

The background of the cover is a composite image. On the left, there is a vertical strip showing a modern skyscraper at night. The rest of the background is a wide-angle, high-angle shot of a city at night, with numerous lit-up buildings and streets. In the foreground, a person's arms and hands are visible, wearing a white long-sleeved shirt, with their hands raised as if holding or presenting something. The overall color palette is dominated by blues, purples, and whites from the city lights and the shirt, with a prominent red shape at the bottom.

GRA









GIBRALTAR REGULATORY
AUTHORITY

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REGULATORY
AUTHORITY

**ANNUAL
REPORT
2019/2020**

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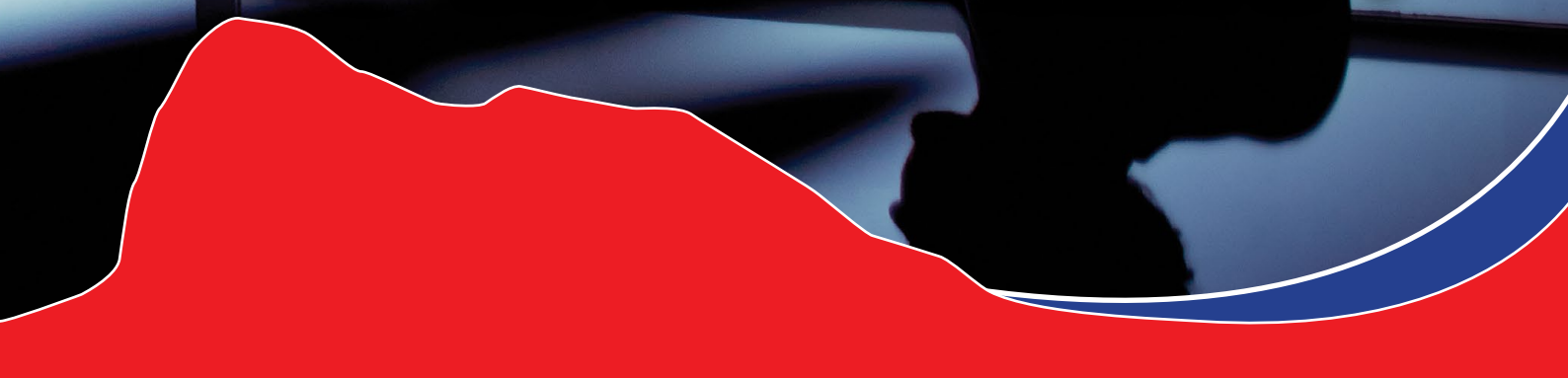
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CEO STATEMENT



Introduction

This Annual Report of the Gibraltar Regulatory Authority (the “GRA”) is prepared in accordance with section 19(1) of the Gibraltar Regulatory Authority Act 2000 and covers the period 1st April 2019 to 31st March 2020.

Gibraltar Regulatory Authority Act 2000

In accordance with section 3 of the Gibraltar Regulatory Authority Act 2000, the Board consists of the GRA’s Chief Executive Officer and the Deputy Chief Executive Officer, and three appointed members, namely Mr Anthony Provasoli, Mr Kieran Power and Mr Francis Lopez.

Organisation and Staffing

The GRA has a total staff of twenty-seven and is divided into Divisions, each with their own structure and responsibilities. The work carried out by the Divisions is briefly summarised below.

Electronic Communications

The Electronic Communications Division is tasked with regulating, supervising and enforcing compliance with conditions and specific obligations imposed upon providers of electronic communications networks and/or services. During this reporting period, there has been a wide range of electronic communications services from a number of authorised providers, and at a variety of price points, ranging from high value multi-service bundles, to premium ultra-high-speed symmetrical broadband offerings. The effects of competition are now being felt more than ever and as a result, the local electronic communications sector has shown further signs of improvement and innovation.

The Division continues to collect statistical data from authorised providers on a quarterly basis. Although an onerous undertaking, the Division is grateful for the cooperation it has once again received from the providers. This exercise provides the Division with an unprecedented insight of the local market and is, therefore, uniquely placed to react to market developments in a more efficient manner than ever before. The Division notes a positive shift this last reporting period as the providers familiarise themselves with the process of submitting data.

Last year it was reported that GibFibre Ltd (“GibFibre”) had appealed a decision of the GRA in the Supreme Court and that in November 2018, the judge had upheld the GRA’s submission that it did not have the powers in law to assist GibFibre in the manner it was requesting. Subsequently, GibFibre appealed the matter to the Court of Appeal in March 2019. In April 2019, the Court of Appeal agreed with GibFibre’s submission and concluded that the GRA did in fact have the relevant powers required to compel GIBtelecom to grant access to the data centre. The GRA is currently considering whether to appeal the matter to the Privy Council, in order to seek clarification on this point of law.

It was also reported last year that in February 2019, GibFibre had referred a dispute to the GRA for resolution. The matter revolved around GibFibre’s request to access GIBtelecom’s wholesale leased lines in order to access customers located inside a datacentre. In July 2019, the GRA found in favour of GibFibre, stating that GIBtelecom was in fact, obliged to provide wholesale leased lines to GibFibre, pursuant to its SMP obligations as imposed by the GRA. GIBtelecom has appealed the matter and this is now pending resolution in the Supreme Court of Gibraltar.

The Division will continue supervising and monitoring the electronic communications markets in accordance with its functions and objectives and improve its regulatory oversight to the benefit of consumers.

Spectrum and Operations

The Spectrum and Operations Division incorporates internal operations as well as being responsible for all matters relating to the electro-magnetic spectrum, radiocommunications, satellite and international coordination. The Division is responsible for administering the regulatory provision of the satellite services industry and represents the Gibraltar-based operator SES Satellites (Gibraltar) Ltd at international meetings and forums.

As part of its remit under Part VI of the Communications Act 2006, the GRA is responsible for the management and control of the electro-magnetic spectrum. Amongst its duties, the Division carries out regular site inspections of sites known to emit radio waves, with a view to ensuring they operate within recognised safe guidelines. This Division is also responsible for the management and allocation of frequencies, which extends to those used by mobile operators for the

provision of mobile voice and data services.

Information Rights

The GRA's Information Rights Division regulates data protection and will regulate freedom of information when the relevant legislation is commenced.

The Data Protection Act 2004 (the "DPA") alongside the EU General Data Protection Regulation 2016/679 (the "GDPR"), provide a comprehensive and modern framework for data protection in Gibraltar. The legislation includes a set of principles that organisations including public bodies and businesses have to adhere to, as well as a series of rights for citizens over their personal information.

The onset of the GDPR has been pivotal in public awareness of data protection rights and the increased number of concerns raised reflects this. The Division has responded to public concerns and progressed its work in the provision of guidance to organisations alongside awareness raising activities aimed at the general public. The provision of guidance and engagement with organisations included the organisation of periodic workshops for Data Protection Officers and the publication of guidance notes and quarterly e-newsletters. The Division continues to work on preparations for Brexit, on the basis that irrespective of Gibraltar's membership of the EU, there will not be any substantive changes to data protection law in Gibraltar as Her Majesty's Government of Gibraltar is committed to continue to ensure that Gibraltar applies the highest standards of data protection.

In the area of international cooperation and participation, of particular significance was the extension of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data ("Convention 108") to Gibraltar, which entered into force on 1st November 2019. Convention 108 is, to this day, the only global legally binding agreement on data protection law.

Awareness raising amongst the general public was primarily conducted under the "Control Your Privacy" campaign, which includes events in schools, social media campaigns, data protection surveys and public events such as a day in town.

Further to the expansion of the Division's responsibilities as a result of the introduction of the GDPR and transposition of the Law Enforcement Directive 2016/680 into Gibraltar law under the DPA, the Division has experienced an increase in the number of complaints, queries and/or other

notifications. These developments brought about a significant increase in the data protection work and responsibilities managed by the Division. As a result, the Division has grown its data protection team and also reviewed its internal procedures to improve, in both efficiency and effectiveness, the handling of enquiries, complaints, notifications and other responsibilities.

Broadcasting

The role and duties that govern the Broadcasting Division are contained in the Broadcasting Act 2012. The Division's main responsibilities are to grant licences and enforce the conditions set on licensees, to regulate matters on broadcasting standards, to issue codes of practice and to encourage the promotion of media literacy.

The Division's responsibilities also include the issuing of codes of practice and for providing guidance to consumers and other users of the broadcasting services in Gibraltar. The Division has continued this year with pursuing the Media Literacy Awareness Campaign and has once again delivered presentations to both comprehensive schools.

Postal Services

The Postal Services Division of the GRA has responsibility for regulating the postal services sector in Gibraltar in accordance with the Post Office Act (the "Act") and the Postal Services (Authorisation) Regulations 2012.

The GRA's statutory objective is to promote competition within the local postal services sector, which is a fully liberalised market, whilst also securing the provision of a competitive universal postal service at an affordable price for all users in Gibraltar. This is all achieved by facilitating market entry through a system of authorisations and licences.

The Division also issues guidance and recommendations to all postal service providers in order to ensure compliance with the requirements of the Act, whilst simultaneously ensuring the rights of users are upheld.

Higher Education Regulation

The Higher Education Regulation Division was set up to enable the GRA to comply with Part 11 of the University of Gibraltar Act 2015 (the "Act").

The Act gave powers to the Minister for Education to designate a quality assurance authority to be known as the Gibraltar Authority for Standards in Higher Education and also to designate a regulatory authority to be known as the Gibraltar Higher Education Commission.

On 31st May 2018, the University of Gibraltar (Regulation and Accountability) Regulations 2018 were commenced and the GRA was designated as both the Gibraltar Higher Education Commission, and the Gibraltar Authority for Standards in Higher Education.

Cyber Security Compliance

In 2018, the Civil Contingencies Act 2007 (the "Act") was amended to include the requirements of Directive 2016/1148 on the security of network and information systems across the EU (the "NIS Directive").

The NIS Directive was required to improve national cybersecurity capabilities of essential services throughout the EU, to build cooperation and promote a culture of risk management and incident reporting among Member States.

The GRA was designated in Part 7 of the Act as the competent authority for the security of network and information systems in respect of operators of essential services and Digital Service Providers.

Additionally, the GRA was designated by the Act as the single point of contact for Gibraltar.

Revenue and Expenditure

During the 2019/20 financial year, the total collected was £2,452,828.68 which was paid into the Consolidated Fund. This compares to expenditure (calculated on a cash basis), for all of the Authority's divisions of £2,330,012.69.





ELECTRONIC COMMUNICATIONS



Introduction

The Communications Act 2006 (“the Act”) sets out, among other things, the general functions of the GRA as regards electronic communications. The Electronic Communications Division (“the Division”) is tasked with regulating, supervising and enforcing compliance with conditions and specific obligations imposed upon providers of electronic communications networks and/or services. Furthermore, any measures it takes must be carried out in such a manner which are proportionate and reasonable, while taking into account the objectives as set out in Section 19 of the Act.

During this reporting period, there has been a wide range of electronic communications services from a number of authorised providers and at a variety of price points, ranging from high value multi-service bundles, to premium ultra-high-speed symmetrical broadband offerings. The effects of competition are now being felt more than ever and as the local electronic communications sector has shown further signs of improvement and innovation, it seems that providers have committed to providing top tier services to their customers, with overall broadband speeds increasing once again during this reporting period.

The Division took time to consider which areas of its operations it should develop in order to improve the effectiveness of its interactions with the general public and consumers of electronic communications services in general. These included the development of complaints and disputes procedures, publication of a voluntary code of practice, the development of regular informal meetings with operators, and the improved efficiency in data collection.

The Division handles complaints and is able to resolve disputes for consumers. Consequently, the relevant procedures were further developed and improved in order to facilitate and promote the submission of genuine concerns expressed by users of communications services. A section dedicated to complaints and disputes was published on the GRA website, together with advice and recommendations on how to contact the Division. The relevant forms are now public and anyone wishing to request assistance from the Division should adhere to these procedures.

One of the objectives of the Division is to promote competition and the interests of users in Gibraltar. With respect to the latter, the Division promotes

the provision of clear information, in particular, requiring transparency of tariffs and conditions for using publicly available electronic communications services.

Consequently, the Division worked together with the local providers in order to develop a Telephony and Broadband Voluntary Code of Practice as an appropriate self-regulatory measure. The main objective of the Code is to increase the overall standard and transparency of information available to customers and help them make more informed choices of the products offered.

Maintaining a good working relationship with authorised providers is crucial to better understanding their processes and advising them on their regulatory responsibilities. Although work on this will carry on beyond 2020, the Division has implemented procedures which have proved to be fruitful. It has established a series of scheduled meetings providing authorised providers with an informal setting, in which they may raise any matter which they think might be relevant to discuss. At the same time, the Division will be using these meetings to discover if they have a role to play in the authorised provider’s future plans and identify any potential issues that might arise from these, in particular as Brexit comes into effect.

The Division continues to collect statistical data from authorised providers on a quarterly basis. Although an onerous undertaking, the Division is grateful for the cooperation it has once again received from the providers. This exercise provides the Division with an unprecedented insight into the local market and is, therefore, uniquely placed to react to market developments in a more efficient manner than ever before. The Division notes a positive shift this last reporting period as the providers familiarise themselves with the process of submitting data.

The Division will continue supervising and monitoring the electronic communications markets in accordance with its functions and objectives and improve its regulatory oversight to the benefit of consumers.

International Participation

i. **Communications Policy and Regulation (CPR) Week, Annual Conference and International Regulator's Forum (IRF), International Institute of Communications (IIC), London, October 2019.**

Two staff members of the Division attended the CPR week hosted by Ofcom in London. The IIC was celebrating its 50th anniversary and it proved to be a special event. The week's events were represented by regulators, operators, government organisations and other technology, media and telecommunications professionals from all over the world. Big questions were debated around six core themes namely, innovation and investment, governance, content futures, competition policy, spectrum allocation and safety, privacy and security.

The IRF included discussions revolving around re-designing regulation for the global digital ecosystem and the regulator's role in facilitating digital literacy in a democratic world.

The annual conference touched upon important matters such as how the communications world had evolved immensely and the positive socio-economic effects it had created to the benefit of consumers and society as a whole. The development of artificial intelligence and machine learning were considered as key aspects of a digital economy as powered by powerful and far reaching communications networks and so-called smart cities.

Key note presentations were also delivered on subjects such as content and online video in a post-convergence world and the changing role of public service broadcasters and pluralism in a new digital environment.

The conference culminated with breakout sessions on disinformation and fake news, exploring innovative methods of inclusion in unserved markets and cybersecurity and the Internet of Things in a data economy.

ii. **Small Nations Regulatory Forum (SNRF), London, October 2019**

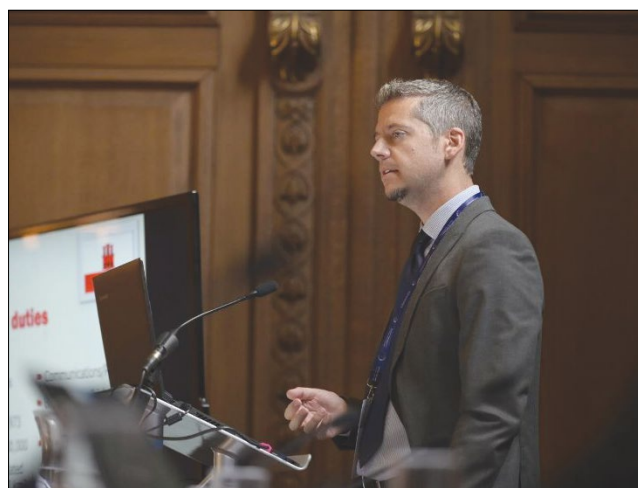
The Division had the privilege of chairing the SNRF at the IIC's 50th anniversary, and therefore participated

in most of the sessions. The GRA's CEO and the Division's Head of Communications, together with delegates from Jamaica, Cayman Islands, Bermuda, Falklands and Trinidad and Tobago amongst others, gathered to discuss vital issues affecting smaller jurisdictions, such as the burden of regulating under a European framework and the challenges of maintaining essential communications links with the outside world in hurricane prone areas such as the Caribbean.

It was agreed that the challenges small regulators face are as unique and diverse as the jurisdictions they regulate. When designing and implementing their own regulatory packages, many small jurisdictions adopt or rely upon the statutes and regulations of larger economies. However, communications markets and the unique characteristics present in small countries require alternate methods of regulation where the conditions of competition vary significantly to that of larger economies. Definition of these special features and the creation of telecoms frameworks which are simple and relevant were also discussed in an open and interactive manner.

Privacy was also an important agenda item which saw the Cypriot regulator engage in interesting discussions with his Liechtenstein counterpart on how to protect and handle personal information, the potential drawbacks to our privacy and human rights and what role institutions have in assessing and enforcing compliance with data protection legislation. This session was chaired by the GRA's CEO, who was able to provide his views and expertise on the matters discussed together with vital information of how the GRA had adopted its role as regulator in the fields of Data Protection and Information Rights.

The meeting concluded with the handing over the chairmanship of the SNRF to the Liechtenstein regulator who will be actively engaged with the IIC for the following year.



Regulatory Matters

i. GibFibre Appeal to GRA Decision in Respect of Access to Gibtelecom Data Centre

The matter dates back to 2016 when GibFibre Ltd (“GibFibre”), had sought to access a data centre located at Mount Pleasant and belonging to Gibtelecom. The operators were unable to reach an agreement, namely as a result of Gibtelecom’s refusal to allow GibFibre to access its data centre. GibFibre had sought to be granted access to install its own equipment at the data centre and provide its telecommunications services to entities hosted at the data centre.

