



Management summary

Data collection and sharing for research into online gambling

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Executive summary

The aim of this study is to identify the demand for access to data at the player level, for independent research with a social and/or scientific purpose in the field of gambling behaviour. We investigate whether this demand is currently being met and, where it is not, what the most important technical, legal and organisational obstacles are. Based on these findings, solution directions are developed, through which (a larger part of) the demand could be met in the long term.

Research and data needs

Currently, licensed gambling providers in the Netherlands are legally obliged to share anonymized data with researchers who request it bilaterally, for the purpose of research on gambling addiction (Dutch Gambling Act (Wok) art. 31m). This facility has up to now only been used to a limited extent, and has a number of drawbacks: (1) the process is suboptimal, (2) due to the required anonymisation, the data cannot be linked between providers at player level, (3) due to the required anonymisation, no background characteristics can be linked to the data, (4) the Dutch Gaming Authority (Ksa) cannot carry out some of the research they would like to carry out, and (5) access based on this facility is limited to research for the prevention of gambling addiction. Although the Ksa collects structured data for the purpose of supervision in a control database (CDB), it cannot simply pass this data on to researchers and can only use it themselves for a limited set of studies.

Legal obstacles

There are legal obstacles in three areas that limit further data sharing:

1. **Lawfulness of sharing data.** The GDPR prohibits the processing of special personal data (which the applicable data is assumed to be). To deal with this, the data must be anonymised (possibly after linking between providers) or an exception for scientific research must be used (Dutch GDPR implementation act (UAVG) art. 24). In addition, the Dutch gambling legislation may have a restrictive effect regarding the sharing of non-anonymised data for purposes other than gambling addiction prevention.
2. **Ensuring the cooperation of providers.** It cannot simply be assumed that providers will voluntarily share data, outside the applicable obligations. Possible solutions are (1) self-regulation, (2) amending the gambling legislation, or (3) instructing Statistics Netherlands (CBS) to collect the data by means of an executive decision (AMvB).
3. **Statutory duties of the Ksa.** The Ksa can only carry out research insofar it is aligned with their statutory duties. However, given their current statutory duties, the Ksa is unable to carry out all the research it would like to carry out. To

make these studies possible, the Ksa's duties as described in Article 33b of the Dutch gambling law (Wok) must be amended.

Solution directions

Four possible solutions have been developed for further data sharing, through which the above-mentioned issues can be resolved (while considering the legal frameworks):

1. **The current bilateral process could be improved.** Increasing the role of the Ksa in the process may improve the process. The current bilateral process however is unable to provide linkability of player data.
2. **A decentralized platform could be set up for data sharing.** Access to the data and guarantees about anonymization are largely technically guaranteed. This solution offers a high degree of security but is relatively complex and requires investments by each of the gambling providers.
3. **A central intermediary could be appointed,** which would facilitate data sharing and would provide linkable pseudonyms for players in the data. The intermediary could be a third party or the Ksa (which would require changing their statutory duties). In comparison to the decentralized solution, this solution relies more heavily on organizational measures rather than technical measures.
4. **Statistics Netherlands could collect the data and make it available via CBS Microdata.** This route makes use of Statistics Netherlands's legal authorization to collect the data, and the existing facilities and frameworks for working with microdata.

Alignment with the data model already used for supervision by the Ksa (in the CDBs) is recommended. The solution directions differ regarding the legal routes followed, the required investments, the implementation timeframe, and risks concerning data protection. The trade-off between costs and benefits was not made in this study but is of course relevant to consider.

Policy makers could decide to implement a solution direction only partially, or in phases over time. For example, it is conceivable that in the short term the current bilateral process is improved, while the linkability with background data will only be realized in the longer term through one of the other routes. Note however that the choice for a particular solution direction could determine how broadening of data sharing can take place in the future.

Research method

The research consisted of three phases: (1) exploration, (2) deep dive, and (3) validation. In the exploratory phase, interviews were conducted with researchers, and literature was used for the demand assessment. The legal exploration is based on the relevant legal texts, case law and an interview. In the deep dive phase, interviews and desk research were used to analyse a number of existing comparable cases, which were found and selected during the exploratory phase according to a selection

framework. In addition, discussions have taken place with the Ksa, Statistics Netherlands and the Dutch Data Protection Authority (AP). In the validation phase, a session was organised with stakeholders, in which a gambling operator, a researcher, the Ksa, Statistics Netherlands and the Dutch Ministry of Justice and Security were represented. Finally, an independent supervisory committee oversaw the quality of the research and the end products.

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