



Publication Policy

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Version Control

Version	Date Published	Comments
1	June 2024	Initial version
2		
3		
4		

Important note: *This policy sets out the Isle of Man Gambling Supervision Commission's (the "GSC") approach to the publication by it of outcomes arising from matters subject to its 'Decision-Making Process – Enforcement and Sanctions' ("DMP") and Regulatory Settlement Agreement ("RSA").*

1. Introduction

The table below details other documents issued by the Isle of Man Gambling Supervision Commission that are associated with this policy and can be found on our website.

Document name	Content(s)
Enforcement Strategy	<ul style="list-style-type: none"> An overview of the GSC's strategy of its enforcement activities
Decision-Making Process – Enforcement and Sanctions ("DMP")	<ul style="list-style-type: none"> The enforcement powers subject to the DMP The administrative decision-making process to be followed by the GSC when considering the imposition of an enforcement power
Discretionary Civil Penalties – Guidance	<ul style="list-style-type: none"> Criteria to be assessed by the GSC when considering the imposition of a penalty. The level(s) of penalty that can be imposed Availability of discounts
Settlement Policy	<ul style="list-style-type: none"> When and in what circumstances the GSC will consider entering into settlement discussions with a subject
Prohibition Policy	<ul style="list-style-type: none"> When the GSC issues a prohibition
Use of Appropriate Experts Policy	<ul style="list-style-type: none"> When the GSC issues a direction to an operator, requiring the appointment of an appropriate professional to remedy AML/CTF deficiencies
Referral to the GSC Enforcement Division	<ul style="list-style-type: none"> Factors relevant to a referral to the GSC Enforcement Investigation for further investigation
Making a Referral to the Police and/or the Attorney General	<ul style="list-style-type: none"> In what circumstances the GSC will consider referring actual, suspected or prima facie criminal offences (including contraventions of the AML/CFT Code¹).

2. Why the GSC publishes

2.1 Issuing a public statement regarding enforcement outcomes plays a key role in achieving the GSC's regulatory objectives and in the delivery of its enforcement strategy. In particular, publication:

2.1.1 maximises the delivery of a credible deterrent – both to the subject and to the wider industry;

¹ *Gambling (Anti-Money Laundering and Countering the Financing of Terrorism) Code 2019*

- 2.1.2 raises awareness of regulatory standards and re-sets behaviours;
- 2.1.3 alerts consumers and other users of gambling operators;
- 2.1.4 instils public confidence in the market and the regulator; and
- 2.1.5 enables transparency and accountability in our regulatory decisions.

3. When the GSC publishes

- 3.1 The GSC will publish information about a matter to which a Decision Notice or Regulatory Settlement Agreement (“**RSA**”) relates to the extent that it is permitted or required by law to do so. Where there is discretion to publish information relating to a Decision Notice² or RSA³, there is a presumption in favour of publication.
- 3.2 The GSC may decide not to publish information relating to either a Decision Notice or RSA where it considers that it is not in the public interest to do so or that the public interest is not advanced by publication.
- 3.3 Factors which may lead the GSC to decide not to publish (where there is discretion) include where:
 - 3.3.1 there is a risk of prejudice to legal, criminal or regulatory investigations;
 - 3.3.2 it is not possible to publish without disclosing confidential or privileged material;
 - 3.3.3 publication may be unlawful;
 - 3.3.4 there is a real risk to the personal health or safety of an individual; or
 - 3.3.5 it is not in the public interest.

The factors above are not exhaustive, not all factors will be relevant in a particular case, and there may be other relevant factors which will be taken into account. The incidence of one or more of these factors will not necessarily result in a decision not to publish. Where several competing or conflicting factors arise the GSC will balance them and make a decision in the exercise of its discretion.

4. Notice and Timing of Publication

- 4.1 Where the GSC intends to publish information relating to a Decision Notice or RSA the GSC will notify the firm or individual in accordance with the GSC’s statutory obligations, and not less than 24 hours in advance of doing so.
- 4.2 The GSC will generally withhold publication of information relating to a Decision Notice until following determination of an appeal or other judicial review or after the expiry of the statutory appeal period. In exceptional circumstances, the GSC may seek to publish following the issue of a Decision Notice where it considers that it is necessary and desirable in the public interest and where it has the legal basis to do so.

5. Form of Publication

- 5.1 The sanction imposed subject to a Decision Notice and/or RSA will generally be published on the relevant public registers maintained on the GSC’s website. Additionally, a public statement will be

² A ‘Decision Notice’ is a Notice issued by the GSC informing a Subject of the outcome of the final stage of the GSC’s DMP

³ An RSA is an agreed regulatory outcome in the public interest to settle an ongoing investigation by the GSC, the terms of which are agreed between the GSC and the Subject.

released which contains sufficient pertinent information to ensure that stakeholders understand the issues and that it provides a deterrent message to others. The GSC will not publish all of the underlying facts unless the GSC deem it necessary and will not publish any privileged material.

- 5.2 If and where statute requires publication somewhere other than on the GSC's website, the GSC will do so before or at the same time as publication on the website.

6. Review of Publication

Published information relating to Decision Notices or RSAs may be removed from the GSC's website where it is considered that publication is no longer in the public interest or that public interest no longer requires continued publication. Subject to statutory requirements, the presumption is that enforcement outcomes that have been published for less than five years will not be removed from the website.

This document is correct at the date of publication but is subject to change from time to time.