GibFibre sought the assistance of the GRA, requesting it to exercise certain statutory powers to compel Gibtelecom to enter into the agreement and allow access, or at least to enter into negotiations in good faith to try to agree access, to Gibtelecom’s data centre. After conducting an investigation and following attempts to persuade Gibtelecom to provide access, the GRA initiated regulatory enforcement proceedings against Gibtelecom. In June 2016, the GRA directed Gibtelecom to allow GibFibre to access the data centre, and warned of further action if Gibtelecom did not allow the access sought. Gibtelecom declined arguing that the GRA was exceeding its powers in seeking to compel it to permit the access sought. The GRA reconsidered the scope of its powers in light of Gibtelecom’s submissions and legal advice received, and concluded that Gibtelecom was correct. It gave its reasons for reaching that conclusion in February 2017.

GibFibre appealed the GRA’s decision in the Supreme Court. In November 2018, the judge upheld the GRA’s submission that it did not have the powers in law to assist GibFibre in the manner it was requesting. Subsequently, GibFibre appealed the matter to the Court of Appeal. In April 2019, the Court of Appeal agreed with GibFibre’s submission and concluded that the GRA did in fact, have the relevant powers required to compel Gibtelecom to grant access to the data centre.

At the time of writing, the GRA was considering appealing the matter to the Privy Council.

ii. Accounting Separation Reports (“ASRs”)

Gibtelecom has been designated as having significant market power (“SMP”) in various electronic

communications markets, and consequently is subject to obligations of accounting separation, cost accounting and non-discrimination amongst others. As one of its obligations, Gibtelecom has to submit an audited ASR every year and this is revised by the Division in order to ascertain valuable information on Gibtelecom’s different businesses. The ASR includes a breakdown of the electronic communications markets in which Gibtelecom is dominant, and includes accounting documents, attribution methodology documents and regulatory financial statements.

The deadline for the submission of the audited 2017 ASR was 30th September 2018 as per Gibtelecom’s obligations. The Division however, upon request from Gibtelecom, agreed to extend this deadline to 31st May 2019. Gibtelecom advised the Division on 28th May 2019 that the audited ASR would not be submitted by the deadline as the audit of the statutory accounts was not complete, amongst other issues. An indication was then provided that the audited report was going to be submitted by end of July 2019.

The Division considered this to be a serious issue especially when taking into account Gibtelecom’s SMP obligations. Fully audited and compliant ASR’s provide vital information on Gibtelecom’s businesses and facilitate accurate decision making when assessing financial data and considering regulatory action.

The Division issued a Notice to Gibtelecom on 31st May 2019 in response to which Gibtelecom was allowed to make representations and take all the necessary action to submit a fully audited ASR containing 2017 figures. On 7th June 2019, Gibtelecom explained that it would not be able to meet the deadline and comply with its obligations. As a result, on 18th June 2019, under the provisions of Section 10B of the Communications Act 2006 (the “Act”), the Division imposed a penalty on Gibtelecom of £12,000. The penalty was settled accordingly however, Gibtelecom was also liable for a daily default fine until final submission of a fully audited ASR. Gibtelecom submitted a fully audited ASR containing 2017 figures on 22nd October 2019 thereby incurring an additional fine of £3,360.

In relation to the 2018 ASR, Gibtelecom advised the Division that it was unable to submit the audited 2018 ASR by the deadline of 30th September 2019, as Gibtelecom had experienced delays with the audit of its 2016 and 2017 statutory accounts. As a result, the Division agreed to grant an extension of the deadline to 13th January 2020.

A Notice was issued to Gibtelecom under Section 10A of the Act on 17th January 2020 which required Gibtelecom to submit the audited ASR 2018 by the 31st January 2020. In a letter dated 24th January 2020, Gibtelecom requested a further extension to 12th February 2020 to which the Division agreed to.

Gibtelecom submitted a fully audited 2018 ASR on 12th February 2020.

iii. Voluntary Code of Practice

One of the objectives of the Division is to promote the provision of clear information, in particular requiring transparency of tariffs and conditions for using publicly available electronic communications services, to promote the ability of customers to access applications and services of their choice and ensure a high level of protection for customers in their dealings with authorised providers.

The Division may have further regard to the principles of transparency, accountability, proportionality, consistency and predictability when considering regulatory intervention and any other principles appearing to represent best regulatory practice, including any effective forms of self-regulation. Moreover, the opinions of customers in the relevant markets and members of the general public are taken into account when considering regulatory activities.

In order to improve the overall standard of information available to the community, the Division collaborated with authorised providers in order to develop and introduce a Telephony and Broadband Services Voluntary Code of Practice ("the Code"). The Code will apply to all authorised providers who sign up and which provide fixed telephony, mobile telephony and broadband services, or any combination of these. Signatories will demonstrate the voluntary commitment to provide transparent, easily understandable and accurate information to their customers in relation to the relevant services.

Under its six principles, the information includes, but is not limited to, advice on contracts, terms and conditions, bundles and tariffs, broadband speeds and how to resolve issues that may arise from time to time. Information is also provided regarding mobile roaming and data usage while abroad and what procedures a provider should follow in certain circumstances, such as when customers request to amend or remove their default mobile data financial or volume limits.

The Division will maintain a list of all signatories to the Code, which will be published on the GRA's website

and updated as and when the list of signatories changes. The list of signatories will also be published from time to time, on social media, to keep customers regularly updated and informed as to which provider has committed to follow and abide by the Code and its principles. Authorised providers who breach the Code will not be granted the status of signatory until such time as they make all necessary changes to remedy their breach and are deemed compliant.

The operation and application of the Code will therefore continue to be subject to review by the Division, in consultation with the signatories and other relevant stakeholders if appropriate. Consequently, the Division will ensure the Code continues to serve the interests of citizens and customers so that any new developments within the market can be reflected in the Code. The Division may also consider the introduction of formal regulation if this measure does not satisfactorily address any issues relating to the signing up and continued use of telephony and broadband services. The spirit of the Code, the voluntary will and commitment by the authorised provider to making self-regulation work, not just to the letter, is an essential element to its success. Their fullest cooperation with the Division also forms part of the spirit of the Code.

iv. Directory Enquiry Information

Gibtelecom is tasked with the provision of directory enquiry services and directories as part of its Universal Service Obligations and sub-contracts part of this responsibility to Herold Mediatel Ltd who are the publishers of the Gibraltar Telephone Directory. One of its obligations require Gibtelecom to include all telephony subscribers in the directory who have not exercised their right to refuse inclusion. Alternative operators must also provide information on their subscribers and submit to Gibtelecom for inclusion in the directory and their directory information database.

On 8th June 2019, the Division was informed by Gibtelecom that GibFibre did not wish its business and residential telephony subscribers to be included in the 2019/2020 Gibraltar Telephone Directory. Evidence was provided by Gibtelecom in the form of email correspondence.

The information provided confirmed that Gibtelecom had contacted GibFibre and requested the relevant directory information in a specific format for it to be included in a draft edition of the Gibraltar Telephone Directory for public review. GibFibre replied by explaining that they did not wish to include their

subscribers' numbers in this year's directory listings but were aiming at having their subscribers' details ready for the 2020/2021 directory listing.

On 13th June 2019, the Division contacted GibFibre seeking further clarification of the matter in question whilst emphasising the fact that this decision seemed to be across the board for all subscribers and not simply those who had exercised their right to refuse inclusion of their data in the directory. GibFibre responded and explained that due to technical problems, they were unable to distinguish between subscribers who had opted-out of having their details published in the directory and those who wished to be included. However, GibFibre were working to resolve the issue as a matter of urgency. On 2nd July 2019, Gibtelecom confirmed that it had received the necessary information from GibFibre just in time for it to be included in the 2019/2020 telephone directory.

On 11th July 2019, the Division issued a Notice to both Gibtelecom and GibFibre, requiring certain detailed information in respect of the submission and exchange of directory information in order to ascertain if each operator was complying with its legal obligations. In addition to the Universal Service Obligation imposed on Gibtelecom, each operator was reminded of their regulatory obligations relating to the provision of directory information, operator assistance and directory enquiry facilities. As a result of the Notice, both operators have made the necessary changes to minimise the likelihood of this situation re-occurring in the future.

v. Quarterly Meetings with Authorised Operators

The Division often holds ad-hoc meetings with authorised operators on a formal basis to discuss any number of matters which either, the Division or the operator may have. These meetings tend to focus solely on the topic for which the meetings are scheduled and are held in a regulatory context which dictates the direction and the focus of those meetings.

In January 2020, the Division decided that it may also be mutually beneficial to meet with operators, should they wish do so, on a quarterly basis and allow them the opportunity to air any general concerns or thoughts they may have and more importantly to encourage them to speak freely and on a without prejudice basis of any potential issues. Each of the operators were given the opportunity to respond to this proposal and provide their views as to whether

they believed it would be a worthwhile exercise or not and if they wished to take part.

Each of the operators responded positively to this initiative and consequently, the Division initiated the quarterly meetings in February 2020. During these, underlying issues were brought to light. Some of these will warrant further investigation and regulatory intervention and others have simply served to shed light on technological changes and commercial decisions made by operators within the electronic communications market.

vi. Designation of Universal Service Provider

The Universal Service Obligations aim to ensure that basic electronic communications services, which are essential to social and economic inclusion, are available to consumers on reasonable request and at an affordable price.

To this end, the Universal Service Review is an exercise that is now carried out by the Division on an annual basis in order to ensure that any obligations imposed are in keeping with the ever changing technologies used within the local market and are also representative of the products and services currently available to consumers.

In 2019, the Division embarked on a public consultation in order to review any possible changes which may affect the Universal Service Obligations and designated providers. As such, public consultation C01/19 was published on 15th July 2019 and allowed interested parties an opportunity to provide comments in respect of the Division's proposals.

The Division received comments from two operators, Gibtelecom and GibFibre, who both broadly accepted the Division's position on the designations proposed. After considering the comments, the Division issued Decision Notice C04/19 on the 13th September 2019 which designated Gibtelecom as Universal Service Provider for a further year ending on the 30th September 2020.

The minimum set of Universal Service Obligations which shall be provided by Gibtelecom include the following:

- provision of access at a fixed location;
- provision of telephone services;
- directory enquiry services and directories;
- public pay telephones;
- measures for disabled users; and

- affordability of tariffs for universal services.

One item that was under significant review during this period was that of the minimum broadband download speed for functional internet access which is currently 16Mbps, as stipulated in Decision Notice C03/18. The Division acknowledges the fact that there are many existing Gibtelecom customers who are still on a 16Mbps package, but also takes note that this is no longer available to new customers. That said, the minimum residential broadband package now available to all new customers in Gibraltar is currently the 20Mbps download package offered by GibFibre.

Given the above, the Division was of the view that the minimum broadband data rate should continue to be set at 16Mbps as this is still sufficient for consumers to browse websites without significant delay, download large files and stream high quality content without major disruptions.

vii. Complaints and Disputes

The Division set out to devise a plan to further develop its engagement and general relationship with electronic communications consumers in Gibraltar. One of the initiatives identified by the Division was to foster and facilitate communication between consumers and the Division, in particular for the purpose of submitting complaints and requests for resolution of disputes.

It is widely known that there is no shortage of consumer complaints on social media forums, however, in the last few years only a handful have been directed to the Division for investigating or resolving. Having an accessible means for submitting these is crucial to help consumers resolve any issues they may be encountering with their service provider.

Consequently, the Division developed and published a new consumer complaints and disputes section on the GRA website during the latter part of 2019 and has since issued various social media posts alerting the public to the new facility, including information on how to submit the necessary information in the event of a consumer complaint or dispute. Although only a handful of submissions have since been received, this represents a marked improvement over what the Division is accustomed to and it is hoped that in time, more of the issues seen on the social media forums are instead directed to the Division and are subsequently, promptly and properly resolved.

Following the consumer complaints and disputes exercise, the Division also sought to revamp the

same measures available to authorised providers. In an effort to simplify and streamline the process for submitting complaints and disputes, the Division held meetings with the authorised providers in order to clarify its procedures and explain the submission requirements necessary for complaints and disputes to be considered.

viii. "629" Mobile number withdrawal

The Division is also responsible for the administration of the Gibraltar Numbering Plan. The plan is published on the GRA website and contains a detailed list of Gibraltar's national telephony number ranges allocated to authorised providers for various purposes. Among these numbers are the mobile telephony and fixed telephony number ranges.

Eazi Telecom Ltd (Trading as Limba), is an authorised mobile service provider and upon commencing its provision of services, was allocated numbers in the "629xxxxx" number range. However, in February 2019 the company ceased the provision of its mobile services to its customers. As a result, a portion of those Limba customers relinquished their numbers and purchased mobile services from the only other available mobile service provider, Gibtelecom, thereby attaining a number in the "5" number range. Other subscribers decided to make use of the number portability facility and kept their existing "629xxxxx" Limba number when switching their services to Gibtelecom.

For the latter, this meant that given the issues that Limba was facing at the time, these customers were still experiencing telephony and text message routing issues in relation to the "629xxxxx" numbers. Consequently, customers using these numbers were not able to fully utilise their mobile services as those using the "5" number range provided by Gibtelecom. Therefore, in order to ensure that these issues were remedied, in September 2019, the Division announced that the "629xxxxx" number range would be withdrawn on 13th March 2020 and that any mobile customers holding a "629xxxxx" number past the withdrawal date would likely experience service downtime until such time as they switch to a fully functioning active mobile number.

ix. Access dispute between GibFibre and Gibtelecom

In the 2018/2019 annual report, the Division reported that it had received a request to resolve a dispute between GibFibre and Gibtelecom regarding

GibFibre's request to access Gibtelecom's wholesale leased lines located inside its Mount Pleasant premises, including access to customers located inside the Rockolo Ltd datacentre (Rockolo is a wholly owned subsidiary of Gibtelecom). It was important to note that Gibtelecom had previously been imposed with SMP obligations in this wholesale market, which required it to, among other things, "...meet reasonable requests for access to, and use of, specific network elements and associated facilities...".

Under its own dispute handling procedures, the Division first accepted the request to resolve the dispute and then shortly after followed up with publishing a statement establishing the scope of the dispute based on the information it had received so far. The Division then set out to investigate the matter and requested information from both parties concerned in order to draft its determination.

In order to establish the full facts surrounding the case and in particular, how the Rockolo datacentre functions and its relationship with Gibtelecom, the Division requested a site visit to the Rockolo datacentre.

On 12th April 2019, two members of the Division carried out a site visit to the datacentre.

The main focus of the visit was to obtain a better understanding of not just the physical set-up and infrastructure of the data centre, but more importantly its interaction with Gibtelecom and how the services are provided to various customers hosted within. Other points of interest related to the ownership of elements in the supply of these services, for example where Gibtelecom's assets end and Rockolo's begin. The Division also sought clarity on the operational and administrative steps taken when Rockolo grants a customer access to services from a specific service provider.

The Division set out to make its determination on the dispute and before doing so, shared a draft determination in order to allow the parties concerned an opportunity to present their arguments. Taking the utmost account of the comments, the Division issued its Determination on 16th July 2019 in which the following was established:

"The [SMP] obligations extend as far as to oblige Gibtelecom to provide a wholesale leased line to GibFibre from a point outside of the datacentre to a point within the datacentre which forms part of Gibtelecom's network, or is capable of forming part of Gibtelecom's network, including to the extent that such a point is under the control or ownership of Rockolo, or is Rockolo's responsibility to provide".

The matter was appealed by Gibtelecom and is now being pending resolution in the Supreme Court of Gibraltar.

x. Annual Data Gathering Recap and Update

The Division has continued to collect quarterly statistics as it has been doing for four years and the exercise continues to provide a clear view of the various electronic communications markets in Gibraltar. Given the extensive statistical data now available to it, the Division is uniquely positioned to identify market trends observed over time and has found that it has noticed various interesting trends develop within the statistics collected.

Since the relatively significant changes carried out in 2018, the overall structure of the data request remains unchanged, with the exception of occasional minor tweaks, all carried out in conjunction with the authorised providers to ensure that any changes proposed do not cause any problems at the time of collecting statistics. The collection of statistics continues to be an ongoing effort to be as accurate as possible, however, the providers have now become very familiar with the process and cooperation encountered has been exceptional.

xi. Mobile Infrastructure Sharing

The sharing of mobile network infrastructure is an established feature of many European mobile markets. Mobile infrastructure sharing describes the process by which authorised providers share infrastructure to deliver mobile services to customers. Sharing exists in a variety of different forms and generally come about either as a result of commercial negotiation or as a result of regulatory intervention.

In appropriate circumstances and subject to market context where they comply with electronic communications legislation, network sharing agreements can bring benefits to customers. The objective, therefore, is to facilitate the enhancement of mobile connectivity, whilst promoting competition and protecting consumers.

The Division has recently conducted a consultation on licensing mobile communications networks including 5G communications services. The introduction of 5G technology is particularly suited to the provision of exceptionally faster mobile data services and improved quality of service, meaning that broadband delivered over a mobile network could be as fast as that delivered over a

fixed network. Given that 5G mobile networks use higher frequency bands, the number of small cells and base stations may increase relative to existing networks. This network densification may therefore create a greater incentive for infrastructure sharing arrangements. In fact, some authorised providers have already expressed an interest in the co-location and sharing of network elements, given its beneficial effects on the environment and the need for efficient deployment in an area the size of Gibraltar.

In terms of mobile infrastructure sharing, the Body of European Regulators for Electronic Communications ("BEREC"), is of the common position that national regulatory authorities should, having regard to the particular circumstances of each case, support future network sharing agreements.

Taking the above into account, and in order to ensure full transparency for all market players, the Division published consultation C02/20 on 2nd February 2020, to clarify the main concepts associated with mobile infrastructure sharing, its advantages and disadvantages and consult with industry to find out whether the Division can assist authorised providers achieve their objectives. The consultation, therefore, proposed the imposition of General Conditions on all authorised providers to share mobile network infrastructure.

