



Compliance Audit Manual

Malta Gaming Authority



Disclaimer

This manual is designed to assist auditors in performing and documenting the major considerations when performing a compliance review in terms of the Gaming Act (Cap. 583 of the Laws of Malta) on behalf of the Malta Gaming Authority (hereinafter the 'Authority').

This manual is not exhaustive of all the checks and procedures that shall be performed. Auditors shall utilise this manual in light of their professional judgement and the facts and circumstances involved in the setup of each particular licensee. Auditors are required to maintain their professional scepticism and develop other procedures to address the risks associated with the particular licence, in line with professional standards.

To this end, auditors are expected to perform additional tests as necessary to address identified risks and to comply with the following:

- the Gaming Act (Cap. 583 of the Laws of Malta);
- the Authorisation Regulations, Commercial Communications Regulations, Compliance and Enforcement Regulations, Definitions Regulations, Gaming Licence Fees Regulations, Gaming Tax Regulations, Player Protection Regulations and Premises Regulations;
- the Authorisations and Compliance Directive and the Player Protection Directive;
- the Companies Act (Cap. 386 of the Laws of Malta);
- the Prevention of Money Laundering Act (Cap. 373 of the Laws of Malta);
- the Prevention of Money Laundering and Funding of Terrorism Regulations (S.L. 373.01);
- the FIAU's Implementing Procedures (as updated from time to time) issued in terms of Regulation 17 of the Prevention of Money Laundering and Funding of Terrorism Regulations;
- taxation legislation; and
- any other applicable laws, regulations, directives, guidelines or standards or any other document which may be applicable from time to time.

Notwithstanding the above, the procedures defined in this manual are mandatory and need to be completed for each compliance review.

The Authority may from time to time amend the manual and include any additional procedures and/or requirements as it may deem necessary. Furthermore, the Authority may provide additional guidance as to any other specific measures that the auditors shall be required to undertake.

Abbreviations

The following is a list of abbreviations used throughout this manual:

| Abbreviation | Full Name |
|--------------|--|
| A&CD | Authorisations and Compliance Directive |
| AML | Anti-Money Laundering |
| Apps | Application Software |
| AR | Authorisations Regulations |
| B2B | Business-to-business |
| B2C | Business-to-client |
| CCR | Commercial Communications Regulations |
| CCTV | Closed-Circuit Television |
| C&ER | Compliance and Enforcement Regulations |
| DMS | Document Management System |
| EEA | European Economic Area |
| EU | European Union |
| FIAU | Financial Intelligence Analysis Unit |
| KYC | Know Your Client |
| MFSA | Malta Financial Services Authority |
| MGA | Malta Gaming Authority |
| MLRO | Money Laundering Reporting Officer |
| PCI DSS | Payment Card Industry Data Security Standard |
| PPD | Player Protection Directive |
| PPR | Player Protection Regulations |
| RNG | Random Number Generator |
| RTP | Return to Player |
| T&Cs | Terms and Conditions |
| UPS | Uninterruptible Power Supply |

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1 Standing Information

1.1 Entity Changes

| Name | Checks |
|------------------------------------|--|
| 1.1.1 Notification of Changes | When performing the onsite visit and checks, list down instances whereby there were changes implemented by the Licensee which have not been notified to the Authority as required by Regulations 36 and 37 of the Authorisations and Compliance Directive. |
| 1.1.2 Certificate of Incorporation | Obtain the Licensee’s Certificate of incorporation and perform MFSA search for any statutory changes. |
| 1.1.3 Company’s Main Objectives | Identify whether the company’s main objectives included in the Memorandum and Article of Association were changed. If so, indicate the changes. |
| 1.1.4 Additional Findings | List down any additional findings. |

1.2 Licensee Information

| Name | Checks |
|---------------------------------|---|
| 1.2.1 Licence Information Sheet | <p>Determine whether the MGA is holding the latest information regarding the following items. List down any discrepancies noted.</p> <ol style="list-style-type: none"> 1) Registered address; 2) Operating address; 3) Public telephone number (to be published on the MGA's website); 4) Entity telephone number; 5) Key Persons contact details (email address, mobile phone number and office telephone number); 6) Board of Directors; 7) Qualifying Ultimate Beneficial Owner(s); 8) Consultant (if applicable); 9) Website(s) operated by the Licensee; 10) Details of bank guarantee (if applicable); 11) Players bank account(s) number(s) and name of credit institution(s); 12) Financial / Payment Institutions names and accounts; 13) Operating bank account(s) number(s) and name of credit institution(s); 14) B2B suppliers (if applicable); 15) Backend/Back-Office/Control system; 16) Gaming Hardware owner (managing the gaming control system); 17) Co-location/Hosting supplier(s); |

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| | 18) Number of employees; 19) Licences from foreign jurisdiction. |
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1.3 Previous Findings and Follow-up

| Name | Checks |
|--------------------------|--|
| 1.3.1 Licence Conditions | Determine whether licence conditions were rectified. |
| 1.3.2 System Audits | Determine whether issues noted in previous System Audits were rectified. |
| 1.3.3 Compliance Audits | Determine whether issues noted in previous Compliance Audits were rectified. |

2 Human Resources

2.1 Company Structure

| Name | Checks |
|--|---|
| 2.1.1 Human Resources Roles & Responsibilities | Obtain a copy of the Human Resources Roles & Responsibilities document from Licensee and determine whether the MGA has the latest copy. |
| 2.1.2 Human Resources Roles & Responsibilities Adherence | Examine the company's adherence to its Human Resources Roles & Responsibilities document and list down any discrepancies noted. |

2.2 Corporate Group Licence Checks

| Name | Checks |
|-----------------------------|---|
| 2.2.1 Corporate Group Chart | Obtain a copy of the corporate group chart. Indicate whether the MGA is in possession of the latest copy and indicate any discrepancies. |
| 2.2.2 Parent Entity Control | Check that the parent entity exercises control to the extent of over 90% over other bodies within the same corporate group as per Gaming Act. |
| 2.2.3 B2B Obligations | If the Corporate Group is offering services to other operators licenced by the MGA that do not fall under the said group, check that the Group is in possession of a valid B2B licence. |

2.3 Key Persons

| Name | Checks |
|------------------------------------|--|
| 2.3.1 Key Persons | Obtain and submit a list of Key Persons. |
| 2.3.2 Key Functions | Indicate whether all Key Functions roles are occupied and assigned. |
| 2.3.3 Key Persons Contracts | Check that the duties of Key Persons are in line with their level of authority by examining a sufficiently large sample of contracts of Key Persons. |
| 2.3.4 Key Persons Supervisory Role | <p>Determine whether the Key Persons are indeed performing supervisory roles in the operations of the Licensee.</p> <p>This can be seen through signatories on files, correspondence, access to the front end / back end of the gaming system, capability of extracting gaming reports and monthly gaming / tax reports to be submitted to the MGA, incident reporting, correspondence on complaints, etc.</p> |
| 2.3.5 Additional Findings | List down any additional findings. |

