fully set out their regulatory obligations in respect of KYC

The Relationship websites explicitly state they do not verify the identity of users in either jurisdiction, however, users' photos and profile descriptions will be reviewed before appearing on the websites

The Social Media site states that the user must not be barred from receiving services under the laws of the applicable jurisdiction, however, it is unclear from the terms & conditions if this is verified

The Financial Services websites in both jurisdictions require employment details to be provided

The UK Alcohol Retailer's website states the Firm will validate name, address and other personal information against appropriate third party databases

Member Firms - Customer Safety

Overview

Both jurisdictions have extensive information on their websites regarding responsible gambling practices and consumer protection, with Customer Safety featuring prominently on each website reviewed. As noted previously, however, one of the Member Firms requires a user to have an account to access the full information within the terms and conditions.

Links to gambling and addiction support agencies are otherwise prominently listed on each website and links to various tools to allow players to identify problem gambling and manage their personal use of the websites are available, such as:

- Loss Limits
- Self-Exclusion
- Reality Check Pop Up
- Take-a-Break

Company	Customer Safety (including tracking usage, time, spending, customer service access, account suspension)	
	Denmark	UK
Member Firm 1*		
Member Firm 2		
Member Firm 3		
Member Firm 4		
Member Firm 5		
Member Firm 6		

Denmark's national register ROFUS and the UK's equivalent GAMSTOP are featured prominently on all websites in the corresponding jurisdictions and it is made clear that both agencies allow gamblers to self-exclude for varying timeframes

Member Firms across both jurisdictions make explicit that time out/self-excluded players are omitted from targeted commercial communication

It is noted that the majority of the Customer Safety controls set out on the websites are customer-driven

Some Firms mention parental controls, however, these rely on parents restricting access to prevent minors from using accounts where appropriate

One Danish Firm states it reserves the right to close a user's account if it reasonably believes a bet will cause the user financial or personal problems

One Member Firm states in both jurisdictions that its monitoring programme is in place to review customer transactions, identify changes in behaviour and contact customers

Non-Member Firms - Customer Safety

Overview

Some Non-Member Firms had Customer Safety partially noted in their terms and conditions. Given the nature of the products being provided this is not considered unusual.

It was not possible to locate any form of explicit Customer Safety statement/policy on the websites for the Financial Services Firms in either jurisdiction, however, the UK website included some generic conduct risk slides found in the Firm's annual report that mention specific responsible lending practices.

There were varying age requirements noted across the Non-Member Firms' websites – age 13+ for Social Media, age 16+ for eSports and age 18+ for Relationships, Alcohol Retailer and credit offered by the UK Financial Services Firm.

Company Type	Customer Safety (including tracking usage, time, spending, customer service access, account suspension)	
	Denmark	UK
Social Media	Yellow	Yellow
Financial Services	Red	Yellow
Relationships	Yellow	Yellow
Alcohol Retailer	Red	Red
e-Sports	Red	Yellow

No age requirement was noted for the Danish Financial Services firm

The Social Media sites placed responsibility on the user for content and ensuring compliance with applicable laws and regulations

The Relationships websites in both the UK and Denmark include lengthy terms and conditions, however, these focus on the behaviour of users rather than any of responsibility of the Firm towards them. They do, however, allow the Firm to suspend or ban users where terms are violated

The Social Media website includes rules to protect users from harmful content, and requires users to report harmful content

It was not possible to locate any specific content relating to Customer Safety on the website of the Danish Financial Services, Alcohol Retailer, or eSports Firms

The Danish Alcohol Retailer's website requires all customers, and any person receiving the goods, to be 18 or older

Member Firms - Data Protection

Overview

The websites of Member Firms in both jurisdictions have extensive and easily accessible information available for Firms' data protection policies and their statutory responsibilities, however, as noted previously one Member Firm requires the user to open an account before being able to access this information.

In particular, there was clear, accessible information seen on all Member Firms' websites showing:

- Details of rights
- Details of data retention
- Details of data controller
- Details of lawful basis for processing data
- Privacy Policy and personal information processing

Cookies are used by all Member Firms.

Company Type	Data Protection (including privacy, cookies, data integrity)	
	Denmark	UK
Member Firm 1*		
Member Firm 2		
Member Firm 3		
Member Firm 4		
Member Firm 5		
Member Firm 6		

Most Member Firm websites didn't state where the information would be stored but noted that it may be transferred outside the EEA or processed by staff working outside the EEA

All Member Firm websites declare that information gathered can be used for "legitimate interests" such as marketing, service improvement, AML, analysis, profiling etc.

