



May 11, 2021

Nevada Gaming Control Board - Regulation 5A, Operation of Interactive Gaming

Attention: Executive Secretary

Submitted by Seth Palansky, VP, Corporate Social Responsibility, Conscious Gaming via email to regcomments@gcb.nv.gov

Thank you for the opportunity to provide feedback on Nevada Regulation 5A, operation of interactive gaming. We will focus most of our feedback on 5A.130 Self Exclusion.

We appreciate the attention The Board has given the issue of interactive gaming self-exclusion and our comments are focused on strengthening these proposed requirements.

Section 5A.130 – Self-Exclusion.

The proposed amendments provide meaningful provisions for self-exclusion. We raise the following items to consider as you review your framework.

1. **Establishing and Maintaining a state-wide list for self-exclusion:** Technology can be a great equalizer in the digital environment, and those partaking in internet gaming will expect digital and modernized tools and a streamlined process without human intervention. With an online/mobile registration process for internet gaming before game play can commence, know your customer protocols are strengthened. This allows for self exclusion to be strengthened too. The Board may consider an online registration process for self-exclusion for its residents. For individuals who sign up digitally and play digitally, it only makes sense to them to seek out responsible gaming solutions digitally too. Technology exists today to properly KYC an individual before they sign up for self-exclusion, thus the entire process can occur via mobile/web sign-up without the need of in-person verification or notaries.
2. **Operator Policies and Procedures:** Cross-operator information-sharing is possible with today's technology -- in a manner that protects a consumer's identity and protects an operator's customer lists. The Board can explore some of the options that exist when setting up Nevada's self-exclusion scheme in order to aid operators' ability to gather information in a centralized manner, utilizing technology. This can make it easier for operators to comply and properly identify individuals so less mistakes occur and fewer lists are required.



a. **Maintaining a registry including name and address information:** The Board may consider both the Date of Birth (DOB) and Social Security Number (SSN) as part of the appropriate data collection records consumers must provide to ensure users can be uniquely identified with a low risk of collision. Systems that rely on mailing addresses, email addresses, IP addresses and phone numbers have all proven unreliable. Fuzzy logic is a real issue too (Rob Brown, Robert Brown, Bob Brown, Bobby Brown) that consistently shows gaps in existing self-exclusion programs and a 9-digit SSN solves the accuracy issue to help identify the right individual. This information can be tokenized inside a consumer's profile inside a database, and shared in a data privacy compliant manner across platforms and jurisdictions so that the proper self-excluded individual is effectively protected and it is handled with confidentiality. For any foreign players, substituting an SIN (Canada), an ITIN (International) or a Passport Number for an SSN is a suitable option too.

d. **Removal from self-exclusion by an individual who self-excluded, minimum 30 days after initiating exclusion:** The Board may consider individuals who sign up for self-exclusion be made aware during the sign up process their length of exclusion cannot be shortened once selected and is irrevocable, aligned with the NCPG's Internet Responsible Gaming Standards. If someone signs up for one year for example, we recommend they stay excluded for a minimum of one year without exception. The Board may also consider self exclusions remaining indefinite until the individual applies for reinstatement and only allow reinstatement after initial term length selected by the individual has been reached. This would be consistent with the NCPG's IRGS. Keeping the exclusion in effect until the individual chooses to have the exclusion lifted gives the individual the power to make the best choice for them and their circumstances.

Also worth considering a minimum self-exclusion time period be set at 6 months. This would align with the NCPG's IRGS too around exclusion length and also match the UK's interactive gaming minimum self-exclusion scheme. NCPG also recommends a lifetime option be among the options given consumers as well. We support this recommendation. Any exclusion length less than 6 months can be handled with operator time-based exclusion from gambling settings you address in Section [5A.120 item 4e](#).

4. **The Operator Shall Immediately Submit the Form Directly to the Board:** The Board can consider a central repository for self-exclusion sharing, which would allow a



multi-jurisdictional approach to self exclusion. Nevada is a frequent tourist destination and those who have enrolled in self-exclusion in another state may want to have their exclusion protected while in Nevada. The nature of the internet means the casino now travels with the patron, instead of the patron having to travel to the casino. As such, responsible gaming and exclusion programs should be modernized to address the accessible nature of interactive gaming. Technology exists whereby database holders can share their self-exclusions without providing any personally identifiable information and instead use tokenization. This will bring about the immediacy The Board references while remaining data compliant and allowing consumers the opportunity to extend protections across state lines if they so choose.

5. Removal from an exclusion list: We support The Board's efforts to utilize an online form to facilitate the removal from an exclusion list. Allowing an individual to reinstate themselves if they so choose should remain their choice and an online form and process is most sensible for interactive gaming. The Board may consider the timing of facilitating their reinstatement only occurring *after* their initial exclusion length has expired. This is in line with the NCPG's IRGS. For those who chose a lifetime option, they should remain ineligible for reinstatement and be made aware as part of the self-exclusion sign up process that this will be the case.

Other:

While not specifically self-exclusion, limits are an important consumer option for responsible gaming measures. The Board may consider facilitating a mechanism to share time-length limits (*cool downs or time-outs*) cross-operator. Technology exists today to do so seamlessly so a consumer looking to take a pause, can be stopped from interactive gaming no matter which operator the consumer chose to take a pause with initially. To truly protect the consumer, a 30-day cool down for example, can only be effective if the individual can stop their play across all operators for that duration. This can be facilitated within the same self-exclusion system you create.

We encourage The Board to set the standard for modernizing exclusions for interactive gaming. Take advantage of the all-digital environment to bring voluntary (self-exclusion) and involuntary (employee and regulator policies) exclusions inside one system. Much like self-exclusion, there can be a central system that captures individuals who are not eligible to participate in interactive gaming due to their "insider" status. Information sharing among



all operators and regulators in a way that is both seamless and compliant with data privacy laws / standards is possible today. Such a system will be necessary for interactive sports wagering to ensure that coaches, players, referees or any individual whose participation may undermine the integrity of the wagering or sports event. It also is a great way to manage operator and regulator employees who are restricted from participating in this activity.

Thank you for accepting our comments. We would be happy to address any questions you may have about the role technology can play to support Nevada's responsible gaming measures for the regulated interactive gaming industry.

Conscious Gaming is a philanthropic organization based in Nevada dedicated to leveraging technology tools and solutions to propel social responsibility initiatives, such as responsible gaming for the interactive online gaming industry. Our guiding principle is to ensure that consumers have readily available technology to strengthen responsible gaming. If a consumer would like to take a break or pause in their online play, they should be able to do so seamlessly and effectively. You can learn more about Conscious Gaming by visiting: www.consciousgaming.org