3 Financial Analysis

3.1 Player Funds

| Name | Checks |
|--|---|
| 3.1.1 Accounts Declarations | <p>Check that all Player Funds Accounts are covered by declarations. The Declarations shall state that:</p> <ol style="list-style-type: none"> 1. The account is a player funds account; 2. The institution will, upon request, disclose to the MGA any information that is required relating to accounts holding player funds. |
| 3.1.2 Player Funds Balance | <p>The player funds account balance, including funds in transit or in the process of being cleared, shall at any time be at least equal to the aggregate of the amount standing to the credit of players' accounts. Check that this is being adhered to.</p> |
| 3.1.3 Player Funds Balance | <p>By taking a random sample of at least 3 Monthly Player Funds reports, determine whether the player funds account balance constitutes at least 90% of the funds required by the Licensee to cover player funds, with the remaining balance covered by funds in transit (i.e. payment gateways).</p> |
| 3.1.4 Sufficient Funds | <p>By taking a random sample of at least 3 Monthly Player Funds reports, determine whether the Licensee has sufficient funds to cover player liabilities (and jackpots if applicable).</p> |
| 3.1.5 Jackpots | <p>Indicate whether the Licensee is providing jackpots to players and if so, determine whether the jackpot is declared in the Monthly Player Funds.</p> |
| 3.1.6 Information Declared | <p>Check that all players' bank accounts, financial/payment institutions and payment gateways in use are declared to the MGA via the Monthly Player Funds Reports.</p> |
| 3.1.7 Reconciliation of monthly management reports | <p>Take a random sample of at least 3 Monthly Player Funds and, by reconciling with the Licensee's back-office and credit/financial/payment institution statements, check whether the information declared to the MGA is accurate. This shall also take into account any jackpot funds if applicable.</p> |

3.2 Tax

| Name | Checks |
|--|--|
| 3.2.1 Gaming Tax, Licence and Compliance Contributions | <p>Obtain a random sample of, at least, 3 Monthly Gaming Revenue Declaration Forms and verify that the:</p> <ol style="list-style-type: none"> a. Gaming tax due calculation is correct as per Part II of the Gaming Tax Regulations; and b. Licence and compliance contribution calculations are correct as per Part II of the Gaming Licence Fees Regulations. |

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| | This can be performed by comparing the reported figures with the gaming data from the back-office. |
| 3.2.2 Timeframes | Obtain a random sample of, at least, 3 Monthly Gaming Revenue Declaration Forms and determine whether the Licensee is filing the returns (to the MGA) within the timeframes required in terms of Part V of the Gaming Licence Fees Regulations and Part V of the Gaming Tax Regulations. |

3.3 Financials

| Name | Checks |
|--|--|
| 3.3.1 Profitability | Review the latest Audited Financial Statements on the latest Management Accounts submitted for the preceding 12 months and assess the performance and the financial position of the operator. |
| 3.3.2 Preparation of Management Account | Determine whether the Licensee has a mechanism to prepare management accounts. |
| 3.3.3 Accounting Software Used | Indicate the accounting software used for the generation of accounts for internal purposes. |
| 3.3.4 Frequency of Management Accounts | Indicate how frequently the management accounts are prepared. |
| 3.3.5 Review of Management Accounts | Indicate whether the management accounts are reviewed by the Board of Directors. |
| 3.3.6 Availability of Management Accounts | Indicate the date pertaining to the latest management accounts that were available at the time of your review. |
| 3.3.7 Key Consideration of Budgets / Business Plan | Inquire on any key consideration that can be raised from analysing their budgets and business plans. |
| 3.3.8 Inspection of Audited Financial | By inspecting the MFSA's records / Financial Statement, determine whether the minimum paid-up share capital has been adhered to. The minimum paid-up share capital is as follows: <ul style="list-style-type: none"> • For B2C Licence: o €100,000 for each type 1 and type 2 verticals; o €40,000 for each type 3 and type 4 verticals. • For B2B licence: €40,000. <p>Paid-up share capital has a capping of €240,000.</p> |
| 3.3.9 Financial Accounting Procedures | Obtain a copy of the Financial Accounting procedures from the Licensee and determine whether the MGA has the latest copy. |
| 3.3.10 Financial Accounting Procedures Adherence | Analyse the Financial Accounting procedures and indicate whether the Licensee is observing and following these procedures. List down any discrepancies noted. |

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| 3.3.11 Submission of Management Account | Check whether the Licensee submitted the Management Accounts within 30 days from the end of the half-year period (if applicable). |
| 3.3.12 Submission of Audited Financial Statements | Check whether the Licensee submitted the Audited Financial Statements within 180 days from the financial year end of the Licensee (if applicable). |
| 3.3.13 Additional Findings | List down any additional findings. |

4 Information Technology

4.1 System Access Control Policy

| Name | Checks |
|--|---|
| 4.1.1 System Access Control Policy | Obtain a copy of the System Access Control Policy from the Licensee and determine whether the MGA has the latest copy. |
| 4.1.2 System Access Control Policy Adherence | Determine whether the System Access Control Policy has been actually implemented in practice. Tests shall include procedures on: <ul style="list-style-type: none"> • Access rights level per job designation; • Controls in place for remote access connections; and • Controls for access by third parties. |
| 4.1.3 Periodic Checks | Determine whether periodic checks by the IT department (or other designated department) to check that the access rights granted to the users on the user list are commensurate with their job responsibilities are being carried out. Determine the frequency of these checks and whether they are in line with the System Access Control Policy established by the Licensee. |
| 4.1.4 System Access Requests | From the user access list, observe the last five (5) system access requests and identify whether these have been authorised in accordance with the requirements of the employee’s job function. Determine whether the specified rights have been implemented on the system. |
| 4.1.5 Audit Trails | Check whether audit trails / logs of any changes performed to the regulatory data (including player data, financial data and game data) databases are kept. |
| 4.1.6 Additional Findings | List down any additional findings. |

4.2 Information Security Policy

| Name | Checks |
|---|--|
| 4.2.1 Information Security Policy | Obtain the latest copy of the Information Security Policy from the Licensee and determine whether the MGA has the latest copy. |
| 4.2.2 Information Security Policy Adherence | Determine whether the Information Security Policy has been actually implemented in practice by designing tests, including observations, on the following: <ul style="list-style-type: none"> • Safeguarding of data, applications, equipment, networks; • Backend automatic logoff after a period of inactivity; • Data classification system; • Threat of viruses and intrusion; • Portable computers and media; |

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| | <ul style="list-style-type: none"> • Disposal of media and equipment; • Secure communication protocol used during player activity; and • Secure storage of players' passwords and payment information. |
| 4.2.3 Awareness of Information Security Policy | Inquire a number of employees whether they are aware of the Information Security Policy (unless it is signed by the employees). |
| 4.2.4 Protection of Equipment | Determine whether hardware, servers and equipment, on which the gaming system is residing, are protected from environmental hazard and unauthorised physical access. Identify how the Licensee addresses these hazards (e.g. CCTV, smoke, fire, humidity, UPS, emergency lighting, etc.). |
| 4.2.5 Security of Equipment | Check whether the Licensee installed systems (such as CCTV, smoke detection, fire suppression and access control) to protect the security of the premises where the control system resides. |
| 4.2.6 Disciplinary Actions | Inquire whether any disciplinary action has been taken against any employee or third party service partners who acted in violation of this policy. |
| 4.2.7 Independent Review | Inquire whether the Licensee obtained an independent review of the Licensee's information security and its implementation. Identify the date of this review, the identity of the reviewer and critical findings. |
| 4.2.8 Additional Findings | List down any additional findings. |