The responses to the consultation and the Division's final decision will be considered during the next reporting period.

xii. Number Portability Complaint and Investigation

In early 2020, the Division received a complaint regarding unexpected charges resulting from calls made to a number which the complainant thought was registered to the same network as his. Given that his number and the called party's number were similar, he assumed that the number was registered to the same provider. However, as a result of the called number having previously been ported to another network, the caller, who fully expected to make those calls using the free minutes included with his telephony plan, found that he had in fact been charged for the calls made.

The Division found that the provider in question was not complying with Direction 9 of Notice A01/2010 on Number Portability and following some preliminary enquiries, the Division found that all providers were not abiding by this specific Direction, given that none provided any form of number portability tariff

warning to its customers.

Number porting obligations were imposed on Gibraltar's providers of a publicly available telephone service pursuant to the provisions of Regulation 26 of the Communications (Universal Service and Users' Rights) Regulations 2006.

Furthermore, the Division issued Direction Notice A01/2010 (the "Notice") on number portability to providers of public electronic communications networks. The Notice sets out the rules for the implementation of number portability including its processes and associated costs of its provision.

Direction 9 of the Notice regarding tariffs stipulates the following "all operators to co-operate together to ensure that where, as a result of number portability, a voice call is more expensive than the caller would expect from a simple analysis of the called number, a suitable warning is given, and that where the warning is not a self-explanatory voice announcement, steps are taken to educate callers about the meaning of the warning."

Given that the Gibraltar electronic communications market currently consists of three operators providing publicly available telephony services, the provision of number portability has consistently developed and increased over the years. In line with its monitoring and supervising duties, the Division approached industry requesting information on each operator's compliance requirements.

All operators expressed serious concerns with regards to the high costs and technical processes involved in complying with Direction 9. As a result, the Division decided to waive this particular requirement on grounds of practicability as permitted under Direction 9. Conversely, the Division requested operators to embark on a tariff warning campaign in order to inform customers that by a simple analysis of a number they are unable to identify which network they are calling and so being unaware of potentially incurring higher telephony call charges.

The Division is currently reviewing the responses provided and will be in a position to make a final decision during the next reporting year.

xiii. Social Media

The Division often uses social media platforms in order to ensure consumers are given up to date information on numerous topics of interest and during the period under review, these included the following:

- Number Portability
- World Consumer Rights Day
- Emergency Numbers
- Choosing Broadband Provider
- Broadband Speeds

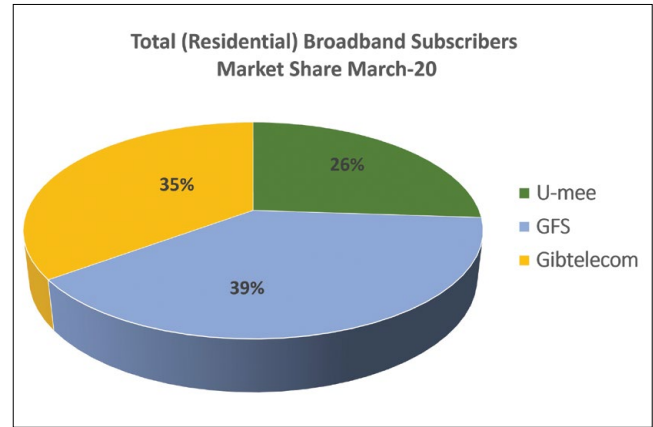
Additionally, the Division also publishes information or guidance as a series or sequence of slides that run over the course of one week which focus on a particular topic, issue or process which is relevant at the time. The Division has published a series of social media slides on the following topics:

- Withdrawal of “629” mobile numbers
- Impact of Brexit of Mobile Roaming
- Consumer Complaints and Disputes
- Broadband Comparison Tables
- Inadvertent Roaming
- Scam Calls
- 5G
- Wi-Fi Range and Interference (Residential)
- Services for Disabled end-users

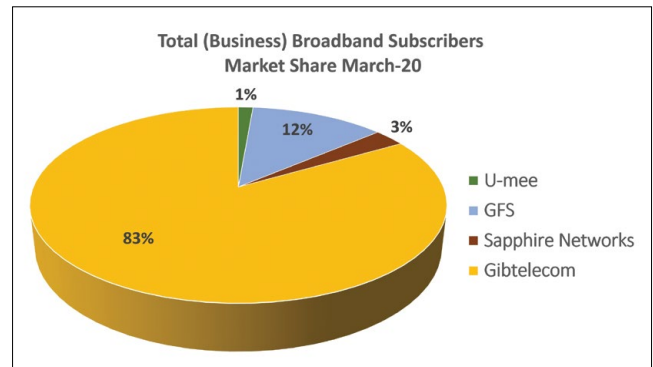
xvi. Statistics and Trends

As of the end of March 2020, the total number of broadband subscribers in Gibraltar had increased from 18,257 to 19,523.

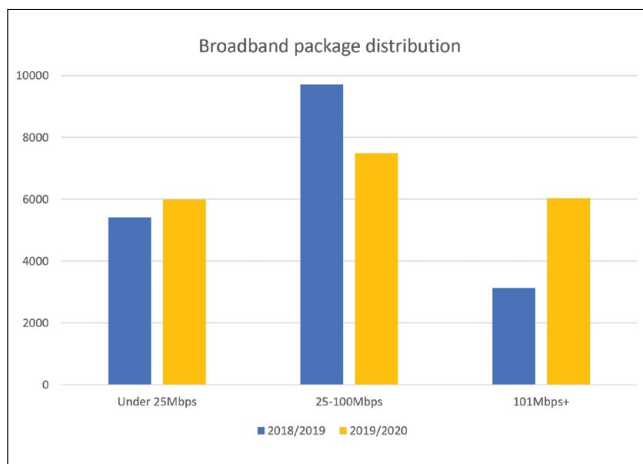
As illustrated in the chart below, the fixed broadband (residential) market has seen the most significant changes in market shares to date. Gibtelecom's residential broadband market share has reduced from 47% to 35%. Broadband packages from u-mee and GibFibre continue to appeal to consumers resulting in substantial number of subscribers opting to purchase services from these providers, thus increasing their residential market share to 26% and 39% respectively. This development makes GibFibre the biggest shareholder in the residential broadband market for the first time since broadband's inception in Gibraltar.



Compared to the significant changes seen in the residential broadband market, the broadband market for businesses has experienced relatively minor market share changes during this reporting period. Despite its market share having decreased very slightly to 83% from the 86% it had established in the previous year, the business broadband market continues to be dominated by Gibtelecom. u-mee and Sapphire Networks' market shares have essentially remained the same at around 1% and 3% respectively. GibFibre's market share, on the other hand, has increased slightly from 10% in the previous reporting year, to 12% as it continues to develop its position in the local broadband markets.

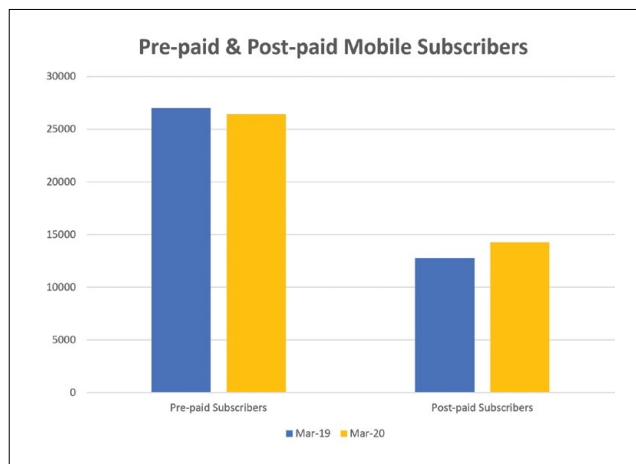


With operators competing for subscribers in both the business and residential markets, Gibraltar's subscribers now benefit from a wide array of broadband products, ranging from ultra-high bandwidth to affordable offerings. Subscribers continue to benefit from Fibre to the home (“FTTH”) broadband with download speeds of up to 500Mbps and recently, subscribers are now also able to purchase symmetrical broadband services, with upload speeds of up to 500Mbps. The chart below shows the distribution of broadband packages in Gibraltar at March 2019 and March 2020:

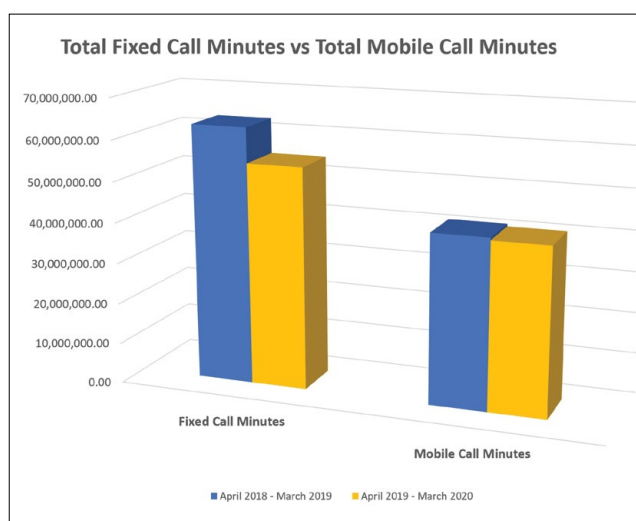


The figures collected indicate that subscribers are tending towards high bandwidth packages, with the majority of all subscribers purchasing broadband packages with download speeds of between 25-100Mbps. Although this category remains the largest in terms of number of subscribers, it has seen a substantial decrease of around 30% compared to 2019 figures. Interestingly, the under 25Mbps category has increased by 9.5%, and the number of subscribers in the 101Mbps+ group of broadband packages has increased by 45%. Data collated shows that 2,500 more subscribers have purchased the broadband packages over 100Mbps during this reporting period alone. As of March 2020, based on the number of subscribers consuming a range of broadband services, the most popular broadband package in Gibraltar is still 100Mbps. This analysis reveals that Gibraltar is following the worldwide trend of subscribers migrating to higher bandwidth products as prices become more competitive and lower bandwidth packages are phased out.

In the mobile calls market, the following chart shows the total number of pre-paid and post-paid mobile subscribers in Gibraltar. Gibtelecom continues to be the sole mobile service operator. The chart below shows a decrease of 574 pre-paid mobile subscribers when compared to the figures collected for the last reporting period. This decrease may be attributed, in part, to subscribers switching to post-paid mobile services, although post-paid mobile subscriber numbers have increased by 1,506 this reporting period. However, the data collected is showing that although there are significantly more pre-paid subscribers than post-paid subscribers, a shift towards post-paid services seems to be developing.



The graph below illustrates the total number of both fixed and mobile call minutes:



There are two notable trends to report on regarding the figures in the chart above. One is that the total number of fixed call minutes decreased by around 8.5 million minutes from the previous period to this reporting year, while total mobile minutes remained constant. Furthermore, the total number of fixed call minutes was still approximately 13.5 million minutes more than mobile call minutes during this reporting period. This is likely attributable to a number of factors such as the use of Over the Top ("OTT"), services such as WhatsApp, Facetime, Skype and other similar applications.

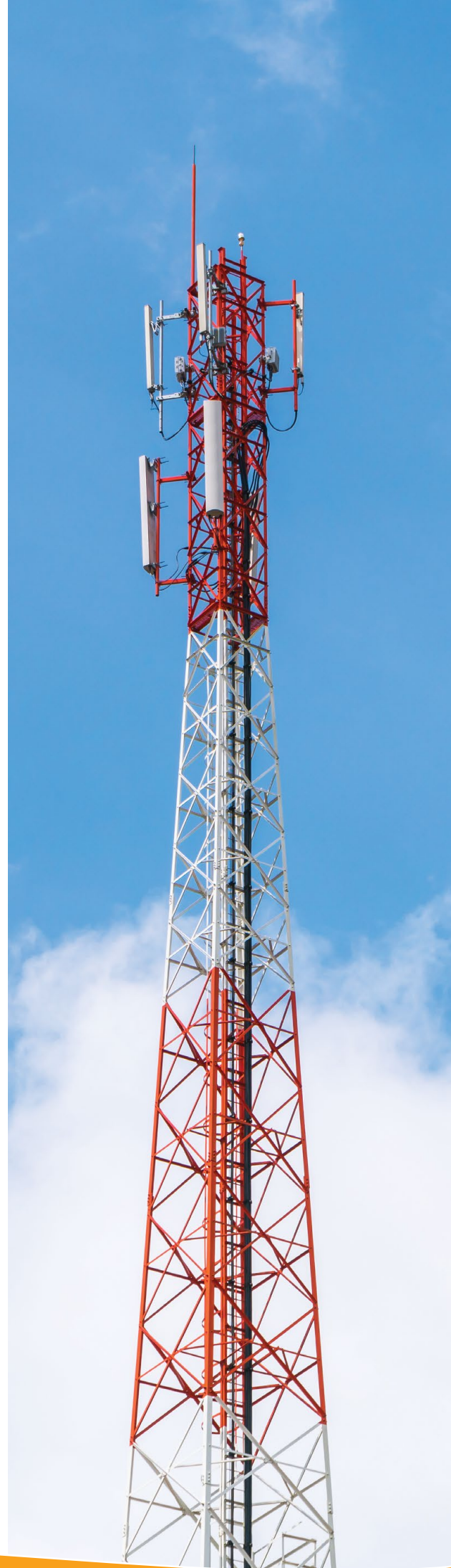
Even though there is no data on the use of OTT services in Gibraltar, the fall in fixed call minutes suggests that these are being substituted by audio and video call applications. These OTT applications are largely free of charge and operate over the internet, thus allowing subscribers to make calls in the same way as they would using a traditional voice telephony service.

This is in line with global trends which show that the

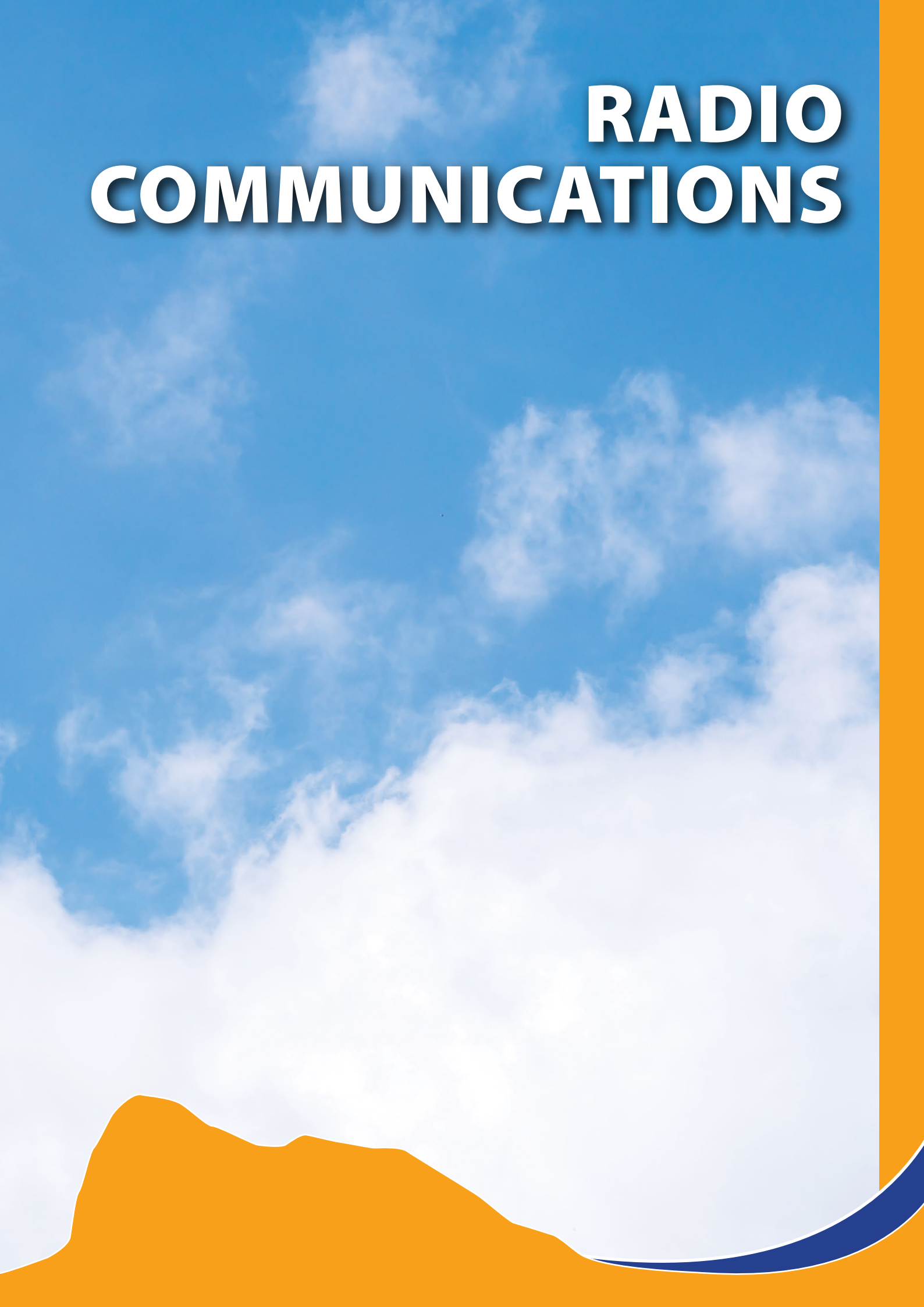
use of mobile devices to make calls over the internet are replacing the use of traditional fixed and mobile calls, with these figures experiencing a downward trend over the last few years.

Furthermore, it is important to note that, as outlined above, consumers of fixed telephony services are still favouring these over mobile calls given the significant difference in the number of minutes consumed.

