

# Establishing the list of persons with restrictions on gambling and approving statutes

[\[RT I, 08.07.2015, 8](#) – entry into force 01.01.2016]

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[Amended with the following acts](#) (show)

The regulation is established on the basis of § 39 (1) of the [Gambling Act](#).

## Chapter 1. GENERAL PROVISIONS

### § 1. Establishing the list of persons with restrictions on gambling

With this regulation, a database is established in the state information system with the official name «List of persons with restrictions on gambling» (hereinafter *list*).

### § 2. Purpose and objective of keeping the list

The purpose and objective of keeping the list is offering persons the opportunity to limit their gambling to decrease the possible negative social and economic consequences for the person and society.

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### § 3. Chief processor of the list

The chief processor of the list is the Tax and Customs Board (hereinafter *chief processor*).

### § 4. Person submitting data

Person submitting data is a person who has submitted a written application to the chief processor or organizer of gambling regarding their entry in the list.

## Chapter 2 KEEPING AND SPECIFICATIONS OF THE LIST

### § 5. Manner of keeping the list and its specifications

(1) The list is kept as a single-level information technology database.

(2) The list consists of digital information entered in the list.

### § 6. Data exchange with other databases

The chief processor of the list may, to perform tasks set on them by the law or by an act issued on the basis of the law, submit inquiries and receive information from other state or local government databases.

### § 7. Protection of data entered in the list

(1) Data entered in the list are protected in regards to:

1) availability, ensuring the availability of data on the basis of requirements provided by subsection 3 of this section;

2) integrity, preventing the unintentional or intentional amending of data;

3) confidentiality, ensuring that the data are available only to supervising officers, employees of gambling operators who require this to perform their work-related tasks, and to persons submitting data regarding data concerning themselves.

(2) In order to ensure the availability, integrity and confidentiality of information entered in the list, corresponding organizational, physical and information technology security measures are applied.

(3) The security level of information entered in the list is medium (M) and the security class of the list is K2T2S2.

[\[RT I, 15.02.2011, 10](#) - entry into force 18.02.2011]

## **Chapter 3**

### **INFORMATION ENTERED IN THE LIST**

#### **§ 8. Information entered in the list**

(1) The following information is entered in the list regarding the person submitting data:

- 1) first name and surname;
- 2) personal identification code (if available);
- 3) date of birth (if the personal identification code of the Republic of Estonia is not available);  
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- 4) date of submitting the application;  
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- 4<sup>1</sup>) term (number of months), after which the person submitting data may apply for their deletion from the list;  
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- 4<sup>2</sup>) whether the person submitting data wishes to restrict their playing of games of chance;  
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- 4<sup>3</sup>) whether the person submitting data wishes to restrict their playing of totos (betting);  
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- 4<sup>4</sup>) whether the person submitting data wishes to restrict their playing of classical lottery;  
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- 5) photograph with the image of the face of the person submitting data.

(2) Photograph with the image of the face of the person submitting data in the meaning of subsection 1 clause 5 of this section is an electronic or paper copy of a document with the photograph of the person submitting data which is connected with and is to be stored with the submitted application.

#### **§ 9. Legal meaning of information entered in the list**

Information entered in the list has legal meaning in cases provided in the Gambling Act.

## **Chapter 4**

### **ENTRY OF INFORMATION IN THE REGISTER**

#### **§ 10. Source documents**

Information is entered in the list on the basis of a written application of the person submitting data.

#### **§ 11. Submitting information and entry into list**

(1) In order to be entered in the list, the person submitting data submits an application containing the information to be entered in the list:

- 1) at the service point of the chief processor;
- 2) at the gaming location of game of chance or lottery.

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(2) The person submitting data appends a copy of the page with the image of personal identification to the application. If the person submitting data has several valid personal identifications and the spelling of the personal name entered in these identifications differ, then the person submitting data fills in a separate application for each different spelling of the personal name.

(3) Restrictions on gambling may be established through the corresponding service in the e-service environment "E-Tax Board/e-Customs" or by e-mail to the Tax and Customs Board in digitally signed form.

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(4) If data exchange cannot be performed in conformity with requirements of the data exchange layer of information systems established on the basis of the Public Information Act, then the gambling operator immediately sends the copy of the application for entry into the list to the e-mail address of the chief processor at [hasart@emta.ee](mailto:hasart@emta.ee). The original copy of the application together with

the appendix provided in subsection (2) of this section is sent to the chief processor by mail at first opportunity.

(5) The person submitting data is entered in the list within two working days from the submission of the application to the chief processor or from the receipt of the copy of the application to the e-mail address provided in subsection (4) of this section.

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#### **§ 12. Ensuring the accuracy of information**

(1) The person submitting data is responsible for the accuracy of information provided by them at the time of submitting the application. The chief processor of the database is responsible for the conformity of information entered in the list by them to the information submitted by the person submitting data.

(2) The person who accepted the written application on paper verifies the provided information on the basis of personal identification and identifies the person submitting data.

#### **§ 13. Amendment of information entered in the list**

(1) If information entered in the list is found to be inaccurate or insufficient, then the person submitting data must notify the chief processor of the inaccurate or insufficient information and submit the accurate information without delay, but no later than within 5 working days from when the inaccuracy or insufficiency of the information became known to that person.