4.3 Incident Response Policy

| Name | Checks |
|--|---|
| 4.3.1 Incident Response Policy | Obtain a copy of the Incident Response Policy from the Licensee and determine whether the MGA has the latest copy. |
| 4.3.2 Incident Response Policy Adherence | Determine whether the Incident Response Policy has been actually implemented in practice by designing and performing audit procedures thereto. |
| 4.3.3 Incidents | Inquire whether the Licensee suffered any incident. |
| 4.3.4 Incident Response Procedures Adherence | Obtain a log of the incident activity and identify whether the Licensee has adhered to the procedures stipulated within the Incident Response Policy. Check whether the Licensee has reported incidents to the MGA within 72 hours following the incident. |
| 4.3.5 Additional Findings | List down any additional findings. |

4.4 Change Management Procedure

| Name | Checks |
|---|--|
| 4.4.1 Change Management Procedure | Obtain a copy of the latest Change Management Procedure and determine whether the MGA has the latest copy. |
| 4.4.2 Change Management Procedure Adherence | Determine whether changes have been approved as per the Change Management Procedure. Request copies of records held by the Licensee to evidence changes in software, hardware, network configuration, etc. |
| 4.4.3 Critical Changes | Determine whether any changes to the Essential Components (as defined in the A&CD) were performed by the Licensee without prior approval from the MGA. |
| 4.4.4 Key Technical Setup Changes | Check whether the MGA was notified within thirty (30) days following changes to the Key Technical Setup (as defined in the A&CD) took place. For the sake of clarity, this check shall not apply to changes applied to Essential Components. |
| 4.4.5 Games Changes | With respect to B2B Licensees and B2C offering standalone games: Take a random sample of thirty (30) games and check whether the Licensee notified the MGA about the addition of these games as required by Part IV of the C&AD. |
| 4.4.6 Changes Logs | Check whether the Licensee is retaining audit logs for any changes made to the key technical setup within the last two (2) years. |
| 4.4.7 Additional Findings | List down any additional findings. |

4.5 Business Partners

| Name | Checks |
|------------------|--|
| 4.5.1 Agreements | <p>Indicate, if applicable, the third-parties to which services are being outsourced to and obtain a copy of agreements thereof, including:</p> <ul style="list-style-type: none"> • EEA licensed Payment Service Institutions; • Critical Gaming Suppliers (as per clause 3 of the First Schedule of the Authorisations Regulations); • Material Gaming Suppliers (as per Third Schedule of the Authorisations Regulations); • Co-location facility (including web Hosting, maintain the network, database and applications, and maintain and carry upgrades to the website); • Replication facility (if applicable); • Auditor’s Engagement Letter; • Customer Support (N/A for B2B licensees); • Human Resources; and |

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| | <ul style="list-style-type: none"> • Other business partners. <p>Determine whether the above noted agreements/contracts were submitted to the MGA and list down any ones that were not submitted to the Authority.</p> |
| 4.5.2 Licenced Critical Gaming Suppliers | Indicate whether all companies supplying the Licensee with critical gaming supply services are licensed by the MGA. |
| 4.5.3 Material Gaming Suppliers | Indicate whether all companies providing the Licensee with material gaming supply services are in possession of either: <ul style="list-style-type: none"> a. a material supply certificate issued by the MGA; or b. an approval issued by the Authority on a case-by-case basis to offer services to this Licensee. |
| 4.5.4 Outsourcing Policy | Request a copy of the Outsourcing Policy and compare it with the one submitted to the MGA. Determine whether the MGA has the latest copy. |
| 4.5.5 Outsourcing Policy Adherence | Determine whether the Outsourcing Policy has actually been implemented in practice. |
| 4.5.6 Outsourcing by Authorised Persons | Check whether services are only being outsourced in accordance with the Second Schedule of the MGA’s Policy on Outsourcing by Authorised Persons. |
| 4.5.7 Commitment towards Third Party Providers | Carry out tests to obtain information on whether the company has failed in honouring its commitments with third party providers. |
| 4.5.8 Arbitrary and Legal Representative | Inquire from the Licensee and the legal representative as to whether there were any arbitrary or legal proceedings resulting from these agreements. Determine the resulting operational effect on the Licensee. |
| 4.5.9 Additional Findings | List down any additional findings. |

4.6 Business Continuity and Disaster Recovery

| Name | Checks |
|---|--|
| 4.6.1 Business Continuity and Disaster Recovery | Request a copy of the Business Continuity and Disaster Recovery Plan and determine whether the MGA has the latest copy. |
| 4.6.2 List of Disruptive Events | Obtain a list of disruptive events that occurred at the Licensee detailing the nature of the event, time, contingency plan and whether this was escalated. Check that the policies communicated to the MGA have been adhered to. |
| 4.6.3 Routine Test | Inquire for a list of routine tests performed by the Licensee with respect to the Disaster Recovery Plan. Determine what were the issues noted and how the Licensee addressed these shortcomings. |
| 4.6.4 Additional Findings | List down any additional findings. |

4.7 Backup Procedure

| Name | Checks |
|----------------------------------|--|
| 4.7.1 Backup Procedure | Request a copy of the Backup Procedure and determine whether the MGA has the latest copy. |
| 4.7.2 Backup Procedure Adherence | Determine whether the Backup Procedure has actually been implemented in practice by designing and performing audit procedures thereto. Tests shall include audit procedures on: <ul style="list-style-type: none"> • Backups and frequency of backups; • Types of backups; • Offsite storage of backups; and • Media restore testing plan. |
| 4.7.3 Additional Findings | List down any additional findings. |

4.8 System Architecture

| Name | Checks |
|-------------------------------------|--|
| 4.8.1 System Architecture | Obtain a copy of the System Architecture and determine whether the MGA has the latest copy. |
| 4.8.2 Key Technical Setup | Determine whether the following Key Technical Setup is documented within the System Architecture: <ol style="list-style-type: none"> a. Hardware equipment (make & model and location); b. Virtual Machines; and c. Firewalls and routers. |
| 4.8.3 System Architecture Adherence | By analysing the transmission of data packets during registration, log in and game play, determine whether the physical location of the servers is identical to what was declared in the System Architecture. |
| 4.8.4 System Architecture Adherence | Through visual inspections carried out at the data centre, check whether the make and model of <u>all</u> hardware matches the make and model of hardware declared in the System Architecture. Tests shall be performed on, at least, the following components: <ul style="list-style-type: none"> • Regulatory database (including Database servers storing player data, financial data and game data); • Backend system; • Web servers; • Firewalls; and • Routers. |
| 4.8.5 System Architecture Adherence | Take a random sample of thirty (30) virtual machines (if applicable) and check whether these are running on the hardware declared in the System Architecture. |

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|-------------------------------------|---|
| 4.8.6 Servers Overseas | <p>Indicate whether the Licensee is making use of overseas servers.</p> <p>In case of servers overseas:</p> <ul style="list-style-type: none"> • Indicate if regulatory data (including player data, financial data and game data) is being replicated to servers located in Malta. Check whether this is in line with what is documented with the MGA; and • Perform tests to ensure that data is replicated in real-time. Indicate the replication latency. Indicate if this is in line with what is documented with the MGA. |
| 4.8.7 Data Centre | <p>Check whether the Licensee is hosting in the data centres previously declared to the MGA. Confirm that the Licensee did not change to a different data centre without informing the Authority.</p> |
| 4.8.8 Setup Location | <p>Observe where the Key Technical Setup is located.</p> |
| 4.8.9 Secure Communication Protocol | <p>Check that the Licensee’s websites/apps use a secure communication protocol during player registration, change of password, logon, play, deposits and withdrawals of funds.</p> |
| 4.8.10 Clock Synchronisation | <p>By taking a random sample of five (5) servers (if applicable), observe that the servers’ clocks are synchronised with a reputable source.</p> |
| 4.8.11 Additional Findings | <p>List down any additional findings.</p> |