This may be attributed to the significant shift in subscribers purchasing services which include fixed IP telephony services as part of a broadband bundle. Subscribers of these services can connect a fixed telephone to their router and make calls to fixed and mobile numbers in the same way they have done using traditional fixed voice telephony services. It is therefore also reasonable to assume that, due to fixed IP telephony service providers offering significantly cheaper call tariffs, in some cases even free of charge, subscribers may be making longer and more frequent calls than previous.



RADIO COMMUNICATIONS



Introduction

The Spectrum and Operations Division (the "Division") deals with all matters relating to the electro-magnetic spectrum, radiocommunications, satellite and international coordination, as well as internal ICT and facilities management. The Division is also responsible for administering the regulatory provision of the satellite services industry and issuing Outer Space Act Licences. The Division represents the Gibraltar-based operator SES Satellites (Gibraltar) Ltd ("SES-G") at international meetings and forums, and ensures it complies with the International Telecommunication Union ("ITU") Radio Regulations and all other international obligations.

The Division examines each new satellite project and carries out the required due diligence before the filing is forwarded to the UK administration for submission to the ITU. The Division assists with the coordination of these satellite networks located in 13 distinct orbital slots.

As part of its remit under Part VI of the Communications Act 2006 (the "Act"), the GRA is responsible for the management and control of the electro-magnetic spectrum. Amongst its duties, the Division carries out regular site inspection of sites known to emit radio waves, with a view to ensuring they operate within recognised safe guidelines. The Division is also responsible for the management and allocation of radio frequencies, which extends to those used by mobile operators for the provision of mobile voice and data services. The GRA also issues licences to all users of licensable equipment which emit radio waves.

International Coordination and Participation

i. Satellite Coordination

The geostationary orbit is where most of the communications satellites are located. At a distance of 36,000km from the Earth, the physical nature of the orbit causes the satellite to travel at the same speed as the rotation of the Earth. This means the

satellite would be pointing continuously at the same position on the Earth's surface. Conveniently, this means dish antennas on the ground are kept fixed and pointed at a satellite with no tracking required. This therefore makes orbital slots and the associated frequency bands to be used, a limited natural resource and the slots must be rationally, efficiently and economically shared in conformity with the ITU Radio Regulations. The huge benefits of placing a communications satellite in the geostationary orbit has subsequently made it very congested over the years. Any prospective satellites associated with a new filing would need to comply with the regulatory procedures and rules set out by the ITU.

Essentially, all filings can be grouped into two types of services, Fixed Satellite Service ("FSS") and Broadcasting Satellite Service ("BSS"). Once a new filing is submitted to the ITU, the regulatory clock with a 7 to 8 year's timeframe for FSS and BSS respectively will commence.

The ITU will examine the filed parameters to calculate the potential of harmful interference these new satellites could cause to existing satellite and terrestrial networks. When the filing is accepted by the ITU, it will be published in the bi-weekly International Frequency Information Circulars ("IFIC") to inform all other administrations of the new satellite filing.

This starts off the lengthy process of coordination with the operators identified as potentially affected and numerous exchanges of correspondence and meetings are held to complete coordination. Compromises need to be found and technical parameters adjusted so that satellites can co-exist and avoid interference.

Once efforts have been made to coordinate the filing, these can be notified to the ITU before the regulatory deadline and entered into the Master International Frequency Register ("MIFR") which grants it international rights and obligations. When a satellite is placed in the planned orbital slot, it can then bring into use its respective frequency bands.

To date, SES-G has registered 33 filings with the ITU in 13 orbital slots around the geostationary orbit.

Gibraltar has a mature satellite industry and currently has 14 filings brought into use and notified with the ITU, with most of the activity this year going into existing key orbital slots. These SES-G existing networks could potentially suffer interference from new incoming filings and the Division has identified 573 satellite networks from different administrations around the world that could potentially affect SES-G networks (this includes

potential interference identified from a same network under different provisions).

ii. Coordination Requests sent to Administrations

When administrations from other countries submit new filings near the Gibraltar orbital slots, they have the potential to cause harmful interference. The Division must examine the publications of these new networks and inform the relevant administration that coordination is required. The in-house software makes the process simpler and drastically reduces the 'analysis time' and therefore allows for more time to consult with the satellite operator before the expiry of the period for comments/objections. This software application was recently re-developed and now reduces the 'analysis time' further, automates the process of notification to Ofcom, the UK regulator, and streamlines the back office associated activities such as filing and logging deadlines. New features will be developed in the coming months to further enhance integration with Microsoft Teams in order to provide detailed analysis and reporting of each project at the click of a button.

iii. World Radiocommunication Conference 2019, Egypt, Oct-Nov 2019

The World Radiocommunication Conference 2019 (WRC-19) was held in Sharm El Sheikh from the 28th October – 22nd November 2019. The conference was attended by 3,420 delegates from 163 ITU Member States together with delegates from 260 sector members covering international organisations, network operators, equipment suppliers, and industry forums to consider proposals to modify the Radio Regulations. The Division had two representatives at the conference.

The proposals to the conference are based on extensive studies conducted by the membership of the International Telecommunications Union – Radiocommunication Sector (ITU-R). These studies were conducted during the period since the last WRC which was held in 2015 and are presented in the Conference Preparatory Meeting (CPM) Report to WRC-19.

During this study period, Ofcom coordinated these study activities at a national level and had stakeholder groups that paralleled the European Conference of Postal and Telecommunications Administrations ("CEPT") preparatory structure. The UK contributions and draft briefing positions were agreed through

the respective Ofcom stakeholder briefing groups and then fed into the CEPT process for discussion. The Division participated in a number of these as part of the UK delegation. The 48 Member States of the CEPT coordinated the development of common positions and associated briefs for each agenda item under consideration by the conference.

The conference covered a very wide range of issues, including agreements, such as a resolution that will boost deployment of earth stations in motion and the adoption of a new milestone-based approach for the deployment of non-geostationary satellite systems in specific radio-frequency bands and services.

The main issues of interest for the Division were satellite matters, mobile broadband (International Mobile Telecommunications – IMT or 5G as it is also commonly denoted) and radio local area networks (RLANs) in the 5GHz band.

a) Mobile Broadband (IMT) - Additional bands identified to enable 5G systems

The conference identified the frequency bands 24.25–27.5 GHz, 37–43.5 GHz, 45.5–47 GHz, 47.2–48.2 and 66–71 GHz for the deployment of 5G networks. WRC-19 also took measures to ensure appropriate protection of the Earth-exploration satellite services, including meteorological and other passive services in adjacent bands.

A total of 17.25 GHz of spectrum was identified for IMT after the conference. 14.75 GHz of the identified spectrum has been harmonized on a global basis, vital for the provision of which is so important to providing access and economies of scale.

b) RLANs in the 5GHz band

The conference considered issues related to wireless access systems, including RLAN, in the frequency bands between 5 150 MHz and 5 925 MHz.

iv. Satellite coordination meetings

Two bilateral meetings were held during this reporting period. A meeting between the UK and Japan and the UK and France. The Division assisted in the preparation for these meetings and reviewed draft agreements as they developed during the meetings. Good progress was made with a number of coordination agreements completed and ratified.

v. SES-G Development Plan Review meeting

A meeting was held between the Division, Ofcom

and SES-G in London in June 2019 to discuss the Annual Development Plan update for the SES-G satellite filings. The updated plan was reviewed and approved by the Division prior to discussions with Ofcom.

vi. Terrestrial Coordination

As well as with satellite coordination, the Division examines the information published by the ITU with respect to terrestrial services which contains additions, modifications or suppression of terrestrial transmitting stations or networks from neighbouring countries, any of which could cause interference to Gibraltar registered stations. Unlike satellites which can cause interference issues to many other satellites or administrations, terrestrial services can mainly affect neighbouring countries, in Gibraltar's case this being, Spain and Morocco. Notwithstanding their relative distance from Gibraltar, modifications from Algeria and, to a much lesser extent, Portugal are also examined. Over the period 2019-2020, a total of 6,765 modifications from the countries listed above have been examined and only a handful of objections have been raised, due to the high probability of potential interference.

a number of other factors useful in determining the state of Gibraltar's electro-magnetic spectrum usage.

The Division also carries out compliance monitoring to ensure emissions from transmitters comply with international guidelines as set by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). As part of the licensing process, the Division conducts annual site inspections on all mobile base station installations, and routinely audits base stations throughout Gibraltar for compliance. Full details of these inspections can be found on the GRA's website. All site inspections, spectrum audits and interference investigations are conducted by trained staff, using industry-leading spectrum analysers that can identify the power, frequency and general direction of most transmitters within the 9 kHz – 22 GHz range. Due to the high volume of buildings and Gibraltar's topography, locating the source of interference can be challenging. The GRA is not responsible for establishing the recommendations for exposure to electro-magnetic emissions. Therefore, the Division does not set emission safety levels, and it has neither the expertise nor the remit, to participate in matters concerning biological or health research. The Division has, however, been working closely with the Ministry of the Environment to ensure that concerns from the public regarding electromagnetic emissions from mobile base stations and other radio transmitters are addressed swiftly.

Regulatory Matters

Below is an overview of regulatory matters dealt by the Division during 2019/2020:

i. Management of the Electro-magnetic Spectrum

Section 56 of the Act provides that the ownership of the electro-magnetic spectrum in Gibraltar shall "vest exclusively in the Government and the Minister shall be responsible for its management and control", and that the Minister "may appoint, in writing, any person appearing to him to be suitable to exercise any of his powers, tasks, duties or functions in relation to the management of the electro-magnetic spectrum in Gibraltar."

The above-mentioned responsibility has been assigned to the GRA and, as part of its annual remit, the Division carries out regular inspections of the electro-magnetic spectrum using equipment capable of measuring interference, the power levels of equipment transmitting radio waves, and

ii. Mobile/Fixed Communications Networks ("MFCN") Public Consultation and Response

On the 27th August 2019, the GRA issued a public consultation on the licensing of MFCN including 5G mobile communications services. The focus of this consultation was the process for licensing future MFCN services in Gibraltar and, in this context, to set out the GRA's plans for the spectrum bands which should be allocated for the development of these services, including 5G. In this regard, the GRA considered current spectrum assignments and considered how available spectrum could be offered effectively to existing and new operators. Four responses were submitted by current and potential operators and the subsequent response to consultation and decision notice was issued on the 13th March 2020.

All details relating to this consultation, including the decisions made as a result, may be found on the GRA's website.

iii. 5G Test and Development Licences

During the drafting of the MFCN public consultation, the Division issued a Test and Development licence to Gibtelecom for the use of 5G technology in the frequency band 3400 MHz – 3600 MHz. As part of the licensing process, the Division conducted field strength measurements to ensure the power levels were in compliance with ICNIRP recommended levels.

iv. Interference and Power-Level Monitoring

The Division also carries out inspections, if concerns are raised by members of the public and organisations alike, where there is a suspected case of interference with, or misuse of, Gibraltar's electro-magnetic spectrum, such as transmission at power levels beyond those recommended by the Division. Taking into consideration the perceived health concerns by members of the general public and the resources required to ensure all radio transmitters, especially future mobile network base stations are compliant with the ICNIRP Guidelines, the GRA has invested in a solution to continuously monitor electric and magnetic fields ("EMF"). The EMF monitoring project will initially consist of four monitoring probes to be located at key areas around Gibraltar. These units will monitor the EMF levels in real time in the bands 20MHz – 40GHz and upload the information onto a publicly available website so that real time values can be viewed. In addition to these fixed probes, the GRA has also bought a handheld probe that will be used in order to quickly evaluate EMF levels at particular locations. This will complement the existing spectrum analysers which are used to monitor EMF levels, as well as trace sources of interference and other spectrum management duties. All the components of the EMF monitoring project will be deployed and configured in the near future.

In the period 2019/2020, the following matters were attended to:

a) Mobile Interference

The Division has been primarily involved in dealing with issues affecting mobile service providers. Given the population and building density in Gibraltar and the growing demands in mobile radio networks, it is inevitable that issues of this nature continuously reappear. In order to better manage these issues, an interference case management system has been developed by the Division in order to help track, monitor and log the actions taken in solving the issue. In the majority of cases, with intermittent

interferences, the process of identifying the interfering source can take many months. Although not designed for this purpose, the EMF monitoring project will help in detecting peaks and assist in the triangulation of interfering sources which apart from disrupting existing networks, contribute to an increase in EMF levels.

b) Large Public and Sporting Events

The Division continues to work closely with event organisers who in general utilise a substantial amount of radio spectrum. From radio microphones for artists, to personal mobile radio equipment for security and management, most devices require a licence and they have the potential to interfere with other licensed operators. The annual music festival is the largest event as regards requests for use of spectrum. This also extends to mobile telephony operators who request additional spectrum to provide their customers with a good service in a highly congested location. Increasingly, as Gibraltar hosts more international sporting events, there is a steady increase in SNG ("Satellite News Gathering") Licence requests. These licences cover the use of the satellite live links to main distribution centres across the world and are indispensable in providing live coverage of these events worldwide.

v. Advice and cooperation with other agencies

The Division continues to work closely with the Ministry for Environment and government agencies to address issues relating to radiocommunications, especially perceived health risks from radio transmitters.

vi. Licensing of the Electro-Magnetic Spectrum

The GRA collects licence fees on behalf of HMGoG and uses different licensing schemes to promote the use of technologies and maximise the use of the electro-magnetic spectrum efficiently. The following table outlines the fees collected during the period 2019/2020 for each type of licence issued under Part VI of the Act:

Accounting Authorities	£9500.00
AGRS	£423.00
CB Radio	£96.00
Fixed Links	£7645.00
Mobile	£886,682.00
Paging	£310.00
PMR	£10250.00
Port Ops	£3425.00

Radar	£157.00
Radio Amateur	£300.00
Ship Station Licence	£31100.00
Wireless Dealers	£2200.00

Furthermore, during the period 2019/2020, the GRA renewed six Outer Space Act licences for SES-G for each of the satellites operating in Space, and which are controlled from Gibraltar. The total revenue received as a result of the issuing of these licences was £5,000.

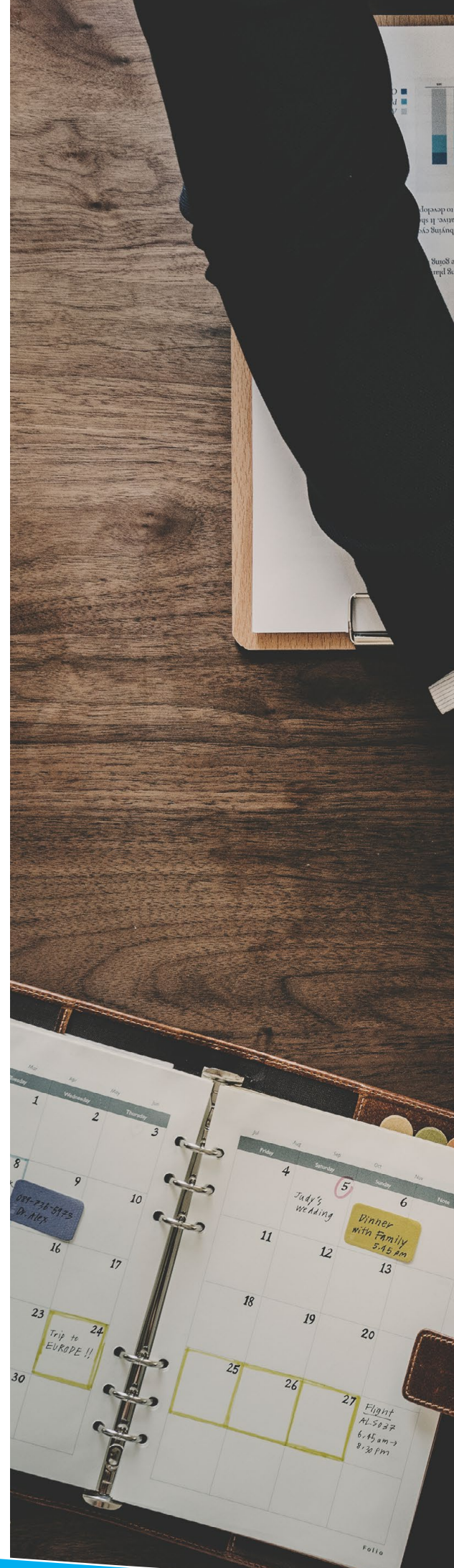
Currently, SES-G holds 3 classes of Part VI Teleport Facilities Licence's with a combined generated revenue in this period of £320,831.00. This licence authorises a licensee to establish and use specific Earth stations for the purpose of providing a link to specific satellites through the use, from an identified location, of specific frequency bands.

vii. Outer Space Act

The UK's Outer Space Act 1986 was extended to Gibraltar by the Outer Space Act 1986 (Gibraltar) Order 1996, which conferred licensing and other powers on the Governor of Gibraltar to ensure compliance with the international obligations concerning the operation of space objects and activities in outer space by individuals associated with Gibraltar. These powers, duties and responsibilities were delegated to the GRA, by the Delegation of Functions (Outer Space Act 1986 (Gibraltar) Order 1996) Notice 2001.

Currently, there are six Gibraltar-licensed satellites.

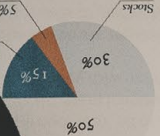
All the satellites licensed by the GRA are included in the UK's Registry of Space Objects and the Division works closely with the UK Space Agency (UKSA), to ensure that the satellites are operated in compliance with international treaties and principles covering the use of outer space.





Current financial situation

Turning your strategy into action is how you market through networking, advertising etc. At the same time, it will also show you how you maximize sales. The most effective marketing plan should be followed up and the activities you are doing



Trading Graph

Issue 764
Monday, Jun 14, 2016
#Citydailynews

Information to focus resources on the greatest opportunities to increase sales and achieve the advantage over other competitors. The strategy's goal is to increase sales and achieve the advantage over other competitors.

Learn from the success of the company's competitors.