All Member Firms state on their websites that data may be disclosed within Group or externally to comply with legal obligations or for "legitimate business interests"

All Member Firm websites explicitly state that players can object to information being used for "legitimate interests", however, it was not clear if there are any consequences for non-consent

Five Member Firm websites note that deleting or disabling cookies may limit or disable access to certain features

Three of the Member Firms' websites noted the specific data security methods used, such as encryption and pseudonymisation

Non-Member Firms - Data Protection

Overview

Most Non-Member Firms' websites in both jurisdictions had data protection information available for users to access.

There was clear, accessible information on all UK non-member websites showing:

- Details of rights
- Details of data retention
- Details of data controller
- Details of lawful basis for processing data
- Privacy Policy and personal information processing

The notable exceptions were e-Sports in Denmark, where there was only a brief note on cookie usage, and the Danish Alcohol Retailer, whose website contained only limited information on data privacy and retention rights.

Cookies are used by all Non-Member Firms considered.

Company Type	Data Protection (including privacy, cookies, data integrity)	
	Denmark	UK
Social Media	Green	Green
Financial Services	Green	Green
Relationships	Green	Green
Alcohol Retailer	Yellow	Green
e-Sports	Red	Green

The Danish Alcohol Retailer's website does not provide details of the lawful basis for processing data

Three of the Firms' websites in both jurisdictions state that they use information from group companies for matters such as avoiding account duplication

The Danish e-Sports website included a pop up for a Privacy Policy but linked to the Cookies Notice and a separate policy could not be located found on the website

The Social Media site states that information may be disclosed when a user posts or shares if it is required by law, to prevent harm, and in the public interest, and may also be shared with third parties such as the Firm's affiliates

All Firms' websites use cookies, and most note that if cookies are turned off the websites will not work correctly. The only exception to this is Danish e-Sports site which only states that cookies are used.

The Social Media site does not state where information is stored or where data may be transferred

Member Firms - Anti-Money Laundering

Overview

There was a moderate amount of information noted in respect of Anti-Money Laundering (“AML”) on the UK and Danish websites of two Member Firms.

All UK Member Firm websites explicitly state they reserve the right to suspend and/or close an account where there is a suspicion or knowledge of money laundering or other criminal or fraudulent activity. In addition, four of the six Danish Member Firms’ websites do the same.

It was also noted that four UK and three Danish Member Firms’ websites explicitly state that funds may be withheld in the event suspicion of money laundering arises.

Company Type	Anti-Money Laundering (including ongoing monitoring, reporting of suspicions)	
	Denmark	UK
Member Firm 1*	Yellow	Yellow
Member Firm 2	Green	Green
Member Firm 3	Yellow	Yellow
Member Firm 4	Green	Green
Member Firm 5	Green	Green
Member Firm 6	Green	Green

One UK Member Firm’s website states that customers previously blocked for money laundering or other fraudulent reasons will be refused a new account

One Danish Member Firm’s website states that AML policies or regulations may alter the firm’s policy of paying withdrawals to the original depositing account

The websites of one UK and one Danish Member Firm advise that automated decision making may be used to enable them to comply with their legal and regulatory obligations, including AML

One Danish Member Firm’s website explicitly sets out the amount and timescales which trigger checks and investigations , including those for AML purposes, prior to actioning withdrawal requests

One UK Member Firm’s website explicitly states that in addition to the Firm, a regulatory or other governing authority may monitor or request to review transactions to prevent money laundering

Two UK and two Danish Member Firms’ websites explicitly state they may seek to initiate sanctions or criminal proceedings where criminality is suspected or involved

Non-Member Firms - Anti-Money Laundering

Overview

Anti-Money Laundering (“AML”) information and inclusion on the websites of non-member firms is, as would be expected, minimal – the sole exception to this is that of the Financial Services firm.

The Alcohol Retailers, e-Sports and Social Media firms appear to make no mention of AML anywhere in their terms and conditions on the websites of either jurisdiction. Given the nature of the services being provided, this is not outside of expected parameters.

The UK Relationships website does mention that they will use client data to prevent and detect fraud and other illegal activity, and both relationship websites state that data may be shared with law enforcement if requested.