4.9 Application Architecture

| Name | Checks |
|--|--|
| 4.9.1 Application Architecture | <p>Obtain a copy of the latest Application Architecture and check whether the MGA is in possession of the latest copy.</p> |
| 4.9.2 Application Architecture Adherence | <p>By using a remote connection (or otherwise) and by taking a random sample of thirty (30) different applications (if applicable), check that the:</p> <ol style="list-style-type: none"> applications’ versions match those declared in the Application Architecture; applications are indeed running on servers declared in the Application; and Licensee is not running applications not declared in the Application Architecture. <p>Tests shall be performed on, at least, the following components:</p> <ul style="list-style-type: none"> • Regulatory Database (including database servers storing player data, financial data and game data); • Backend system; • Web servers; and • Games. |

| | |
|---------------------------------|---|
| 4.9.3 Back-Office | Check whether the Licensee is running the backend/back-office system previously declared to the MGA. Confirm that the Licensee did not change to a different backend/back-office without informing the Authority. |
| 4.9.4 Applications Interactions | Check whether the applications interact with each other as declared in the Application Architecture. |
| 4.9.5 Additional Findings | List down any additional findings. |

4.10 Network Infrastructure

| Name | Checks |
|---|---|
| 4.10.1 Network Infrastructure | Obtain the latest copy of the Network Infrastructure and determine whether the MGA is in possession of the latest copy. |
| 4.10.2 Network Infrastructure Adherence | Take a random sample of thirty (30) servers (including virtual machine servers, if applicable) and check that their IP addresses match the ones declared in the Network Infrastructure. Tests shall be performed on, at least, the following components: <ul style="list-style-type: none"> • Regulatory Database (including database servers storing player data, financial data and game data); • Backend system; and • Web servers. |
| 4.10.3 Network Infrastructure Adherence | Check that the location of the servers is the same as the one declared to the MGA. |
| 4.10.4 Additional Findings | List down any additional findings. |

5 Gaming Operation

5.1 User Management Policy

| Name | Checks |
|---|---|
| 5.1.1 User Management Policy | Obtain a copy of the User Management Policy from MGA and determine whether the MGA is in possession of the latest copy. |
| 5.1.2 User Management Policy Adherence | Check that the User Management Policy has actually been implemented in practice by designing and performing audit procedures thereto. Tests shall include procedures on: <ul style="list-style-type: none"> • Robust password management; and • Access registration and deregistration. |
| 5.1.3 Staff Deregistration | Inquire whether there were any changes in staff and test the procedure for deregistration. |
| 5.1.4 Deactivation of User Accounts | Carry out tests on the creation and deactivation of user accounts as per procedure. |
| 5.1.5 Failed Login Attempts | Indicate whether failed login attempts are being monitored. |
| 5.1.6 Protection of Player Password and Credit Card Details | Identify how player passwords and player credit card details are being processed and protected. Check that users/other players cannot view password and player credit card information. |
| 5.1.7 Additional Findings | List down any additional findings. |

5.2 RNG

| Name | Checks |
|---------------------------------|---|
| 5.2.1 RNG Test Certificate | Obtain a copy of all RNG certificates from the Licensee and check whether the MGA has the latest copy of such certificates. |
| 5.2.2 Testing of RNG Components | Observe the Licensee’s gaming system and check that all RNG components were approved by the Authority. |
| 5.2.3 RTP | Observe whether games hosted by the Licensee are being monitored to ensure that the average RTP amounts to 92% or higher. |
| 5.2.4 Additional Findings | List down any additional findings. |

5.3 Gaming System and Related Procedures

| Name | Checks |
|---|--|
| 5.3.1 Specification of the Gaming System Document | Obtain a copy of the Specification of the Gaming System Document from the Licensee and determine whether the MGA is in possession of the latest copy. |
| 5.3.2 Specification of the Gaming System Document Adherence | <p>Observe that the Specification of the Gaming System has actually been implemented in practice by designing and performing audit procedures thereto. Tests shall include procedures on:</p> <ul style="list-style-type: none"> • Game risk management for the relevant class licence; • Collusion management and monitoring (when such activity is possible); and • Chip-dumping monitoring (when such activity is possible). |
| 5.3.3 Nature of Games | Observe that the nature of the games being offered by the Licensee are in line with the gaming verticals and channels approved by MGA. |
| 5.3.4 Additional Findings | List down any additional findings. |

5.4 Back-Office (For B2Cs and B2Bs offering back-office to B2Cs)

| Name | Checks |
|---------------------------------|--|
| 5.4.1 Gaming System Information | <p>Check that the Gaming System maintains the following information on each Players' Activity:</p> <ol style="list-style-type: none"> a. Logon and logoff times; b. Gaming activity history; c. Games played; d. The time the game began as recorded on the games server; e. The balance on the players' account at the start of the bet / game; f. The time the stakes were placed on the game; g. The bet / game status (in progress, complete etc.); h. The result of the bet / game; i. The time the game ended; j. The amount won or lost for each bet / game; k. The balance on the player's account at the end of the bet / game; l. The unique game ID; m. Unique player ID; and n. IP address and date of access for each player account. |

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| <p>5.4.2 Financial Transaction</p> | <p>Check that the Gaming System records the following players' financial transactions adequately:</p> <ol style="list-style-type: none"> a. Date, payment origin and amount of each deposit; b. Date, payment destination and amount of each withdrawal; and c. Bonus for which a player qualified, bonus amount, dates when the bonus was played and amount played. The system shall be able to distinguish between cashable and non-cashable bonuses. |
| <p>5.4.3 Players' Credit Card</p> | <p>Check that the Gaming Systems have only dealt with the amount standing to the credit of a player account as follows:</p> <ol style="list-style-type: none"> a. Funds from or on behalf of the player or won shall be credited to this account; b. Funds wagered shall be debited to this account. The systems shall not accept wagers in excess of the funds available in the account; and c. Any bank charges. |
| <p>5.4.4 Back-Office Application</p> | <p>Check that the back-office maintains gaming activity history and has both set and ad-hoc reporting functionality relating to the following: □ Large volume of wagers placed by a player;</p> <ul style="list-style-type: none"> • Large wins; • Financial statements of gaming transactions; • Changes to game parameters; • Large deposits; and • Large withdrawal requests. |
| <p>5.4.5 Back-Office Information Security</p> | <p>Check that the back-office keeps, at all times, the following records in a secure manner:</p> <ol style="list-style-type: none"> a. A list of all registered players; b. A list of all game outcomes; and c. Gaming transaction history (in which each transaction is identifiable via a unique transaction ID). |
| <p>5.4.6 Gaming Transactions</p> | <p>Check that the back-office is capable of producing monthly auditable and aggregate financial statements of gaming transactions.</p> |
| <p>5.4.7 Back-Office Compliance Contribution Calculation</p> | <p>Check that the back-office is able to calculate accurately all gaming compliance contribution and other monies due to the Authority.</p> |
| <p>5.4.8 Backend Auto Log-Off</p> | <p>Check that the backend system automatically logs-off the user after 1 hour of inactivity based on the operating environment.</p> |