Product	North America	Australia	Europe	Asia
Product A	24,766	45,556	12,357	20,775
Product B	354	1,876	534	24,766
Product A	133	190	543	354
Product A	946	134	456	134
Product A	25,599	47,756	13,890	24,766

INFORMATION RIGHTS

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Introduction

The GRA's Information Rights Division regulates both data protection and will regulate freedom of information when the relevant legislation is commenced.

The Data Protection Act 2004 (the "DPA") designates the GRA, as Information Commissioner (the "Commissioner"), to be the supervisory authority in Gibraltar. The general functions conferred on the Commissioner in relation to the tasks and powers of the supervisory authority are assigned under Part V and VI of the DPA.

The DPA alongside the EU General Data Protection Regulation 2016/679 (the "GDPR"), provide a comprehensive and modern framework for data protection in Gibraltar. The legislation includes a set of principles that organisations including public bodies and businesses have to adhere to, as well as a series of rights for citizens over their information.

The Division continues to work on preparations for Brexit, on the basis that irrespective of Gibraltar's membership of the EU, there will not be any substantive changes to data protection law in Gibraltar as Her Majesty's Government of Gibraltar ("HMGoG") is committed to continue to ensure that Gibraltar applies the highest standards of data protection. In particular, the Division has continued its contributions to work undertaken by HMGoG in the pursuit of a favourable adequacy decision from the EU Commission after Brexit.

The onset of the GDPR has been pivotal in public awareness of data protection rights and the increased number of concerns brought to the GRA by the public reflects this. The Division has responded to public concerns and progressed its work in the provision of guidance to organisations alongside awareness raising activities aimed at the general public. The provision of guidance and engagement with organisations included the organisation of periodic workshops for Data Protection Officers and the publication of guidance notes and quarterly e-newsletters. Awareness raising amongst the general public was primarily conducted under the "Control Your Privacy" campaign, which included events in schools, social media campaigns, data protection surveys and public events such as a day in town.

In the area of international cooperation and participation, of particular significance was the extension of the Convention for the Protection of

Individuals with regard to Automatic Processing of Personal Data ("Convention 108") to Gibraltar, which entered into force on 1st November 2019. Throughout the year the Division contributed to the extension of Convention 108 to Gibraltar by engaging directly with HMGoG, the Government of the United Kingdom and the Council of Europe. The Division participated in the Council of Europe's Convention 108 39th Plenary Meeting, held in Strasbourg in November 2019. Convention 108 is, to this day, the only global legally binding agreement on data protection law.

Further to the expansion of the Division's responsibilities as a result of the introduction of the GDPR and transposition of the Law Enforcement Directive 2016/680 into Gibraltar law under the DPA, the Division has experienced an increase in the number of complaints, queries and/or other notifications. These developments brought about a significant increase in the data protection work and responsibilities managed by the Division. As a result, the Division has grown its data protection team and also reviewed its internal procedures to improve, in both efficiency and effectiveness, the handling of enquiries, complaints, notifications and other responsibilities. The introduction of statistical analysis of the Division's work to monitor developing trends will also allow the Division to adapt and respond to issues as they evolve.

In regard to freedom of information, Gibraltar's Freedom of Information Act 2018 ("FOI"), yet to be commenced, provides public access to information held by public authorities. It is based on the principle that people have a right to know about the activities of these public authorities, unless there is a good reason for them not to. Under the FOI, the Division, with powers conferred upon the Information Commissioner, has regulatory responsibilities and provides an advisory service.

The FOI is a new regime in Gibraltar, with the law having only been passed through Gibraltar Parliament in 2018. This year, the Division has been collaborating with HMGoG to provide relevant guidance to public authorities in the form of presentations to help facilitate a smooth introduction of the FOI regime.

International Participation

A key part of the Division's role is to liaise with regulators in other jurisdictions with regard to the development of practices and standards in the regulation and enforcement of data protection. As part of its tasks under the GDPR and the DPA, the Division is also required to collaborate with foreign data protection authorities, for example, to provide mutual assistance and cooperate in the context of international investigations.

The Division has participated in various international events and continues in its efforts to interact with regulators world-wide, cooperating, coordinating and aligning regulatory activity where possible and appropriate, in an attempt to maximise its efficiency and effectiveness.

Information regarding the Division's international participation this year is listed in the following:

i. Spring Conference of European Data Protection Authorities, Tbilisi, May 2019

The Commissioner and Assistant Information Commissioner (the "AIC") attended the event held in Tbilisi, Georgia over a two-day period. Taking place almost a year after the introduction of the GDPR, the conference focused on the enforcement of the GDPR and the modernisation of the Council of Europe's Convention 108, alongside other pressing topics, including child data protection.



ii. British, Irish and Islands' Data Protection Authorities, Jersey, June 2019

The Commissioner and members of the Division attended the British, Irish and Islands' Data Protection Authorities ("BIIDPA") meeting hosted by Jersey's Information Commissioner's Office. The BIIDPA

meetings take place annually and are informal in nature, principally providing data protection authorities with an opportunity to discuss the latest developments within their jurisdictions. The Commissioner led a discussion together with the UK Information Commissioner on 'Leaving Europe and Data Flows'.

iii. Privacy Laws and Business Conference, Cambridge, July 2019

The AIC attended the annual conference organised by Privacy Laws and Business, the world's longest running independent privacy conference. The conference, held at St John's College in Cambridge, UK, aimed at addressing the far-reaching GDPR requirements both in the EU and the wider world, in addition to its impact on business operations.

The AIC delivered a presentation titled "Privacy and Gaming on the Rock of Gibraltar" which focused on the following –

- the importance of data protection to the digital economy, including online gambling;
- the interplay between data protection, gambling and anti-money laundering legislation, growing data volumes and technology;
- collaboration with other regulators in the regulation of data protection, such as the Gambling Commissioner in relation to the online gambling sector; and
- Gibraltar's high data protection standards, irrespective of Brexit, as a precondition for success.



iv. International Conference of Data Protection and Privacy Commissioners, Tirana, October 2019

In October 2019, the Commissioner, AIC and the Deputy Chief Executive Officer of the GRA attended the annual International Conference of Data

Protection and Privacy Commissioners, which this year was held in Tirana, Albania.

The above-named conference focused on raising global data protection standards in the digital age. Other than the main conference, the Division participated in the following side events:

- Workshop to discuss how to run a data protection authority effectively (in the context of a surge in workload as a result of the GDPR).
- Session on Convention 108.
- Global Privacy Enforcement Network side meeting on how to enforce the principle of accountability in data protection.
- International Enforcement Cooperation working group meeting.

v. Council of Europe Convention 108 39th Plenary Meeting, Strasbourg, November 2019

Held in Strasbourg, the AIC represented the GRA at the Plenary Meeting. Convention 108 is to this day, the only global legally binding instrument on data protection law.

This was the first time the Division attended and participated in the Convention 108 plenaries. It follows the extension of Convention 108 to Gibraltar, which is of particular importance in the context of Brexit.

Various matters were addressed at the Plenary, including aspects relating to the modernisation of the Convention 108, as well as data protection concerns relating to specific areas, such as profiling and facial recognition.

vi. European Data Protection Supervisor Case Handling Workshop, Brussels, November 2019

Two members of the Division attended a Case Handling Workshop in Brussels hosted by the European Data Protection Supervisor (“EDPS”). A series of presentations were led and delivered by various participants, including the EDPS and the data protection authorities from Ireland, Denmark, Austria, the Czech Republic and Gibraltar.

The Division presented on the topic of prior consultation (Article 36 GDPR and section 74 of the DPA), which was subsequently followed by a group discussion on the topic. The Division was assisted by the Czech data protection authority who contributed with their practical experience in the area of prior consultation.

All sessions involved in-depth group discussions on the various areas presented and considered the differing approaches data protection authorities take when handling data protection matters in practice. In particular, this workshop focused on IT service providers providing services to the public sector, lead supervisory authorities and cross border case handling, and refusals to act by a supervisory authority. Other sessions focused on credit reference systems (hosted by the Italian and UK data protection authorities) and exercising investigative and corrective powers (hosted by the Finnish data protection authority).

In addition to the abovementioned events, the Division participates in other international work during the course of the year. This international work is undertaken alongside other data protection authorities and includes, inter alia –

- exercising membership and participating in a working group dedicated to a particular field (e.g. international enforcement);
- participating in international data protection sweeps/audits; and,
- contributing to international exercises/surveys.



vii. International Conference of Data Protection and Privacy Commissioners (the “ICDPPC”) – Visual Identity Membership Consultation, April 2019

Further to the “Resolution on a Roadmap on the future of the International Conference” (the “Roadmap Resolution”) adopted at the 40th annual meeting held in October 2018, members of the ICDPPC set out an objective to strengthen the conference visibility from an external communication point of view, to support its main missions, and included a commitment to launch an inclusive internal process to adopt a new name and logo.

The Division contributed to the ICDPPC’s initiatives to identify a new name. The name decided on by the ICDPPC was “Global Privacy Assembly” (the “GPA”), which was formally adopted in November 2019.

viii. The ICDPPC Policy Strategy Membership Consultation, May 2019

The Roadmap Resolution (as highlighted above) also called for greater clarity and strengthening of the member’s core policy role and influence in advancing privacy and data protection at an international level.

The Division submitted their views in regard to the ICDPPC’s Policy Strategy Consultation.

ix. The ICDPPC – Working Group on International Enforcement Cooperation, June 2019

The Division formed part of the ICDPPC’s working group on international enforcement cooperation. The working group’s objective was to consider 1) practical solutions for better cooperation and knowledge sharing, and 2) legal solutions to frame international enforcement cooperation.

The working group determined that it would need to clarify the variety of laws, powers and restrictions on authorities, assess the different situations affecting authorities, and on this basis, decide on the most useful and achievable product in this area. In this regard, a questionnaire was first circulated to all ICDPPC members in late 2018. However, the working group relaunched the questionnaire in an attempt to collate additional information from ICDPPC members and this took place in May 2019.

Within the working group, the Division acted as rapporteur alongside the data protection authorities of the United Kingdom and Netherlands for the work conducted in relation to the legal solutions to frame

international enforcement cooperation.

The Division carried out the analysis of the second set of questionnaire results and submitted a report derived from the results of the same. The final report was published later in the year.

x. The ICDPPC – Visual Identity Membership Consultation (Logo), July 2019

The ICDPPC’s Executive Committee conducted a further general consultation amongst all members to agree on a new logo for the group. The Division, alongside 19 other data protection authorities worldwide, contributed to the consultation. The new logo was adopted in November 2019.

xi. The ICDPPC - Action Plan (1 and 3) of the Digital Education Working Group (the “DEWG”), July 2019

The Division contributed to the DEWG’s 2018-2019 activity report (the “Report”). The Report outlines the feedback from data protection authorities on whether national policies or initiatives have been successful at the amendment or implementation of national curriculums/policies to cater for education in data protection rights and risks.

xii. The ICDPPC - Action Plan (2) of the DEWG, September 2019

As part of the 2018-2019 annual work programme of the DEWG, the Division contributed to a research exercise which focused on the state of play of legal frameworks and the updating of consultations in relation to applicable children’s rights. The results of the research exercise were presented at the 41st International Conference in Tirana.

xiii. Global Privacy Enforcement Network Sweep (the “GPEN Sweep”), March 2020

The Division took part in the annual GPEN Sweep which this year considered how organisations in various jurisdictions handle and respond to personal data breaches.

Sixteen data protection authorities, together with the Division, participated in the GPEN Sweep. The data protection authorities approached organisations with a set of pre-determined questions which focused on their current practices for recording

and reporting data breaches. The Division focused on the reporting and handling of data breaches by gambling operators in Gibraltar. The results obtained locally established the following positive trends:

- The gambling operators targeted were well acquainted with the requirements of both the reporting and handling of data breaches.
- The operators appeared to have a robust understanding of their obligations under relevant data protection legislation in regard to data breach notification requirements. The results also showed that they had appropriate reporting mechanisms, management processes and associated policies.
- Further, the gambling operators were aware of the impact that data breaches may have on their organisation as well as on the data subjects and considered ongoing training and internal audits to be of great importance to help remedy/mitigate the risk of further breaches.

In terms of the global results, the GPEN Sweep found that 84% of respondent organisations said they had systems in place for reporting data breaches, including an appointed team or group responsible for handling breaches.

xiv. GPA – International Enforcement Working Group, March 2020

Following the work carried out by the ICDPPC's working group on International Enforcement Cooperation (mentioned in the foregoing), a resolution was adopted by the ICDPPC at its international conference in October 2019 to create a permanent working group on international enforcement cooperation.

In February 2020, the Division accepted an invitation to become a permanent member of the GPA's (formerly the ICDPPC) International Enforcement Working Group. The Division's participation in this working group will ensure that Gibraltar is at the forefront of international enforcement cooperation, which is particularly important given that Gibraltar is host to many international businesses. Further, the Division's contributions and commitment to international enforcement cooperation illustrates Gibraltar's high standards in data protection and cooperation, which is of particular importance in the context of Brexit.

Regulatory Matters

The following is an outline of the regulatory matters which the Division has been involved in for the period 2019/2020.

i) Measured Activity

Amongst the key activities of the Division's regulatory functions are inbound enquiries, investigations, data protection audits and data breach notifications.

a) Inbound Enquiries

The Division responds to all the enquiries that it receives with appropriate guidance to individuals and/or organisations. In regard to organisations, our guidance will generally aim to assist them with their data protection compliance. In regard to individuals, our assistance may for example help them exercise their rights and/or resolve their data protection concerns directly with the data controller.

This year, the total number of inbound enquiries via email and telephone was 194, which is a significant decrease from last year's total of 394. It would appear that last year's surge in enquiries received was as a result of the introduction of the GDPR and that enquiries this year have decreased as organisations have settled into the new regime.

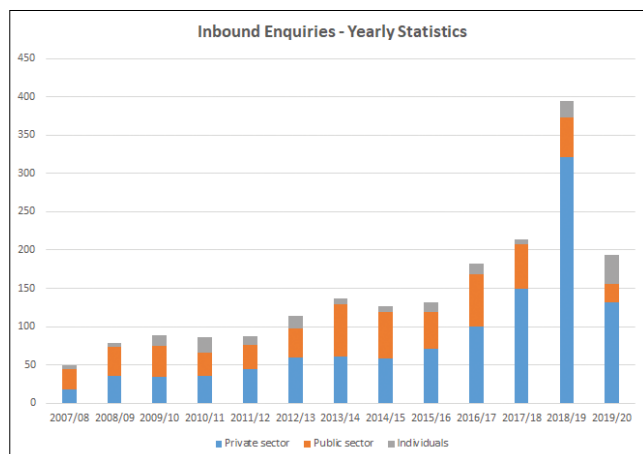
The inbound enquiries received are recorded under the following three categories, namely enquiries from (i) the public sector, (ii) the private sector or, (iii) from individuals. Below is a breakdown of the number of enquiries received under each category for the 2019/2020 period:

Inbound enquiries from the public sector: 27
 Inbound enquiries from the private sector: 129
 Inbound enquiries from individuals: 38

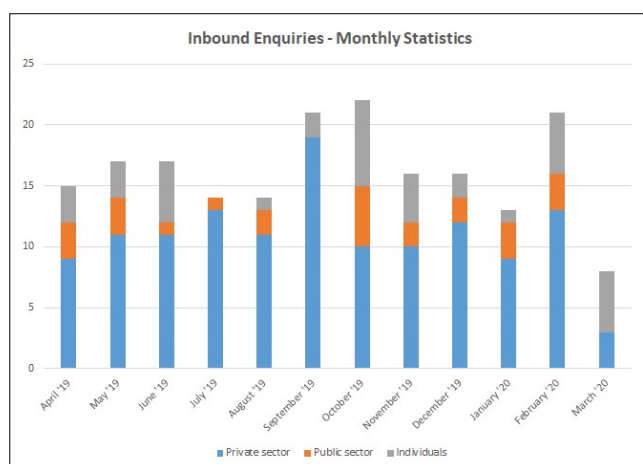
It is worth noting an increase in the number of inbound enquiries from individuals which has increased by 73% from last year's total of 22. The Division is of the view that this increase may be the result of the generally heightened public awareness in relation to data protection, in particular, the rights of individuals.

The following table illustrates the number of inbound enquiries over a 13-year period and highlights the decrease in the number of inbound enquiries received by the Division during the 2019/2020 period when compared to the previous year. However, it

is important to note that the number of enquiries received this year is still consistent with an upward trend, and that this year's figure is the third highest on record.



In comparison to last year's surge of inbound enquiries received in May 2018 as a result of the commencement of the GDPR, the monthly statistics for the year reported on are relatively constant.



Notably, there's a 49% and 60% decrease in the number of enquiries received from public sector and private sector bodies respectively, with a total of 53 and 323 enquiries received from the public and private sector in the 2018/2019 reporting period in comparison to this year's total of 27 and 129. Then again, the Division notes a significant increase in the number of enquiries received from individuals; from a total of 22 enquiries in the 2018/2019 period to a total of 38 in the 2019/2020 period.

The number of enquiries received, and work conducted by the Division in this area, highlights the Division's ongoing importance as a point of contact for the public and organisations. The Division values its engagement with the public and organisations as part of its efforts to understand any developing and/or ongoing issues from the public and/or organisations' perspective and to promote good data protection practices.

b) Complaints

Since the introduction of the GDPR, the Division has seen an increase in workload, including in the area of complaints. In part, the Division recruited additional resource to manage the rise in workload. However, in addition to extra resource, the Division also reviewed its internal procedures to become more efficient and effective.

New steps were introduced into the case handling procedure, before a full investigation is initiated, details of which are available on the GRA's website. However, where appropriate and depending on the circumstances of the case, the Division may decide to proceed with a full investigation at the outset.