Company Type	Anti-Money Laundering (including ongoing monitoring, reporting of suspicions)	
	Denmark	UK
Social Media	Red	Red
Financial Services	Green	Green
Relationships	Yellow	Yellow
Alcohol Retailer	Red	Red
e-Sports	Red	Red

Whilst not specifically AML-related, the Danish Relationships website does note that information may be disclosed to comply with a legal obligation

The Danish Financial Services Firm’ website states that purposes of processing include verification of data under applicable AML laws and regulations

The UK Financial Services firm’s website states that third parties may be used to verify identity, make credit, fraud prevention and AML checks

The UK Relationship website terms and conditions state that they may share information to investigate, prevent, or take other action regarding illegal activity, suspected fraud or other wrongdoing

The UK Financial Services Firm website also states that information may be shared with other banks and financial institutions for the prevention and detection of financial crime, including money laundering

Both Relationships websites state that website traffic and transaction data may be retained to meet specific law enforcement access requests

Member Firms - Advertising

Overview

With one Danish exception, the websites of Member Firms in both jurisdictions state that personal data is used in order to provide targeted and tailored product recommendations.

Four of the Member Firms explicitly state on the websites of both jurisdictions that players may opt out of receiving marketing/advertising communications, but only two UK and one Danish Member Firm’s websites explicitly state that players may object to their information/data being processed and by extension used for marketing purposes.

All but one of the websites of the Member Firms in both jurisdictions state that they engage with, and may share personal information with, third parties for marketing purposes.

Company	Advertising (including third-party agreements, customer selection)	
	Denmark	UK
Member Firm 1*	Red	Green
Member Firm 2	Green	Green
Member Firm 3	Green	Green
Member Firm 4	Green	Green
Member Firm 5	Green	Green
Member Firm 6	Green	Green

Most UK Member Firm websites explicitly state that player information may be shared with other group entities for advertising purposes

One Danish Member Firm’s website does not include any mention of advertising/marketing within the terms and conditions

One UK Member Firm’s website explicitly states that marketing and communication may continue beyond the period of the players’ relationship with the company for a “reasonable period”, however, this period is not detailed

One Danish Member Firm’s website states that it uses automated decision making to provide personally targeted content through the company’s platform and marketing communications

Three UK Member Firms’ websites reference marketing and self-excluded players, but only one explicitly states that it “may share suppression lists with its affiliates and selected third parties, to ensure players do not receive unsolicited marketing”

Only one of the Danish Member Firms’ websites refers to marketing and self-excluded players, and states that self-excluding will not affect players’ marketing preferences with third parties

Non-Member Firms - Advertising

Overview

The websites of the UK companies included significantly more information on their advertising responsibilities and policies than those of their Danish counterparts. The most detailed were those for Relationships and Alcohol Retail.

The Social Media and Relationships websites of the Danish companies reviewed included detailed information, whereas the Alcohol Retailer, eSports and Financial Services websites contained little information in respect of the Firms' advertising policies and their statutory responsibilities, if any.

Company Type	Advertising (including third-party agreements, customer selection)	
	Denmark	UK
Social Media	Green	Green
Financial Services	Red	Green
Relationships	Green	Green
Alcohol Retailer	Red	Green
eSports	Red	Green

The Danish Financial Services Firm's website has minimal information on its website outside of advising users that in the event they sign up they will receive the requested information, and that by unsubscribing they will be removed from the mailing list

The Danish Alcohol Retailer's website did not appear to include any information in respect of advertising

The UK Alcohol Retailer's website notes that where a user opts out of receiving marketing emails it may still communicate with the user for other non-marketing purposes

The Danish e-Sports website limited its advertising information to a brief statement regarding the use of cookies by its advertising partners

The UK e-Sports website states that where there is a legitimate interest the company is able to send a user marketing information directly without the user's consent, but further notes that a user has the absolute right to opt-out of direct marketing

The UK Alcohol Retailer specifically states that users may not use the site to advertise or sell goods and/or services

Appendices

Appendix A – Sources

	Denmark	UK
Member Firms		
Bet365	www.bet365.dk	www.bet365.com
Betsson	www.nordicbet.dk	https://rizk.com/gb/
Entain	https://sports.bwin.dk/	http://www.bwin.com
Flutter	www.betfair.com/dk	www.betfair.com
Kindred	www.unibet.dk	www.unibet.co.uk
William Hill International	https://sport.mrgreen.com/da-DK/home	https://sport.mrgreen.com/en-GB/home



home.kpmg/cds

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