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| 5.4.9 Backend Security | Perform tests to observe that the backend system: <ul style="list-style-type: none">a. Only accepts passwords consisting of a minimum of 8 characters and composed of alphanumeric characters and symbols;b. Stores passwords in one-way cryptographic hashed format;c. Obliges users to change the password provided by the system on first logon;d. Provides a lost password procedure;e. Does not allow the password to be identical to the username. |
| 5.4.10 Remote Access | Check that proper connection controls are in place for remote access to the back-office. |
| 5.4.11 Back-Office Privileges | Determine whether need-to-know and least privilege concepts were applied to back-office users. |
| 5.4.12 Additional Findings | List down any additional findings. |

6 B2C Checks

6.1 Player Complaints

| Name | Checks |
|------------------------------|---|
| 6.1.1 Complaints Lodged | <p>Liaise with the MGA to identify complaints lodged against the Licensee directly with the Authority.</p> <p>Furthermore, check whether the Licensee is maintaining an effective player support function which handles players' complaints.</p> |
| 6.1.2 Complaints Procedure | Inquire whether the Licensee has a written procedure for handling complaints/disputes and how these complaints are being resolved. |
| 6.1.3 Contact Details | Test that the contact details published on the website for submission of complaints are functioning (e.g. test complaints email, chat, phone etc.). |
| 6.1.4 Player Interaction | <p>Check that the Licensee is keeping a record of:</p> <ul style="list-style-type: none"> a. all player interactions/complaints; b. date of each interaction; and c. whether an interaction has been ruled out and the reasons for this. <p>Indicate whether these are being kept for at least 2 calendar years from the date of the last interaction.</p> |
| 6.1.5 Response to Complaints | By examining the records being kept by the Licensee, determine whether the Licensee has responded to the complainants with respect to their respective complaints and provided them with the results of the inquiry within 10 days from the date of the lodgement of the complaint. |
| 6.1.6 Additional Findings | List down any additional findings. |

6.2 Commercial Communications

| Name | Checks |
|---|---|
| 6.2.1 Commercial Communications | By analysing the Financial Statements and by inquiring with the Key Persons, determine whether the Licensee is performing commercial communications (advertisement, promotions, marketing, etc.). |
| 6.2.2 Advertising Language | Check that any commercial communications marked in a foreign language (i.e. not English/Maltese) are also available in English. |
| 6.2.3 Policy of Advertising and Promotion | Determine whether the Licensee has defined a Commercial Communications Policy in line with the Commercial Communications Regulations. |
| 6.2.4 Approval of Adverts | Determine how an advert is approved prior to being published. |

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| 6.2.5 Unsolicited Commercial Communications | Check whether the Licensee is submitting unsolicited commercial communications. |
| 6.2.6 Stop receiving Commercial Communications | Perform tests and determine whether the Licensee honours requests of recipients who opted to stop receiving commercial communications. |
| 6.2.7 Commercial Communications to SelfExcluded Players | Perform tests and determine whether the Licensee is targeting or sending commercial communications to players that are undergoing a period of self-exclusion. |
| 6.2.8 Commercial Communications Information | Check that commercial communications, displayed on websites/apps/channels not operated by the Licensee, are displaying: <ol style="list-style-type: none"> The name of the Licensee; A reference to the Authority and licence numbers; The web-portal address of any entity devoted to responsible gaming; and The minimum age to participate in the game being promoted. |
| 6.2.9 Additional Findings | List down any additional findings. |

6.3 Websites/Apps

| Name | Checks |
|---|--|
| 6.3.1 English Version | Check whether all Licensees' websites/apps are offered in English. |
| 6.3.2 Website/Apps Checklist | Check whether the following information is displayed on ALL pages of websites/apps offering gambling products: <ol style="list-style-type: none"> Company name; Registered office address; Contact number; A sign which indicates that underage gaming is not permissible; and A 'responsible gaming' message which provides: <ol style="list-style-type: none"> information that gaming can be harmful if it is not controlled; and information about the player support measures on the website. |
| 6.3.3 Homepage / Landing Page Checklist | Check whether the below information is displayed on the homepage / landing screen for all websites/apps offering gambling products: <ol style="list-style-type: none"> MGA's Dynamic Seal; Indication of which games are regulated by the MGA and which games are regulated by other jurisdictions; and |

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| | 3. Helplines or hyperlinks to one or more organisations which aid persons who have problem gambling issues. |
| 6.3.4 Responsible Gaming Page | Check whether the Licensee's website/app is offering a responsible gaming page. This page shall be no more than 1 click away from any webpage or application interface. The facility for players to exclude themselves from gaming shall be no more than 1 click away from this page. |
| 6.3.5 Customer Support | Determine whether the information on how the players can contact the player support (e.g. via live chat or telephone) is clearly visible on the Licensee's website/app. |
| 6.3.6 Additional Findings | List down any additional findings. |

6.4 Terms and Conditions

| Name | Checks |
|--|---|
| 6.4.1 Terms and Conditions | Obtain a copy of the latest Players' T&Cs and check that they contain clauses as per MGA's System Documentation Checklist. Determine whether the MGA is in possession of the latest copy. |
| 6.4.2 English Version | Check whether the T&Cs are also available (to players) in English. |
| 6.4.3 Brands | For Licensees that have multiple brands: check that the Licensee does not have more than one version of the general T&Cs (for each brand) at any point in time. |
| 6.4.4 T&Cs Availability | Check that the full T&Cs are always available to players, even before a user registers. Furthermore, check that the T&Cs are no more than 1 click away from the homepage / landing page. |
| 6.4.5 Acceptance of the Terms and Conditions | Check that players are required to acknowledge their acceptance of the T&Cs before being allowed to play. |
| 6.4.6 T&Cs Changes | Perform tests and check that if there are any material changes to the T&Cs: <ul style="list-style-type: none"> • The specific parts of the T&Cs that were added/removed/changed are clearly marked and available to the players; • Players are required to accept any changes to the T&Cs before they are allowed to continue making use of the gaming service; and • If a player rejects the T&Cs, the player is allowed to withdraw their balance according to the T&Cs they originally agreed to. |
| 6.4.7 Website Terms and Conditions | Check that the T&Cs upon registration are the same for the below mediums: <ul style="list-style-type: none"> • Website; • Apps; and • Any other medium where applicable. |

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| 6.4.8 Additional Findings | List down any additional findings. |
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6.5 Games' Rules

| Name | Checks |
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| 6.5.1 Games' Rules Availability | <p>Check whether the games' rules are made readily available to players.</p> <p>In case of games offered via websites, check whether the game rules are not more than 1 click away from the page in which the game is played.</p> <p>In case of games offered via apps, check whether the game rules are made present to the player in any case prior to the player's first wager on the game.</p> |
| 6.5.2 Rules Fairness | Take a random sample of at least ten (10) games of a different vertical (if applicable) and check whether rules are written in plain and intelligible language. Check that such rules detail all ways in which players can win or lose. Check that the rules contain instructions on how to play and any possible restrictions. |
| 6.5.3 Other Findings | List down any additional findings. |