Since the introduction of these changes which took effect in May 2019, a total of 59 complaints have been received, of which 4 were not progressed due to insufficient evidence or lack of cooperation from the complainant. Of the remaining 55, the Division resolved 29 of the complaints with the new process, which required little involvement/intervention. Thereby the new process has managed to address 33 out of 59 complaints (56% of the complaints), without requiring a full investigation, allowing for the efficient and effective management of the surge in complaints received by the Division. From the complaints received during the period 2019/2020, the percentage of complaints managed in this manner may increase as some are still progressing.

c) Investigations

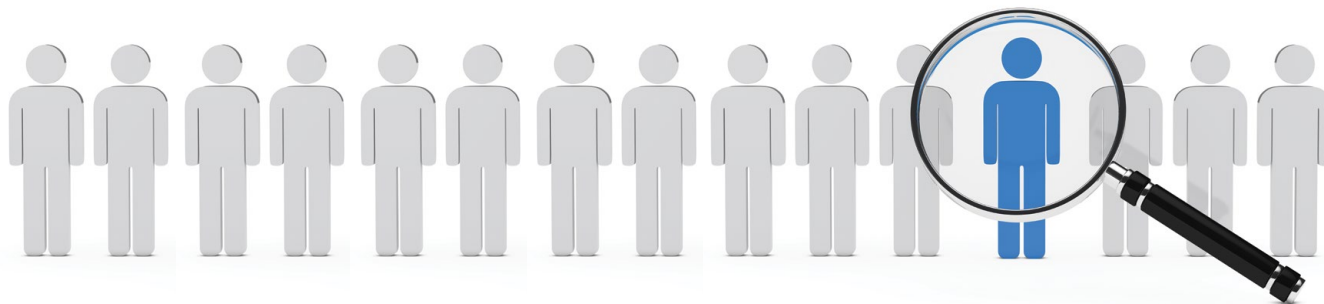
An investigation is any process which sees the Division taking action either as the direct result of a complaint or as a result of information obtained as part of the day-to-day function of the Division and which raises doubts as to whether the DPA/GDPR is being complied with.

The action taken by the Division differs with each investigation, and enforcement action (including fines) is taken, where considered appropriate, and proportionate, to the circumstances of the case, taking into consideration a data controller's compliance history, cooperation and willingness to take corrective action.

The period 2019/2020 saw the Division close a total of 25 investigations, summarised in the table below.

Note: The DPA was amended on 25th May 2018 to implement and complement the GDPR in Gibraltar. References to the DPA prior to the 25th May 2018 will refer to the "Old DPA", references to the DPA after the 25th May 2018 will refer to the "DPA".

Reference Number and Data Controller	Investigation Summary
<p>IV19/17 Saint Bernard's Hospital ("SBH")</p>	<p>In responding to a Subject Access Request ("SAR"), SBH accidentally disclosed medical records relating to an unrelated patient.</p> <p>Articles breached: 5(1)(d), 5(1)(f), 6, 9 and 32 of the GDPR, (sections 6(1)(b), 6(1)(d), 7, 8 and 11 of the Old DPA).</p> <p>SBH was required to review its arrangements in relation to the breaches identified, with a follow up inspection to be carried out by the Commissioner's office.</p>
<p>IV21/17 Gibraltar Savings Bank ("GSB")</p>	<p>A matter came to the attention of the Commissioner concerning letters issued by the GSB to its account holders requesting personal data. Further data protection concerns were raised throughout the investigation.</p> <p>Articles breached: 5(1)(a), 5(1)(b), 5(1)(f) and 32 of the GDPR (sections 6(1)(a), 6(1)(c)(ii), 6(1)(c)(iii) and 6(1)(d) of the Old DPA).</p> <p>GSB reviewed its arrangements to comply with the Old DPA and the GDPR. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV30/17 Borders and Coastguards Agency ("BCA")</p>	<p>The investigation concerned the use of a CCTV system at Gibraltar International Airport by BCA.</p> <p>Articles breached: 5(1)(a), 5(1)(b) and 13 of the GDPR (section 6(1)(a), 6(1)(c)(i) and 10 of the Old DPA).</p> <p>BCA was required to review its arrangements to ensure compliance with the GDPR. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV06/18 Financial Services Provider (Considering the organisation's self-notification of the breach and other details relating to the case, the investigation is anonymised.)</p>	<p>The investigation concerned a self-notification of a data breach concerning the disclosure of personal data by a former employee.</p> <p>Articles breached: 6(1) of the GDPR (section 7(1) of the Old DPA).</p> <p>The former employee confirmed in writing that the personal data had been deleted. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV14/18A Resident of Sir William Jackson Grove</p>	<p>The investigation concerned the use of a CCTV system by a resident at Sir William Jackson Grove.</p> <p>Articles breached: 5(1)(a) and 5(1)(c) of the GDPR.</p> <p>The resident was required to take corrective action to comply with the GDPR. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV14/18B Resident of Sir William Jackson Grove</p>	<p>The investigation concerned the use of a CCTV system by a resident at Sir William Jackson Grove.</p> <p>Articles breached: 5(1)(a), 5(1)(c), 5(1)(f) and 32 of the GDPR</p> <p>The resident was required to take corrective action to comply with the GDPR.</p> <p>The Commissioner issued the resident with an Enforcement Notice and a Notice of Intent to issue a monetary penalty.</p>



<p>IV18/18 Austin Friars Services Limited ("AFS")</p>	<p>The investigation found that AFS had obtained personal data pertaining to a former employee, from a work email account, for the purposes of an Employment Tribunal matter.</p> <p>Articles breached: 5(1)(c) of the GDPR (section 6(1)(c)(iii) of the Old DPA).</p> <p>AFS confirmed that it would not use or disclose that personal data in any way unless the Employment Tribunal exercised its powers and ordered it to be disclosed. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV19/18 GVC Services Limited ("GVC")</p>	<p>The investigation concerned a response to two SARs.</p> <p>Articles breached: 12 of the GDPR (section 14 of the Old DPA).</p> <p>GVC provided information in response to the two SARs, albeit outside the prescribed timeframe. Further, GVC reviewed their arrangements to comply with the GDPR. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV22/18 A bank (Considering the organisation's self-notification of the breach and other details relating to the case, the investigation is anonymised.)</p>	<p>Self-notification of a data breach concerning the accidental unlawful disclosure of personal data.</p> <p>Articles breached: 5(1)(f) and 32 of the GDPR.</p> <p>The bank was required to review its measures in relation to the breaches identified, to ensure compliance with the GDPR and to mitigate the risk of future occurrences of such data breaches. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV23/18 Lottohelden Limited ("Lottohelden")</p>	<p>A complaint was received in relation to email marketing, responses to two SARs and a response to a request for erasure.</p> <p>Articles breached: 6(1) and 12 of the GDPR.</p> <p>Lottohelden was required to provide a clear, written response to the erasure request and to review their arrangements to ensure that the manner in which consent is obtained for email marketing complies with the GDPR.</p> <p>The Commissioner issued Lottohelden with a Reprimand.</p> <p>No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV25/18 Kingsley Homes ("KH")</p>	<p>The investigation concerned the sending of unsolicited email marketing and a response to a SAR.</p> <p>Breached: Regulation 23 of the Communications (Personal Data and Privacy) Regulation 2006 and Articles 6(1) and 12(1) of the GDPR.</p> <p>KH ceased sending marketing emails to the complainant and confirmed that they had taken remedial action to comply with data protection requirements. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>

<p>IV27/18 Mid-Harbour Small Boats Marina Association (the "Association") as data controller, and Jebel Tarik Security Limited ("JT Security"), as data processor.</p>	<p>Following an incident concerning CCTV footage released into the public domain, the use of CCTV by the Association as data controller at Mid-Harbour Small Boats Marina was investigated, as well as JT Security's role as data processor of the CCTV system.</p> <p>The Association breached: Articles 5(1)(a), 5(1)(f), 13, 28(3) and 32 of the GDPR.</p> <p>JT Security breached: 5(1)(f), 28(3) and 32 of the GDPR.</p> <p>The Commissioner issued JT Security with an Enforcement Notice.</p> <p>The Commissioner issued the Association and JT Security with a Reprimand.</p> <p>No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV28/18 Carbon Credits Research and Surveillance Agency Limited ("CCRSA")</p>	<p>The investigation concerned disclosure of personal data on CCRSA's website and failure to comply with a request for erasure.</p> <p>Articles breached: 5(1)(f), 6, 12, 12(2) and 17 of the GDPR.</p> <p>CCRSA was required to review its arrangements in relation to the breaches identified. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV29/18 Dolphin Safari</p>	<p>The investigation concerned a response to a SAR.</p> <p>Articles breached: 12, 12(2) and 15 of the GDPR.</p> <p>The Commissioner issued Dolphin Safari with an Enforcement Notice.</p> <p>No further action was required in view that Dolphin Safari complied with the Enforcement Notice by providing the data subject with their personal data.</p>
<p>IV31/18 Zinnia Limited ("Zinnia")</p>	<p>The investigation concerned the alleged unlawful disclosure of personal data and a response to a SAR.</p> <p>Articles breached: 5(1)(a), 12, and 12(2) of the GDPR.</p> <p>Zinnia provided information in response to the SAR, albeit outside the prescribed timeframe. Further, Zinnia reviewed its arrangements to comply with the GDPR. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV32/18 Hillside (Gibraltar) Limited</p>	<p>The investigation concerned a SAR.</p> <p>Articles breached: Articles 12 and 15 of the GDPR</p> <p>Hillside (Gibraltar) Limited did not respond to the SAR. However, following the Commissioner's intervention, Hillside (Gibraltar) Limited responded to the SAR in accordance with Articles 12 and 15 of the GDPR. No further action was required, considering the circumstances of the case and corrective action taken.</p>
<p>IV34/18 Gibraltar Financial Services Commission (the "GFSC")</p>	<p>The investigation concerned a response to a SAR.</p> <p>Articles breached: 12 and 15 of the GDPR.</p> <p>The GFSC provided further information in response to the SAR following the Commissioner's intervention, and therefore, the response was outside the prescribed timeframe. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>

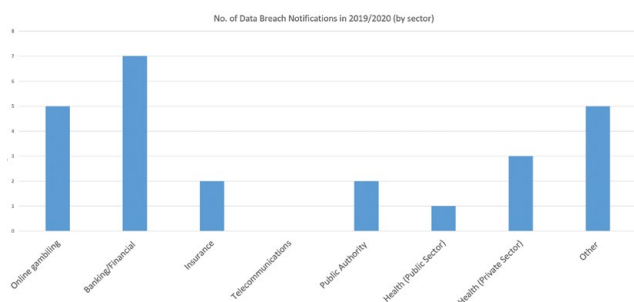
<p>IV35/18 TSN Barristers and Solicitors</p>	<p>The investigation concerned a response to a SAR.</p> <p>No contravention of the DPA and/or GDPR was identified.</p>
<p>IV37/18 Royal Bank of Scotland International Limited (Gibraltar branch) ("RBSG")</p>	<p>The investigation concerned a response to a SAR.</p> <p>Article breached: 12 of the GDPR.</p> <p>RBSG provided information in response to the SAR, albeit outside the prescribed timeframe. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
<p>IV39/18 Royal Gibraltar Police (the "RGP")</p>	<p>The investigation concerned a response to a SAR.</p> <p>Sections breached: 54 and 61(6) of the DPA.</p> <p>The RGP provided information in response to the SAR following the Commissioner's intervention, and therefore, the response was outside the prescribed timeframe. Further, the RGP reviewed their arrangements to comply with the DPA.</p> <p>The Commissioner issued the RGP with a Reprimand.</p>
<p>IV40/18 Gibtelecom</p>	<p>The investigation concerned a WhatsApp message sent to several individuals.</p> <p>No contravention of the DPA and/or GDPR and/or Communications (Personal Data and Privacy Regulations) 2006 was identified.</p>
<p>IV41/18 Department of Employment</p>	<p>The investigation concerned the alleged unlawful obtaining of personal data.</p> <p>No contravention of the DPA and/or GDPR was identified.</p>
<p>IV42/18 PricewaterhouseCoopers Limited ("PWC")</p>	<p>The investigation concerned a response to a SAR.</p> <p>Articles breached: Article 12 of the GDPR</p> <p>PWC's response to the SAR was outside the prescribed timeframe. However, PWC's failure to provide a response within the prescribed timeframe was accidental and did not reflect common business practice.</p>
<p>IV43/18 Cruzlaw LLP</p>	<p>The investigation concerned a response to a SAR.</p> <p>No contravention of the DPA and/or GDPR was identified.</p>
<p>IV45/18 Gibraltar Savings Bank (the "GSB")</p>	<p>The GSB unlawfully disclosed personal data when they erroneously provided an individual with passbooks pertaining to a third party.</p> <p>Articles breached: 5(1)(f), 5(2) and 32 of the GDPR.</p> <p>The GSB was required to review its arrangements in regard to the breaches identified to mitigate the risk of future occurrences of such data breaches and ensure compliance with the GDPR. No further action was required, taking into account the circumstances of the case and corrective action taken.</p>

d) Data Breach Notifications

During the period 2019/2020, the Division received 25 data breach notifications, 18 of which have been reviewed and closed whilst 7 are undergoing further review and/or investigation.

Upon receipt of a breach notification, the Division reviews the actions taken by the data controller in response to such breach and, where appropriate, makes recommendations on further measures to strengthen system security and consequently mitigate the risks of future occurrences. Where necessary, enforcement action may also be taken.

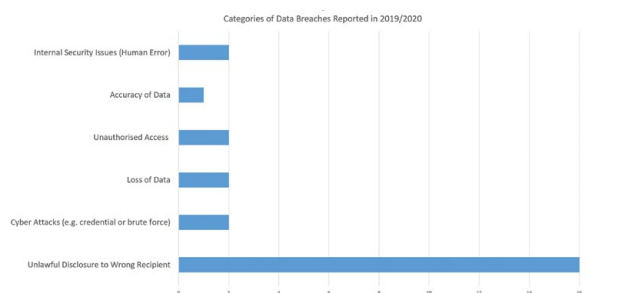
Consistent with previous years, the sector most likely to notify the Division of a data breach is the banking and financial sector with a total of 7 data breach notifications investigated by the Division in the period reported on.



Common examples of data breaches include:

- Inappropriate handling or disclosure of personal data, e.g. improper disposal, third party access to personal data (i.e. insider theft) – either manually or online;
- Network security compromise/website security breaches (e.g. credential stuffing) whereby organisations fail to appropriately scope and implement security measures relating to the organisation's specific security requirements.

The highest category of data breaches reported to the Commissioner related to the unlawful disclosure of personal data to a wrong recipient, commonly termed as "unauthorised disclosures". Such breaches account for 64% (16 out of the 25) of the total number of data breach notifications processed by the Division with 8 of these (50%) relating to the unauthorised disclosure by email, typically, as a result of human error. The graph below displays the types of event which led to the data breaches –



e) Data Protection Audits

Following the Division's focus on guidance in the lead up to the GDPR's introduction and subsequent transition period, the Division is restarting its inspections in 2020.

The aim of all audits is to check for compliance with data protection legislation and thereafter assist the data controller/data processor in achieving best practice in terms of its data processing operations. Enforcement action may be taken where necessary.

The Division has this year commenced one audit, summarised in the following –

Gibraltar Savings Bank (the "GSB")

In February 2020, the Division commenced an investigation into the GSB's general data protection compliance. This came as a result of various investigations undertaken recently in respect of the GSB's practices and failures to adequately implement the respective provisions of the applicable data protection legislation.

ii) Enforcement action

The Division's actions, when a contravention is identified are subject, and proportionate, to the circumstances of each case. In most cases during the period reported on, data controllers and processors cooperated in accordance with any requests made by the Division and resolved to review their arrangements to ensure compliance with the DPA/ GDPR and no further action was required.

Occasionally, however, the Division took enforcement action in accordance with the circumstances of the case for example where a data controller does not satisfactorily cooperate with the Division's requests and/or when the breach is of a magnitude that enforcement action was considered necessary.

The enforcement action taken in the year 2019/2020 is listed in the following –

a) Reprimands

A total of 7 Reprimands were issued during the period reported on -

- One Reprimand to Lottohelden Limited in the investigation referenced IV23/18, which concerned the sending of direct marketing via email in an unlawful manner (August 2019).
- One Reprimand to the Royal Gibraltar Police in the investigation referenced IV39/18 for failing to facilitate the exercise of rights of a data subject and comply with a Subject Access Request (October 2019).
- One Reprimand to the Mid-Harbour Small Boats Marina Association in the investigation referenced IV27/18 for its failure to comply with the GDPR's transparency and security requirements when using CCTV (November 2019).
- One Reprimand to JT Security as a data processor in the investigation referenced IV27/18, for its failure to comply with the GDPR's security requirements in its provision of CCTV services (November 2019).
- One Reprimand to the Royal Gibraltar Police in relation to a data breach (breach notification with reference BN30/18) for failure to comply with the DPA's security requirements (December 2019).
- One Reprimand to Petfre (Gibraltar) Limited in the investigation referenced IV44/18 for cumulative failure to comply with the GDPR's security requirements (January 2020).
- One Reprimand to the Gibraltar Savings Bank, in relation to the investigation referenced IV33/18, for failure to comply with the principles of data minimisation and accountability, the lawfulness of processing and for previous infringements of data protection legislation (January 2020).

b) Enforcement Notices

A total of 3 Enforcement Notices were issued during the period reported on -

- One Enforcement Notice was issued to an individual in the above-referenced investigation IV14/18B to enforce corrective action in the use of CCTV (August 2019).
- One Enforcement Notice to JT Security in the investigation referenced IV27/18 to cease the operation of a CCTV system that was considered to be processing personal data in breach of the GDPR (August 2019).
- One Enforcement Notice to Dolphin Safari for the investigation referenced IV29/18 to enforce corrective action in relation to a Subject Access Request (August 2019).

c) Notices of Intent

Two Notices of Intent were issued during the period reported on -

One Notice of Intent to issue a monetary penalty to the Royal Gibraltar Police for the above-referenced case BN30/18 for failure to comply with requirements relating to lawfulness and security of the processing under the DPA (October 2019).