(2) The gambling operator may notify the chief processor if there is a suspicion regarding the accuracy of information entered in the list. The chief processor may make inquiries to the person submitting data if there is a suspicion regarding the accuracy of information entered in the list or submitted.

(3) The chief processor enters the necessary changes within the term provided in subsection (4) of section 11 of this regulation.

(4) A person may submit an application for the deletion of their information from the list at the service point of the chief processor or through the corresponding service of the e-service environment "E-Tax Board/e-Customs" or by e-mail to the address [hasart@emta.ee](mailto:hasart@emta.ee) in digitally signed form, but not before the term provided in clause 4<sup>1</sup>) of subsection (1) of section 8 of this regulation.

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(5) The person submitting data is deleted from the list within two working days from the submission of a corresponding application to the chief processor.

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#### **§ 14. Keeping records of acceptance of information in the list**

The chief processor keeps records of the time of entering information in the list, the contents of information, persons submitting data and gambling operators forwarding applications in digital format.

#### **§ 15. Destruction of information and source documents**

(1) Information and source documents connected with applications are destroyed, taking into account the provisions of subsection (9) of section 39 of the Gambling Act.

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(2) The manner of destroying information and source documents is decided by the chief processor of the list. Information and source documents are destroyed with consideration for the type of information media and the provisions of section 7 of this regulation:

- 1) physical destruction of information or source documents (shredding, burning etc.) or
- 2) deleting information from the medium.

(3) In the course of preparing information and source documents for destruction, the chief processor of the list prepares a record of source documents and information allocated for destruction (hereinafter *record of destruction*)

(4) The record of destruction contains at least the following information on the information and source documents allocated for destruction:

- 1) mark of identification in the list of documents;
- 2) name or title of series or files;
- 3) term provided in the application;

- 4) amount of files or other units;
  - 5) reference to the legal act and the act regulating the operations of chief processor on the basis of which the destruction of information and source documents takes place;
  - 6) note regarding the manner of destroying information and source documents;
  - 7) note regarding the time, place and destructor of destroying information and source documents.
- (5) The record of destruction contains information regarding information and source documents to be allocated for destruction in a way which enables unambiguous determination of the content and amount of information to be destroyed.

## **Chapter 5.**

### **ACCESS TO INFORMATION ENTERED IN THE LIST**

#### **§ 16. Access to the list**

(1) Information in the list has restricted access pursuant to subsection (4) of section 39 of the Gambling Act and the Personal Data Protection Act and the following persons have access to information entered in the list:

- 1) supervisory official;
- 2) employee of gambling operator holding an operating permit or their contractual partner for purposes related to their work;

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3) the person regarding the information entered on them in the list.

(2) The person who develops or maintains the list also has the right of access to the list in the extent and with the conditions established by the chief processor. The person developing or maintaining the list is an authorized processor in the meaning of the Personal Data Protection Act.

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#### **§ 17. Access of gambling operator to the list**

(1) A gambling operator may only use information entered in the list to verify the restriction of gambling:

- 1) on the basis of personal identification provided by the person upon entering the gaming location;
- 2) on the basis of another system of measures previously approved with the chief processor.

(2) Upon verifying the restriction of gambling, the gambling operator is responsible for ensuring that the inquiry made is purposeful and conforms to the data of personal identification presented to them.

(3) The gambling operator appoints their employees or employees of their contractual partner whose work requires access to information entered in the list, and notifies the chief processor of the first name and surname, personal identification code and job title of these employees.

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(4) Upon application of clause 2) of subsection (1) of this section, the gambling operator provides a description of the system of measures for applying the list for prior approval to the chief processor, indicating the security measures applicable to processing the list and the opportunity to supervise the application of the list.

(5) Upon verifying restriction of gambling through the data exchange layer X-tee, the personal identification code is entered in the corresponding service form on the basis of personal identification, or the surname, first name and date of birth if there is no personal identification code.

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(6) If the gambling operator cannot verify the restriction of gambling due to circumstances of force majeure, then the verification must be performed retroactively at first opportunity. Enabling gambling for the person who is entered in the list must be ceased immediately upon the restriction becoming known. The circumstance which caused the inability to verify the restriction and its date and time must be recorded and the relevant information must be stored for at least 6 months after the end of the influence of the circumstance which caused the inability to verify the restriction.

## **Chapter 6**

## **SUPERVISING THE KEEPING OF THE LIST, FUNDING THE KEEPING OF THE LIST AND LIQUIDATION OF THE LIST**

### **§ 18. Supervising the keeping of the list**

(1) Supervision over data protection is performed by the Data Protection Inspectorate.

(2) Supervision over maintaining the list is performed by the Ministry of Economic Affairs and Communications or an institution governed by the Ministry of Economic Affairs and Communications with the authority of the Minister of Economic Affairs and Communications.

### **§ 19. Funding the keeping of the list**

Maintenance and development works and the keeping of the list are funded from the state budget with the means allocated to the chief processor for this purpose. The system of measures provided in clause 2) of subsection (1) of section 17 of this regulation is funded by the gambling operator.

### **§ 20. Liquidation of the register**

The register may be liquidated in conformity with the Archives Act and with a legislative act established on the basis of clause 6) of subsection (1) of section 43<sup>9</sup> of Public Information Act.