6.6 Players' Accounts

| Name | Checks |
|---------------------------------|---|
| 6.6.1 Player Registration | Check that a player is being required to have an account before he/she is allowed to play. |
| 6.6.2 Single Account | Check that one account is maintained for each individual player. |
| 6.6.3 Data Security | <p>Check that all players' personal data is stored in a secure manner.</p> <p>If any players' credit card numbers are maintained, check whether:</p> <ul style="list-style-type: none"> a. Players' credit card numbers are stored in encrypted format; and b. PCI DSS compliance evidence. |
| 6.6.4 Account Security Controls | <p>Perform tests to check that:</p> <ul style="list-style-type: none"> a. Players are automatically logged off after, at least, 30 minutes of inactivity; and b. The system locks a player's account after a specified number of failed logon attempts. |

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| 6.6.5 Security | <p>Perform tests to check that the system:</p> <ul style="list-style-type: none"> a. Only accepts player’s passwords that are made up with a minimum of 8 alphanumeric and special characters; b. Asks players to input passwords twice for the purpose of confirmation on registration or change of password, or players (during registration) are asked to input password once provided that a “show password” button is available next to the password field; c. Stores passwords in one-way cryptographic hashed format; d. Obliges players to change the password provided by it on first logon; e. Provides a lost password procedure for the purpose of recovering a lost password or providing a new one over a secure protocol; and f. Does not allow the password to be identical to the username and/or email address. |
| 6.6.6 Additional Findings | List down any additional findings. |

6.7 Player Protection

| Name | Checks |
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| 6.7.1 No attempt to induce. | Determine and report whether the Licensee attempts to induce a player to continue playing when such player has shown the intention to stop the gaming session. |
| 6.7.2 Inactive Accounts | Determine whether there is a procedure notifying the player, no less than 30 days before the player’s account is due to become inactive, that the account is due to become inactive, and reminding the player of consequences thereof (including any fees that may be charged). Such notice shall include an option to withdraw the funds. |
| 6.7.3 Inactive Accounts Fees | Perform tests to check that fees for inactive accounts can only be charged as long as the account does not go into a negative balance. |
| 6.7.4 Inactive self-excluded accounts fees | Perform tests to check that no fees are charged to inactive accounts which are self-excluded. |
| 6.7.5 Accounts Excluded by Licensees | Perform tests to check that fees cannot be charged to an account which has been excluded from playing by the Licensee. |
| 6.7.6 Account Balance | Check that an auto-updatable player’s account balance is displayed at all times together with the relevant currency that was selected by the player. |
| 6.7.7 Currency Symbol | Check that amounts displayed relating to deposits, withdrawals, wagers and winnings are quoted in the currency symbol that the player is playing with. |

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| 6.7.8 Gaming Transaction | Check that the following information is readily available to players: <ul style="list-style-type: none"> a. Gaming history; and b. Financial transaction history (including the total deposits, withdrawals, win/loss transactions and total net position). |
| 6.7.9 Player Funds Usage | Check that player funds can only be used by the Licensee to: <ul style="list-style-type: none"> a. Debit for a wager made by a player; b. Deduct any fees specified in the T&Cs; and c. Confiscate winnings or penalties in situations identified within the T&Cs. |
| 6.7.10 Commitment to the players | Check that player funds are remitted to players by no later than 5 working days. |
| 6.7.11 Withdrawal Restrictions | Check that withdrawal restrictions imposed on players comply with the following conditions: <ul style="list-style-type: none"> a. Restrictions are reasonable; b. Deposited money must not be subject to restrictions (unless there are AML concerns); c. Withdrawal limit imposed by the Licensee must not be less than €250 monthly and must be reasonable when taking into consideration the amount and time; d. Licensee shall not attempt to encourage players to cancel a withdrawal request once this has been made by a player; and e. Withdrawal restrictions must be specified in the T&Cs or a webpage. |
| 6.7.12 Additional Findings | List down any additional findings. |

6.8 Protection of Minors & Vulnerable People

| Name | Checks |
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| 6.8.1 Minors Prevention Policy | Determine whether the Licensee has policies/procedures in place to prevent minors from registering and playing. |
| 6.8.2 Legal Age Confirmation | Check that the Licensee requires players to affirm that they are of legal age before they register. |
| 6.8.3 Minors Prevention Controls | Check whether the Licensee has policies/procedures in place in order to prevent minors that manage to register from making further use of its gaming service and in order to return any deposited/wagers funds and confiscate all winnings. |
| 6.8.4 No Credit Services | Check that the Licensee is not offering credit/loan services to players. |
| 6.8.5 Additional Findings | List down any additional findings. |

6.9 Problem Gambling

| Name | Checks |
|-----------------------------------|---|
| 6.9.1 Problem Gambling | Indicate whether the Licensee is providing a feature to help players determine whether they have a gambling problem or not. |
| 6.9.2 Problem Gambling Detection | <p>Indicate whether the Licensee has analytical tools and/or behaviour monitoring systems in place to detect and identify players with problem gambling.</p> <p>Indicate whether procedures on the identification, detection, and actions to take with respect to problem gamblers are in place.</p> |
| 6.9.3 Problem Gambling Controls | Determine whether the Licensee is taking steps to prevent further harm when a player is identified with problem gambling. |
| 6.9.4 Responsible Gaming Training | <p>Indicate whether the Licensee is routinely providing responsible gaming training to the staff.</p> <p>Determine whether the staff is trained to look out for players demonstrating signs of agitation, distress, intimidation, aggression, and/or any other behaviour which may be a result of a gambling problem.</p> |

6.10 Player Exclusion

| Name | Checks |
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| 6.10.1 Problematic Gamblers Exclusion | Determine whether the Licensee is excluding players from all brands if a player is classified as a problematic gambler by the Licensee. |
| 6.10.2 Self-Exclusion | Determine whether the Licensee is providing an option for players to self-exclude themselves from playing for a definite or indefinite period of time. Self-exclusion shall apply for all games offered by the Licensee via the website/app in which the self-exclusion was initiated by the player. |
| 6.10.3 Increase Self-Exclusion | Check whether the Licensee is making the option of increasing any definite period of self-exclusion readily available to players. |
| 6.10.4 Decrease Self-Exclusion | Check that the duration of an exclusion can only be decreased upon request of the player. |

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| 6.10.5 Change to Self-Exclusion | <p>Check whether a notice by the player:</p> <ul style="list-style-type: none"> a. increasing the period of self-exclusion is effective immediately upon its receipt by the Licensee; b. decreasing a definite period of self-exclusion is effective only after the lapse of not less than 24 hours from the day in which the Licensee receives the notice; c. revoking an indefinite period of self-exclusion is effective only after the lapse of not less than 7 days from the day on which the Licensee receives the notice. |
| 6.10.6 Induce Players with Self-Exclusion | <p>Check that the Licensee does not attempt to induce a player who has requested self-exclusion to continue making use of its gaming activities.</p> |
| 6.10.7 Self-Exclusion for Non-Registered Users | <p>Check that non-registered users are presented with the right to request the Licensee to exclude them from future gaming activity.</p> <p>Additionally, check that in such cases, the Licensee has controls in place to reject registration requests of such users until the Licensee receives a request in writing/electric format asking for the exclusion to be ignored.</p> |
| 6.10.8 Self-exclusion Records Retention Period | <p>Check that records of self-exclusion are retained for the period of the self-exclusion plus further 6 months.</p> |
| 6.10.9 Additional Findings | <p>List down any additional findings.</p> |