One Notice of Intent to issue a monetary penalty was issued to an individual in relation to the above-referenced investigation IV14/18B for failure to comply with an Enforcement Notice. (February 2020)

iii) Data Protection Guidance

As a result of the introduction of the GDPR and Law Enforcement Directive, guidance is an area that has been given greater priority to assist organisations in their efforts to comply with the DPA/GDPR. Since the onset of the GDPR, the Division has issued a total of 18 guidance notes, 7 of which have been issued during the period reported on.

In addition to the provision of guidance, the Division has organised and participated in several data protection workshops. In such workshops, members of the Division deliver presentations on selected topics and promote discussion by distributing group exercises and reviewing case studies collectively, followed by questions and answers to conclude the interactive session. Intended to promote collaboration and debate, the workshops provide an open forum to discuss data protection law and best practice amongst data protection officers.

The work carried out by the Division in respect of the provision of guidance and engagement by way of workshops and organisational awareness, is described in the following:

a) Guidance Notes

During the past year, the Division has published guidance on the following topics:

• Guidance on Consent

Consent is one of the six lawful bases to process personal data under Article 6 of the GDPR. When initiating activities that involve processing of personal data, data controllers should take time to consider what would be the appropriate lawful ground for the envisaged processing.

This Guidance Note provides information and guidance on the conditions for consent under the

DPA and the GDPR.

- Guidance on the Use of CCTV

The first guidance document in relation to CCTV was issued in 2007. However, the expanded use and capability of CCTV systems since then has society-wide implications and unless such systems are used with proper care and consideration, they can give rise to concerns that an individual's privacy is being unreasonably eroded. Earlier guidance has therefore been reviewed and updated accordingly.

This Guidance Note provides good practice guidance for those involved in operating CCTV and other surveillance camera devices, to better understand their responsibilities and obligations in regard to data protection when using CCTV.

- The Right of Access (Handling Subject Access Requests)

This Guidance Note provides guidance on Subject Access Requests ("SARs") in regard to a request by an individual for his or her personal data.

Organisations need to be aware of an individual's right of access to their personal data under data protection legislation and this document sets out key points that organisations need to be mindful of when handling SARs, and provides practical tips to assist organisations to ensure that they are GDPR and DPA compliant when responding to SARs.

The Guidance Note also features an 8-point checklist of the foremost "Dos and Don'ts".

- Data Protection Impact Assessment – Guidance on 'Prior Consultation'

A Data Protection Impact Assessment ("DPIA") is a procedure designed to assist organisations identify and minimise the privacy risks of new projects or policies.

A data controller must consult the Division prior to processing where a DPIA under the DPA/GDPR indicates that the intended processing would result in a high risk to the rights and freedoms of individuals and these risks cannot be adequately mitigated by the data controller.

This Guidance Note aims to provide advice on the GDPR and DPA's prior consultation requirements and process, to help data controllers determine when to consult the Division on the matter.

- Blockchain Discussion Paper

Taking into consideration the irrefutably growing impact of blockchain technology on our social,

economic and political domains, and given that blockchain and the GDPR are sometimes perceived to be incapable of coexistence, it is imperative that their interaction, and the implications of blockchain technology usage when processing personal data, are considered.

This discussion paper outlines key issues regarding the relationship between blockchain and the GDPR as understood by the Commissioner. Beyond outlining the Commissioner's initial views, the main purpose of the paper is to facilitate discussion and engagement with various stakeholders in his efforts to collaborate, examine and address data protection issues within the area of blockchain.

- Privacy Notices under the GDPR/DPA

To process personal data legitimately under the GDPR and the DPA, you have to be transparent about when and how you use the personal data. This requires you to proactively provide respective individuals with certain information when collecting and processing their personal data. The notice that organisations use to provide this information to individuals is commonly referred to as a 'Privacy Notice'.

This Guidance Note provides guidance on the information that should be provided to individuals i.e. 'transparency requirements', when collecting and processing their personal data.

- Data Security

It is important to note that data security is important for all, not just large organisations, and that it concerns manual records as well as electronic records. The GDPR and the DPA require organisations to ensure the "appropriate security" of personal data. What is appropriate depends on the circumstances of the organisation and the data being processed. The law is flexible to accommodate different types of organisations but clear in that appropriate security measures must be implemented.

Data security covers a broad range of aspects including, for example, the need to restrict access to data on a need to know basis; staff training; using third-party processors who have appropriate security measures; physical security; and cyber-security related measures.

To determine what security measures are appropriate, organisations need to carry out a risk assessment. This Guidance Note includes a risk assessment methodology that organisations may use, followed by a list of organisational and technical security measures that organisations should consider implementing, as appropriate.

iv) Data Protection Workshops and Events For Organisations

Below is a list of workshops carried out, or attended, by the Division during the period reported on:

- Data Security Symposium

The AIC delivered a presentation on 23rd May 2019 at the Data Security Symposium organised by Deloitte Gibraltar. The presentation, titled “GDPR’s 1st Birthday: Our Experience So Far”, described the impact of the GDPR on the work undertaken by the Division. The AIC later joined other speakers at the event for a panel that took questions from the audience.



- Workshop Seminar with the Gibraltar Association of Compliance Officers

The Division took part in an afternoon seminar hosted by the Gibraltar Association of Compliance Officers (GACO). The seminar took place on 12th June 2019 and was titled “One Year On: a look at how the EU Regulators have enforced the GDPR since May 2018 and if companies have achieved GDPR compliance or not”. The Division delivered a presentation highlighting the impact of the GDPR on the Commissioner’s office as the regulator of data protection legislation in Gibraltar.



- Breakfast Club Seminar with the Gibraltar Federation of Small Businesses

The Division took part in a Breakfast Club Seminar (the “Breakfast Club”) organised by the Gibraltar Federation of Small Businesses (GFSB) on 27th June 2019. The Breakfast Club, titled “Data Protection matters with the GRA” consisted of a 20-minute presentation followed by a question and answer session. The aim of this setup was to engage and debate on data protection and privacy-related issues that significantly impact small businesses in Gibraltar.

- Workshops for Data Protection Officers

In March 2019, the Division launched a programme to hold periodic data protection Workshops for Data Protection Officers (“DPO Workshop”) as part of the Division’s efforts to promote awareness and provide assistance to DPOs and data controllers in relation to their data protection obligations.

On 30th September 2019, the Division held its second DPO Workshop at the University of Gibraltar. This workshop presented DPOs with an opportunity to broaden their understanding of data protection law. It also provided the Division with a better insight into the issues and/or challenges faced by data controllers.

The workshop benefited from the input and collaboration of several DPOs, namely – Michael Adamberry (Isolas LLP), Ainhua Gonzalez (GVC Group), Graham McKay (Deloitte LLP) and Tyrone Vinet (Turicum Private Bank) who individually led presentations and discussions on selected topics, namely -

- The Right of Access (Handling Subject Access Requests);
- Personal Data Breach Notifications;
- Data Security;
- Data Protection Impact Assessments; and
- Regulatory collaboration.

The feedback received from participants was positive, with the majority highlighting that the range of topics discussed proved useful to their line of work. Others added that it was a very informative and well-presented workshop and that they looked forward to contributing further to future events.

Reports on the DPO workshops undertaken are publicly available on the GRA’s website.

A third DPO Workshop was scheduled for March 2020. Due to the high number of participants registered for the workshop, two workshops were arranged for the 24th and 25th March 2020, with the registered participants split between each day. The preliminary

list of topics identified for this third workshop were as follows –

- Privacy Notices;
- Data Security;
- Data Protection Impact Assessments (Templates); and
- Direct Marketing.

In addition to the above, the Division introduced a topic to the agenda, namely “One Question to the Commissioner” whereby each participant (or group of participants) were afforded an opportunity to put forward prior to the DPO Workshop, as the title suggests, one question to the Commissioner. All the questions received would be discussed at the end of the workshop.

However, the Division had to postpone this third workshop due to the COVID-19 pandemic. This DPO Workshop is likely to be rescheduled for Autumn 2020.

v. Registers

- Register of Data Protection Officers (DPOs)

In accordance with section 138 of the DPA, the Commissioner maintains a public Register of DPOs. This is aligned with the requirement to appoint a DPO, publish their contact details and provide these to the Commissioner.

Organisations required to appoint a DPO should notify the Commissioner by submitting the DPO Notification Form which can be downloaded from the GRA’s website.

- The Opt-Out Register

In 2013 the Commissioner launched the Opt-Out Register for fax and telephone, based on provisions found in the Communications (Personal Data and Privacy) Regulations 2006 and the Commissioner is the supervisory authority empowered to regulate and maintain this register. This free service is available to fixed line and mobile subscribers who do not want to receive unsolicited direct marketing calls and/or faxes.

vi. Public Awareness

The Division continues in their efforts to raise awareness about data protection law and privacy through its “Control Your Privacy” (“CYP”) campaign. Launched in 2014, the CYP campaign involves a

combination of activities ranging from social media campaigns, workshops and public awareness events, to school presentations and an annual Privacy Awareness School Survey.

- Social Media

The Division uses social media platforms to disseminate advice and information and engage with the public. The Division uses a combination of ad-hoc posts and social media campaigns elaborating on topical matters over a period of several weeks. This year, the Division’s social media campaigns covered the following topics:

- Getting Ready for Brexit;
- Guidance on International Transfers;
- Guidance on Consent;
- Direct Marketing;
- Guidance on the Use of CCTV; and
- The Rights of an Individual under GDPR.

The ad-hoc posts vary from specific guidance on certain topics (e.g. the role of the DPO) to information relating to activities carried out by the Division, such as the publication of guidance notes, public and organisational awareness raising events and participation in international events.

- E-newsletters

The Division has so far published a total of 10 e-newsletters. These e-newsletters, published on a quarterly basis, aim to provide subscribers with news, updates and the latest developments in relation to data protection matters.

The e-newsletter describes the wide-ranging work completed as the statutory body responsible for the enforcement of data protection law in Gibraltar, such as investigation summaries, a calendar of events in relation to public awareness, news about international participation and quick-fire advice, frequently asked questions and information about the complaints procedures.

- Subscription Service

The Division provides a subscription service for individuals and/or organisations interested in staying informed about data protection-related matters. The service is used to disseminate updates and information regarding the Division’s ongoing work, including notice about the publication of Guidance Notes and additions to the GRA’s website.

- Data Protection Survey

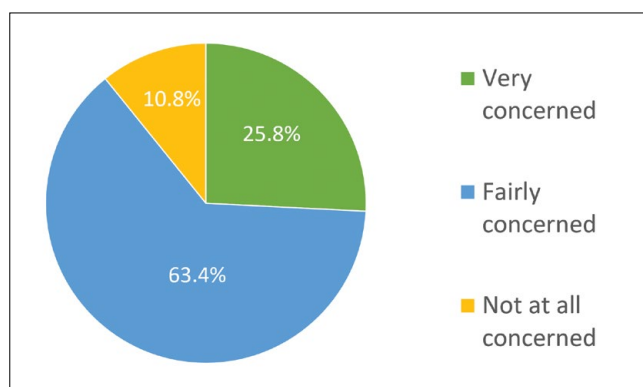
As a result of greater data protection awareness, the Division is of the view that the public is better able to exercise their rights in respect of their personal data and are better equipped to identify relevant data protection issues.

The Division carried out a Data Protection Survey (the "Survey") to learn about the public's –

- awareness of data protection generally;
- awareness in regard to the use of their personal data by third parties; and
- trust in how personal data is being handled by public and private sector service providers.

The Survey consisted of 17 questions, predominantly Likert-scale questions, and was made available on the GRA's social media platforms, including Facebook, Twitter and LinkedIn for a period of three months, from October 2019 to January 2020.

The Survey found that the majority of individuals feel that data protection is important but they are fairly concerned about not having control over the information that they provide to organisations, as illustrated in the following pie chart –



Going forward, the Division will continue to explore the further development of public engagement to learn about the public's concerns and general perception in relation to data protection as well as raising awareness of data protection rights and obligations.

The full report may be downloaded from the GRA's website.

• Awareness Events

As part of its efforts to raise awareness of data protection and privacy, the Division organises and wherever possible, participates in, awareness raising events aimed at engaging with the general public.

• GDPR Awareness Day

The Division organised a public awareness event,

between 10am and 2pm on 22nd May 2019 in town, to coincide with the coming into force of the GDPR. For the event titled "GDPR Awareness Day", the Division set up a stall where it made information about data protection and privacy available to the public. The team engaged with members of the public throughout the event.

By engaging with the public and raising awareness, the Division aims to empower people by helping them exercise their individual rights more effectively and take better control over their information. This event forms part of the Division's Control Your Privacy Campaign, whose aim is to provide different sectors of the community with information about data protection and privacy rights.



• Data Protection Day

Data Protection Day is an annual event celebrated internationally every 28th of January. It commemorates the importance of privacy and data protection. To mark Data Protection Day 2020, the Commissioner's office published a report on the results derived from the Data Protection Survey, described in the foregoing.

• Awareness Through Education

In addition to all of the above, the Control Your Privacy campaign includes activities that are specifically aimed at students, which aim to assess the risks to privacy arising from digital technology and to promote its responsible use, so that they have sufficient knowledge and understanding to make informed decisions about the opportunities offered by digital technology and equally, about the risks associated.

• School Presentations

Recognising that privacy and data protection may be a difficult subject to discuss and teach to children, the Control Your Privacy campaign in schools incorporates various exercises and examples in its presentations to enable an interactive, fun and informative session. The exercises and topics included in the presentation are current, and touch upon elements of social media and online gaming which, based on experience and according to previous surveys, a high percentage of students are familiar with. The presentation breaks down data protection jargon into practical terminology for students and provides an insightful understanding into the world of privacy settings and how to best protect personal data.

The Division began this academic year's awareness raising campaign in local schools in November 2019. A total of 8 presentations were delivered to the Years 7, 9 and 11 age groups in secondary schools, including the Gibraltar College of Further Education.

• Privacy Awareness School Survey

In conjunction with the school presentations, the Division undertook a Privacy Awareness School Survey (the "Survey") during the 2018/2019 academic year to learn the extent of use of Social Networking Sites ("SNS") amongst local students and learn more about the habits of these students with regards to SNS, in particular, which SNS are being used, the reasons and frequency of use, and the extent to which available privacy controls are being used.

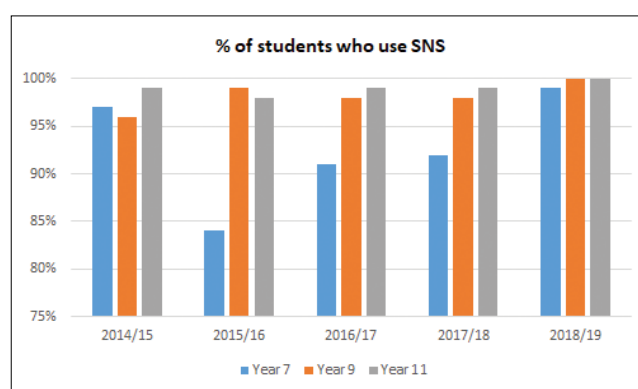
The 2018/2019 Survey involved a total of 1038

students, consisting of 538 boys and 500 girls approximately between the ages of 11 and 16 years.

The Survey was carried out between November 2018 and April 2019 after which, a report on the results derived from such was published by the Division in June 2019 (the "Report").

The Report analyses the information gathered from the Survey by comparing them to the results collated from previous years. In doing so, the Division is able to identify any key changes or behavioural trends in privacy practices amongst students in Gibraltar when using digital technology, particularly when using SNS.

Below is a bar chart displaying such trends over a 5-year period –



This year's results, when examined against previous years' results, further identify some positive developments. For example –

- the everyday use of SNS to post comments has significantly reduced among Year 11 Students;
- the everyday use of SNS to post photos or videos is relatively low amongst all three-year groups;
- the use of security features on mobile devices such as a PIN or facial recognition to control access to the mobile device has increased.

Notwithstanding the positive developments above, concerns remain, such as the increased use of SNS by Year 7 Students and the very high percentage of students sharing information about others without their consent.

In addition, the emergence of the use of online console apps, introduces new challenges from a data protection perspective. In this regard, the continuous and increasing use of SNS demands that continuous efforts are made in relation to raising privacy awareness to help the younger generations better understand the importance of controlling their privacy. The Commissioner's office welcomes the slight improvements in privacy practices; however, it

is appropriate and necessary to continue monitoring these user habits and endeavour to promote the safe use of SNS and mobile devices.

The full report is available to download from the GRA's website.

vii. Freedom of Information ("FOI")

The Freedom of Information Act 2018 ("FOI Act"), yet to be commenced, provides public access to information held by public authorities. It is based on the principle that people have a right to know about the activities of these public authorities, unless there is a good reason for them not to. The default position is therefore to only keep information private when there is good reason to. This is achieved by obliging public authorities to publish certain information about their activities and giving members of the public the right to request information held by them.

Under the FOI, the GRA, with powers conferred upon the Information Commissioner, has regulatory responsibilities and provides an advisory service with regard to matters covered by the FOI Act.

The FOI Act is a new regime in Gibraltar, with the law having only been passed through Gibraltar Parliament in 2018. The Division recognises the significance of freedom of information and access to information, both for individuals and public authorities alike. The Division is of the view that such access improves public confidence and trust if HMGoG and public sector bodies are seen as being open and transparent.