6.11 Limits

| Name | Checks |
|-----------------------------|--|
| 6.11.1 Limits | <p>Determine whether the Licensee is offering the following limits to players:</p> <ul style="list-style-type: none"> a. Deposit Limit and/or Wagering Limit and/or Loss Limit; and b. Gaming session limit. |
| 6.11.2 Limits Setup | <p>Check that the Licensee is offering the players an option to set deposit/wagering/loss and gaming session limits either:</p> <ul style="list-style-type: none"> a. Upon registration; or b. Immediately after registration upon login. <p>Check that the limits remain readily available and easily accessible for the player to avail of at any time after registration.</p> |
| 6.11.3 Limits Applicability | <p>Check that such limits apply for all games offered by the Licensee within the same website.</p> |

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| | Check that the Licensee does not accept a wager from a player contrary to the limits set by the player. |
| 6.11.4 Limit Warning | Check that the Licensee notifies the player once a limit is reached. |
| 6.11.5 Limits Removal | Indicate whether limits can only be removed upon request of the relevant player or upon expiry of the set duration. |
| 6.11.6 Changes to limits | Check whether changes to limits honour the following conditions: <ul style="list-style-type: none"> a. Setting more stringent limits shall be effective immediately; and b. Setting less stringent/removing limits shall take effect after 24 hours from the day on which the licensee receives such notice. |
| 6.11.7 Additional Findings | List down any additional findings. |

6.12 Reality Checks

| Name | Checks |
|------------------------------------|---|
| 6.12.1 Automatic Reality Check | Check whether, for repetitive games of chance whose outcome is determined by an RNG, the Licensee is offering players the possibility to alert them at a certain intervals of time. These alerts shall: <ul style="list-style-type: none"> a. Suspend game play; b. Display the amount of time which the player has spent playing so far; c. Winnings and losses during the period of time; d. Requires the player to confirm that this message has been read; and e. Give an option to end the session or return to the game. |
| 6.12.2 Auto-play Exclusion Option | In cases where the Licensee is offering the option to exclude (from being displayed within the Reality Check) any amount of time during which the games were placed on auto-play, check that such option is disabled by default and that the player is required to actively choose to enable it. |
| 6.12.3 Reality Check Applicability | Perform tests and determine whether the Reality Check is shared between games of the same and different platforms. |
| 6.12.4 Additional Findings | List down any additional findings. |

6.13 Games

| Name | Checks |
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| 6.13.1 Unlicensed Games | By taking an appropriate sample of games and by inquiring with the Licensee, determine and indicate whether there are games being offered to players that are not covered by any gaming licence. |

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| <p>6.13.2 Aborted and Miscarried Games</p> | <p>Perform tests on a sample of games available to players to assess the procedure with respect to Aborted and Miscarried Games and to check its compliance with the following:</p> <ol style="list-style-type: none"> a. A player whose participation in a game is, after wagering, interrupted by a failure of the telecommunications system or a failure of the player’s computer system that prevents the player from continuing the game, to resume, on the restoration of the system, his or her participation in the game that was interrupted as at the time immediately before the interruption; b. If the gaming system does not enable a player to continue, after the restoration of the system, with a game interrupted by a failure of the telecommunications system or the player’s computer system, the System shall ensure that the game is terminated; c. If gaming system does not enable a player to continue, after the restoration of the system, with a game interrupted by a failure of the telecommunications system or the player’s computer system, the amount of the wager shall be refunded to the player; and d. If a game is started but miscarries because of a failure of the operating system, refund the wagered amount and any accrued credit either directly to his account or else in an approved manner. |
| <p>6.13.3 Real Clock Option</p> | <p>Check that full screen games display a real clock at all times and give the players the option to easily exit the game at all times.</p> |
| <p>6.13.4 Online Gambling</p> | <p>Check (through a sample of games) that a bet:</p> <ol style="list-style-type: none"> a. Cannot be placed after the start of the game (excluding in-play betting); and b. Cannot be deleted after a game has started (or after an agreed period of time). |

6.14 Type 2 Checks

| Name | Checks |
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| <p>6.14.1 Event Creation, Amendment, Closure and Cancellation</p> | <p>Observe an Event Creation, Amendment, Closure, and Cancellation. Check the correct functioning of the process by observing it from the point at which an event is identified, created, amended closed or cancelled.</p> |
| <p>6.14.2 Determination of Odds</p> | <p>Inquire the process by which odds are determined:</p> <ol style="list-style-type: none"> a. Reference to other sites; b. Employees knowledge and competence; c. Statistics. |
| <p>6.14.3 Real-time Information</p> | <p>Observe whether the system is able to produce real-time information that shows the total exposure at any point in time for each individual event.</p> |

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| 6.14.4 Odds Compilation | <p>Determine whether the system allows for the setting of exposure limit on the market for the setting of Odds Compilation.</p> <p>Determine whether the operator interfaces with Odds Provision Services or have other tools in place to analyse odds offered. Check that the system allows for the setting of exposure limit on a particular event / players through:</p> <ol style="list-style-type: none"> a. Maximum bet limit; and b. Maximum winning limit. |
| 6.14.5 Live betting/In-play Betting | Observe odds changing and updating of websites. Inquire the process and controls that are present within the system. |
| 6.14.6 Bet Settlement | <p>Observe the controls in place for results inputting: □</p> <p>Reference to other sites;</p> <ul style="list-style-type: none"> • Employees knowledge and competence; • Time lapse for the publishing and settlement of bets; and • Third party sourcing. |
| 6.14.7 Additional Findings | List down any additional findings. |

6.15 Type 3 Checks

| Name | Checks |
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| 6.15.1 Event Creation, Amendment, Closure, and Cancellation | For betting exchanges: Observe an Event Creation, Amendment, Closure, and Cancellation. Check the correct functioning of the process by observing it from the point at which an event is identified, created, amended closed or cancelled. |
| 6.15.2 Additional Findings | List down any additional findings. |

6.16 Type 4 Checks

| Name | Checks |
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| 6.16.1 Skill Games Compliance | By taking an adequate sample of controlled skilled games offered by the Licensee, check that such games offered are in line with any Controlled Skill Games Rulings and with the Sixth Schedule of the Authorisation Regulations. |

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| <p>6.16.2 Skill Games Rules</p> | <p>Determine whether the rules address the following items:</p> <ul style="list-style-type: none"> a. restrictions on play; b. entry fee and any other fees (including processing fees that may be incurred by the player); c. prize-pool; d. maximum wagers permitted; and e. total number of entries permitted per player. |
| <p>6.16.3 Information Retained</p> | <p>Check that the Gaming System is capable of recording the following information, for each tournament/contest:</p> <ul style="list-style-type: none"> a. the contest identifier; b. the opening and closing date and time of each tournament/contest; c. the identity of player(s) participating; d. the total number of entry fees paid, and an indication if the fee was paid or if bonus money was used; e. the timestamps for each entry; f. each player’s picks; g. any ulterior actions taken by the player, such as substitutions; h. the game status (whether in progress, complete, etc.); i. the points scored by each athlete, and in total by each player; j. the points accumulated by a player for a tournament/contest; k. the result of the game; l. the amount won by each player, and the Licensee's commission; m. any changes made by the operator to the game parameters or the game rules; n. any cancellation of tournament/contest; and o. any refunds or wagers cancelled. <p>Furthermore, in cases where the Licensee is able to classify players according to experience and in cases where the Licensee offers contests for specific levels only, check that it has a system in place to prevent players of different levels from entering such restricted contests.</p> |
| <p>6.16.4 Gaming History</p> | <p>Check that the following gaming history is readily available to the player on screen:</p> <ul style="list-style-type: none"> a. Entries (including athletes chosen) and points attributed; b. Placement; and c. Any monies won. |

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| 6.16.5 Additional Findings | List down any additional findings. |
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6.17 KYC

| Name | Checks |
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| 6.17.1 KYC Procedures | Obtain a copy of the KYC Procedures from the Licensee and determine whether the MGA has the latest copy. |
| 6.17.2 KYC Procedures Adherence | Analyse the KYC Procedures and determine whether the Licensee is observing and following these procedures. List down any discrepancies noted. |
| 6.17.3 Registration Data | Check that players are duly registered when the following information is collected: <ol style="list-style-type: none"> a. Date of birth; b. Identity (name and surname); c. Permanent residential address; and d. Valid e-mail address or other means of contacting the player by remote means (such as mobile phone). |
| 6.17.4 Player Registration | Perform a number of dummy registrations to check that: <ol style="list-style-type: none"> a. Players with identical main required details are not allowed to register (For this purpose, white space shall not be taken into consideration); b. The same e-mail (or other means of contacting the player by remote means) is not utilised twice; and c. That a player cannot play before the email address (or other means of contacting the player by remote means) is verified. |
| 6.17.5 Identity Verification Status | Check that the back-office is able to display the identity verification status (KYC) of each player. |
| 6.17.6 KYC Documentation | Check that the Licensee is keeping (or is able to quickly generate) a secure list of all registered players and a copy of all documents obtained in the process of conducting verification and due diligence. Check that such documents are stored in a secure manner. |
| 6.17.7 Player Due Diligence | Obtain a random sample of at least 30 players who cumulatively deposited €2,000 (or more), which value can be calculated either on a daily basis taking into account all deposits effected by a customer since the establishment of the business relationship; or on the basis of a rolling period of 180 days. Use this sample to determine and indicate how the Licensee carried out the due diligence. |

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| 6.17.8 Risk-Based Approach | <p>Indicate whether a risk-based profile is assigned to each player.</p> <p>Detail how risk rating is calculated and assigned to players.</p> <p>Provide details of how such profiles are managed/updated.</p> |
| 6.17.9 Sanctioned Countries | Indicate whether the Licensee is screening for players from sanctioned countries issued by Malta's Sanctions Monitoring Board. |
| 6.17.10 Enhanced Due Diligence | Check whether enhanced due diligence is carried out on high risk players. |
| 6.17.11 Politically Exposed Persons | Indicate whether the Licensee has controls in place to detect players who are Politically Exposed Persons (PEPs). Indicate whether enhanced due diligence is carried out on PEPs. |
| 6.17.12 Source of Wealth | Indicate whether the Licensee is requesting the source of wealth and source of funds for high risk profile players. |
| 6.17.13 Additional Findings | List down any additional findings. |

6.18 Funds Management

| Name | Checks |
|--|---|
| 6.18.1 Funds Management Procedures | Obtain a copy of the Funds Management Procedures from the Licensee and determine whether the MGA has the latest copy. |
| 6.18.2 Funds Management Procedures Adherence | Analyse the Funds Management Procedure and determine whether the Licensee is observing and following these procedures. List down any discrepancies noted. |
| 6.18.3 Sample of player deposits | Check that the system is able to flag a deposit, if the total accumulation of deposits equals or exceeds €2,000, which value can be calculated either on a daily basis taking into account all deposits effected by a customer since the establishment of the business relationship; or on the basis of a rolling period of 180 days. |
| 6.18.4 Same account withdrawal | Take a random sample of at least thirty (30) player withdrawals and check that, unless this was not possible, the Licensee remitted to the account where the funds originated from. For the cases where it was not possible for funds to be remitted to the same account, check whether the alternative destination was secure and that the Licensee has verified that it belongs to the same player. |

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| 6.18.5 Additional Findings | List down any additional findings. |
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6.19 AML

| Name | Checks |
|---------------------------------------|---|
| 6.19.1 AML Procedures | Obtain a copy of the AML Procedures from the Licensee and determine whether the MGA has the latest copy. |
| 6.19.2 AML Procedures Adherence | Analyse the AML Procedures and determine whether the Licensee is observing and following these procedures. List down any discrepancies noted. |
| 6.19.3 MLRO | Indicate whether the MLRO is directly employed with the Licensee or with the group company that is covered by an MGA’s Corporate Group Licence. |
| 6.19.4 MLRO Information Access | Indicate whether the MLRO has full and unlimited access to gaming and financial records. |
| 6.19.5 MLRO Fit and Proper | Indicate whether the MLRO is knowledgeable of the Licensee’s AML, KYC and Funds Management Procedures. Indicate whether the MLRO is registered with the FIAU. |
| 6.19.6 Money Laundering Detection | Determine if and how employees are engaged in detecting money laundering activities, and whether the MLRO is notified in cases where there is a suspicion of money laundering. |
| 6.19.7 Suspicions of Money Laundering | Inquire whether the MLRO has ever reported any suspicious money laundering activity to the FIAU via STR (Suspicious Transactional Report). |
| 6.19.8 Player Collusion | With respect to player collusion, when such activity is possible, determine whether the Licensee: <ul style="list-style-type: none"> a. is taking the necessary steps to prevent collusion between players (including the monitoring of any chat rooms and automated alarms in the case of suspicious activities, for example, when players constantly play against each other within the same tournaments, different players with the same IP address, or seemingly bearing some relation [common surname or geographic proximity] and other suspicious strategies); and b. has collusion monitoring in place. |

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| <p>6.19.9 Funds Transfer Between Players</p> | <p>Indicate whether the Licensee allows players to transfer funds between each other.</p> <p>If such feature is in place, obtain a copy of the procedure in place to prevent money laundering when such transfers occur. Determine whether the controls noted in the above procedure are actually in place.</p> <p>Indicate whether enhanced due diligence is being carried out on such players.</p> |
| <p>6.19.10 Closed Accounts</p> | <p>Check that players with closed accounts are not allowed to logon to the gaming system.</p> |
| <p>6.19.11 Cash Deposits/Withdrawals</p> | <p>Inquire whether there were any instances whereby cash deposits or withdrawals have been made for payouts. If so, identify the nature of this situation and include necessary details on the case(s).</p> |
| <p>6.19.12 Fraud Management Procedures</p> | <p>Check that fraud management procedures are in place and are being adhered to in order to understand:</p> <ul style="list-style-type: none"> a. What controls are in place; b. Whether IP addresses are stored; c. Whether a geo-location system is used; d. How potential duplicate players are identified; e. Same household / same IP restrictions; f. How 'same credit card but different player' situations are handled; g. How 'same player but different credit cards' situations are handled; and h. How consistency in IP location is checked. |
| <p>6.19.13 Additional Findings</p> | <p>List down any additional findings.</p> |

7 B2B Checks

| Name | Checks |
|---------------------------|---|
| 7.1.1 Websites Checks | Check whether Licensee's websites are: <ul style="list-style-type: none">a. Displaying a statement that they are licensed by the MGA;b. Displaying the MGA's licence number; andc. Clearly labelling products/services/material supply licenced or authorised by the MGA. |
| 7.1.2 B2B Consumers | Compile a list of B2C operators (who are not licenced by the MGA) that are consuming services offered by the Licensee. Obtain agreements/contracts for each operator identified. |
| 7.1.3 Additional Findings | List down any additional findings. |