• Guidance and Implementation

The public authorities that are subject to the FOI regime are listed in a schedule within the FOI Act (the "Schedule"). Public authorities will be progressively added to the Schedule. In this regard, the Division collaborates with HMGoG so that the relevant public authorities are delivered a presentation prior to their addition to the Schedule. The presentation aims to provide practical guidance and assistance on FOI.

To date, the Division has delivered the presentation to the following public authorities:

- Department of Education
- Department of Human Resources
- National Archives
- Gibraltar Law Courts
- Government Law Offices

- 2nd Case Handling Workshop on Freedom of Information and Access to Information, Gibraltar, December 2019

The GRA is designated as the body responsible for the enforcement of the FOI. In regard to international participation and collaboration in FOI, the GRA hosted the 2nd Case Handling Workshop on Freedom of Information and Access to Information (the "Workshop") on 3rd and 4th of December 2019. The Workshop was organised at the University of Gibraltar.

The Workshop follows one held last year hosted by the National Authority for Data Protection and Freedom of Information, held in Budapest, Hungary.



The Workshop brought together Information Commissioners and Ombudspersons responsible for the protection and promotion of freedom of information laws from across 10 different jurisdictions, providing a platform to share expertise and best practice in relation to freedom of information matters from a practical perspective.

Significant topics were discussed during the Workshop, including transparency in Government, appeal mechanisms, exceptions to the duty to disclose information and the proactive disclosure of information. With particular emphasis on "case handling", the Workshop provided a level-playing field for all authorities to discuss the practical issues and solutions regarding how the many different elements of freedom of information are/have been handled, and its importance in the modern world.





BROADCASTING

Introduction

The role and duties that govern the Broadcasting Division (the “Division”) are contained in the Broadcasting Act 2012 (the “Act”). The Division’s main responsibilities are to grant licences and enforce the conditions set on licensees, to regulate matters on broadcasting standards, to issue codes of practice and to encourage the promotion of media literacy.

The broadcasting industry for this reporting period consists of three radio broadcasters, two of which are television broadcasters, and one media service provider. The radio station operators are Radio Gibraltar, which has a long history and has been providing a regular service since 1958, the British Forces Broadcasting Service (“BFBS”), provided by the Services Sound and Vision Corporation (“SSVC”) and which has been broadcasting in Gibraltar since 1961, and Rock Radio which was licensed in October 2018.

The Gibraltar Broadcasting Corporation (“GBC”) is the sole public service broadcaster and was established in 1963 with the amalgamation of Gibraltar Television and Radio Gibraltar. GBC currently provides a digital television broadcasting service on DVB-T and analogue radio services on MW and FM, and since December 2012, digital audio broadcasts on DAB+.

The second television broadcaster also transmitting from Gibraltar’s Digital Terrestrial Television platform is Al-Jazeera Media Network. Al-Jazeera Media Network is currently broadcasting a 24-hour English-language news and current affairs television channel.

The media service provider, Music Box Interactive TV (Gibraltar) Ltd, was licensed in May 2019 and offers a 24-hour music-TV service via electronic communications networks.

The Division’s responsibilities also include the issuing of codes of practice and providing guidance to consumers and other users of the broadcasting services in Gibraltar. The Division has continued this year with pursuing the Media Literacy Awareness Campaign and has once again delivered presentations to both comprehensive schools.

International Participation

Participation at international meetings is invaluable to the development of best practices in the regulation of broadcasting standards. Such events are fundamental to the Division as they provide an excellent opportunity to network with regulators from other jurisdictions. Most importantly, they provide well established platforms for regulators and industry experts to standardise, complement and address the challenges faced by the world of broadcasting regulation.

i. **49th European Platform for Regulatory Authorities Meeting (“EPRA”), Sarajevo, Bosnia Herzegovina, May 2019**

The 49th EPRA meeting attended by the GRA’s DCEO and the Division’s Broadcasting Regulatory Manager, which took place from 29th to 31st May in Sarajevo, was hosted by the Communications Regulatory Agency of Bosnia and Herzegovina. The meeting involved 150 delegates representing 50 member authorities, permanent observers and invited media experts who discussed current issues pertaining to audiovisual media regulation in Europe.



The first plenary session focused on key challenges that audiovisual regulators face to define and assess the level of harm for children on online media. A panel composed of professionals shared their experience and research findings.

The second plenary session focused on the changing ecosystem of sports’ rights and emerging regulatory

challenges. A panel shared their experience with the audience and engaged in a debate on whether new regulatory approaches were needed.

Three parallel working groups allowed regulators to actively exchange experience and best practices. The first working group on “Media literacy” presented the results of the media literacy taskforce set up by EPRA in 2018 and exchanged tips and best practices. Working group 2, on “European works and prominence: discussing definitions and methodology”, discussed best practices and the practical challenges encountered when identifying and measuring European works quotas and prominence on Video on Demand catalogues. The third working group on “The prevention of hate speech in the media in countries with multicultural communities”, discussed the current issues of concern for regulators with regard to hate speech, with a focus on video-sharing platforms which now forms part of the new EU Audiovisual Media Services Directive.

ii. 50th European Platform for Regulatory Authorities Meeting (“EPRA”), October 2019, Athens, Greece.

The 50th EPRA meeting took place on 23rd to 25th October 2019 in Athens and was attended by the GRA’s CEO and the Division’s Head of Broadcasting. The event was hosted by the National Council for Radio and Television of Greece and around 140 delegates representing 50 authorities, permanent observers and media experts gathered to discuss matters that relate to audiovisual media regulation in Europe.



The first of the plenary sessions looked at “the Protection of minors in the online world: what common challenges for National Regulatory Authorities (NRAs) and Data Protection Authorities?” It focused on the common challenges faced by the NRAs and the DPAs regarding children and their digital content consumption.

The second plenary session focused on the use of

“Artificial Intelligence” in content moderation. A panel of experts shared their respective experience with regard to this emerging technology and engaged in a debate with the audience.

The three working groups allowed regulators to actively exchange experiences and best practices. The first working group was on “Media literacy” and focussed on how NRAs have been involved in projects which were designed to promote media literacy skills relating to the use of social media/ platforms and exploring how search and social platforms are promoting media literacy skills. The second working group on “European works and prominence: identifying best practices” discussed the practical challenges encountered by regulators when collecting, identifying and measuring quotas of European works and prominence on video-on-demand catalogues. Working group three was on “Accessibility of TV and on-demand audiovisual media services”, whereby a panel of experts gave the most recent regulatory and technological developments and discussed best practice in those jurisdictions that have many years of experience in using regulatory tools to enhance the amount of accessible audiovisual content available to people.

Regulatory Matters

The following is an outline of the regulatory matters which the Division has been involved with during the reporting period 2019/2020.

i. Measured Activity

a) Inbound Enquiries

Throughout this period, the Division has received queries, mostly from broadcasters, on matters relating to the GRA’s code of practice on the Audiovisual Commercial Communications Code (“ACCC”) and Programme Standards Code (“PSC”).

Additionally, the Division also addressed numerous enquiries from the general public. Most of the public queries related to information concerning applications for television and/or radio licences.

b) Monitoring

The Division continues to have a good working

relationship with local broadcasters and is always at their disposal to provide guidance and make recommendations. During this reporting year, the Division conducted monitoring exercises of GBC's programming during the European Parliamentary Election and General Election periods, as well as during the run up to the 2020 Referendum on abortion. This was carried out to ensure that the rules contained in the relevant codes for tv and radio programmes issued during the elections and referendum were being applied correctly.

c) Complaints

One complaint was received during this reporting year.

Vasquez v GBC

On the 2nd October 2019, a formal complaint was submitted to the Division by Mr Robert Vasquez (the "Complainant"), an independent candidate standing for the 2019 General Election. The nature of the complaint was against GBC's allocation of airtime and specifically the exclusion of the Complainant "...from programmes dealing with the issue of democracy..." which was his "...main campaign issue that includes dealing with corruption and cronyism." The Complainant claimed that this was evidence of bias, and lack of impartiality and undue prominence given to the three parties contesting the General Election.

The Division, following the complaints procedure, requested further information from GBC, including its views on the matter. The Division did not agree with GBC's assessment that allowing the Complainant to participate in a specific debate programme would have given undue prominence to one of the parties already participating because of the Complainant's former association with the same. The Division stated that GBC should have viewed the Complainant as an independent candidate with his own manifesto. The Division was of the view that there would have been no breach of the "Code on objectivity, impartiality, accuracy and undue prominence" (the "Code") if the Complainant had been allowed to participate.

However, the Division's view was that ultimately, the question of whether the Complainant should have been allowed to participate was a matter of editorial judgment for GBC, taking the entire electoral programming schedule as a whole, and the airtime already allocated to the Complainant.

In conclusion, the Division found that there had been no breach of the Act or the Code.

ii. European Convention on Transfrontier Television

During the last reporting year, the Division has worked closely with the Gibraltar Law Offices providing expert guidance on the implementation of the Council of Europe Treaty on European Convention on Transfrontier Television (the "Convention"), and ensuring that there were no conflicts with certain provisions of the Act.

On the 31st July 2019, Her Majesty's Government of Gibraltar ("HMGoG"), requested the extension of the Convention with effect from Sunday 1st December 2019. The extension of this Convention was part of HMGoG's contingency plans in the event of a no-deal Brexit and the implementing legislation entered into force on 31st January 2020.

This Convention creates a legal framework for the free circulation of transfrontier television programmes in Europe, through minimum common rules, in fields such as programming, advertising, sponsorship and the protection of certain individual rights. It entrusts the transmitting states with the task of ensuring that television programme services transmitted comply with its provisions. In return, freedom of reception of programme services is guaranteed as well as the retransmission of the programme services which comply with the minimum rules of the Convention. Currently there are 20 EU Member States that are signatory to this Convention, including Spain.

iii. Media Literacy Awareness Campaign – Schools

Since September 2017, the Division has been conducting its Media Literacy Awareness Campaign by delivering presentations to Year 9 students in secondary education. The topic for the presentation was on media messages and how commercial communications, in the form of television advertising and product placement, can influence how matters on television are perceived.



This reporting year, the Division included an additional topic for its Media Literacy Awareness Campaign on Fake News. These presentations were

delivered to Year 12 and 13 students in secondary education, who were made aware of the dangers of fake news, with an emphasis on misinformation and disinformation.

The feedback the Division has received from teachers and students was that the presentations have been very helpful. The students were keen to share their thoughts on the various topics covered in the presentations which highlighted the need for such awareness. The Division has also been providing information to the general public on the GRA website and via its social media platforms.

iv. European Parliamentary Elections

Under section 7(1) of the European Parliamentary Elections Act 2004, the Authority, has a statutory duty to draw up, and from time to time review and revise, a code setting the standards to be observed for programmes to be included in television and radio services in relation to European Parliamentary elections.

The European Parliamentary elections were held on Thursday 23rd May 2019 and marked the last time that Gibraltar would participate in these elections given that the United Kingdom, which includes Gibraltar, would cease to be a Member State of the European Union after 31st January 2020.

v. General Election 2019

The General Election took place on Thursday 17th October 2019 with three parties and two independents contesting the elections. The Division had to ensure that the requirements of the Code on objectivity, impartiality, accuracy and undue prominence (the "Code") were being applied correctly by GBC. The Code ensured that electoral political broadcasts were offered to all the parties that contested the elections, and that the time durations were strictly adhered to.

The Code also ensured that the broadcast of programmes during the election also complied with the requirements on due impartiality. For this General Election, GBC provided the Division with a copy of the television and radio schedule of programmes during the election campaign in order to assist with the monitoring and recording of the programmes and political broadcasts.

vi. Referendum on Abortion

In preparing for the referendum on abortion, the Division was required to establish standards in a code of practice, under paragraph 1(1) of Schedule 3 of the Act, that applies to the content of programmes to be included in television and radio services in Gibraltar in relation to a referendum. The referendum was originally set for Thursday 19th March 2020, however, HMGoG took the decision to delay the referendum due to the recommended restrictions on movement of people to contain the spread of the Coronavirus – Covid-19.

vii. Revenue Collected

During the period 2019/2020, and in accordance with the provisions of the Broadcasting (Licensing) Regulations 2015, the Division collected a total of £11,600 in respect of the following Licences:

FM Radio Licence	£10,000
On-demand Licence	£500
Audiovisual Media Service Licence	£1,100



POSTAL SERVICES



Introduction

The Postal Services Division (the “Division”) of the GRA has responsibility for regulating the Postal Services Sector in Gibraltar in accordance with the Post Office Act (the “Act”) and the Postal Services (Authorisation) Regulations 2012 (the “Regulations”).

The GRA’s statutory objective is to promote competition within the local postal services sector, which is a fully liberalised market, whilst also securing the provision of a competitive universal postal service at an affordable price for all users in Gibraltar. This is all achieved by facilitating market entry through a system of authorisations and licences.

The Division’s specific functions under the Act and Regulations include issuing guidance and directions to the Royal Gibraltar Post Office (the “RGPO”) as the designated Universal Service Provider (the “USP”) in respect of their accounting procedures and monitoring compliance with the Tariff Principles established in the Act. Other functions include monitoring operational developments, setting quality standards, monitoring performance against these standards and ensuring that the RGPO complies with its licence obligations.

The Division also issues guidance and recommendations to all postal service providers in order to ensure compliance with the requirements of the Act, whilst simultaneously ensuring the rights of users are upheld.

Regulatory Matters

The following is an outline of the regulatory matters carried out by the Division for the period 2019/20.

i. Universal Service Provider

The RGPO’s current designation is valid until July 2020 and sets out a number of obligations and standards which the RGPO must comply with in order to meet a variety of consumer needs and ensure that efficient, reliable and good-quality postal services are available both locally and internationally.

The RGPO is also responsible for the delivery of incoming international mail to addresses within Gibraltar and collection and onward transmission of

outgoing international mail. As the designated USP, the RGPO must provide the following services:

- the clearance, sorting, transport and distribution of items up to 2kgs;
- the clearance, sorting, transport and distribution of parcels up to 20Kgs;
- services for registered items;
- services for insured items;
- free services, for blind or partially sighted persons (up to 7kg);
- PO Box rental;
- Poste-Restante;
- Certificate of Posting

ii. Access to the Network

The Division has a duty under the provisions of the Act to ensure that every user has the right to and can access a universal service of specified quality at all points in Gibraltar, in other words it is necessary to ensure that the density of the points of contact take account of the needs of users.

As the designated USP, the RGPO in consultation with the Division and town planning, has carried out a gradual refurbishment exercise of all existing pillar boxes and has also introduced a total of three new pillar boxes in various locations around Gibraltar in order to ensure that the needs of end-users are met. This task has also allowed the RGPO to proactively address potential deficiencies in the coverage of the postal network in light of new property development etc.

iii. Quality of Service Requirements

In accordance with the provisions of Section 40(1) (a) of the Act, the Division has a duty to set quality standards for Gibraltar (local) mail in order to ensure the provision of a good quality universal postal service.

iv. Local Mail

The quality of service target for local mail is expressed according to the formula (D+N) where D represents the date of deposit (before the last collection time of the day) and N is the number of days which elapse between that date and the delivery to the addressee.

In previous years, the standard for the delivery of

local mail was set at 88% and this had remained unchanged for several years in order to allow the RGPO sufficient time to improve their operational performance in order to meet this standard. However, this performance standard was later increased and for the past three years, it has been set as follows:

- 95% of items to be delivered in Gibraltar the day after posting (D+1)

v. Performance Monitoring - Gibraltar Public Services Ombudsman

Section 4N(4) of the Act requires independent performance monitoring of the established quality standards to be carried out. To date, this task has been carried out successfully by the Gibraltar Public Services Ombudsman (the “GPSO”) who, with the approval of the Division, has acted as the independent body, tasked with monitoring the quality of service target for local mail throughout Gibraltar.

The GPSO fulfils this task by sending out numerous test letters to a broad spectrum of members of the public who then report receipt of these letters. This ensures that the full local end-to-end network, which involves the collection of mail from various access points and subsequent processing and delivery within Gibraltar is monitored.

The Division often uses the statistical information generated by this in order to assist the RGPO in making informed decisions and operational improvements that ultimately help the RGPO in meeting the required quality of service standard.

The GPSO and RGPO, in consultation with the Division, are currently in the process of revising the manual performance monitoring procedures currently in place and are also looking at the feasibility of incorporating the use of automated systems that would address certain inadequacies and enhance the overall accuracy of all performance results going forward.

vi. International inbound delivery within Gibraltar

The RGPO as the USP for Gibraltar has a duty to monitor its quality of service. The Global Monitoring System (“GMS”) is a state-of-the-art independent performance measurement system managed by the Universal Postal Union (the “UPU”). Its primary objective is to provide participating countries with accurate, high-quality operational results regarding

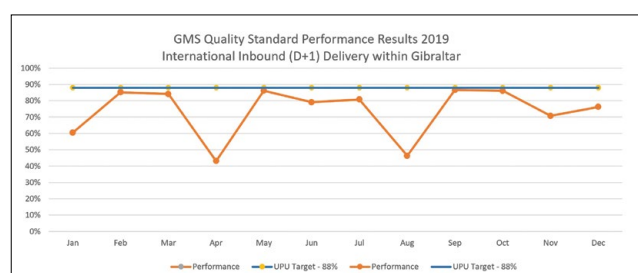
the performance of letter mail.

The GMS consists of external, independent panellists who exchange test items between the participating countries. The test items contain a radio frequency identification “RFID” tag, which is read by an antenna installed at the RGPO sorting office where the international mail is received and processed. The test items are identified and logged automatically and once delivered this information is immediately sent to the UPU in order to determine the quality of service being provided.

The performance results generated by the GMS are linked to terminal dues payments, which are essentially the payment rates in mail exchanges between countries and therefore affects remuneration between postal operators, based on performance.

The primary focus in this case is on the performance of the destination country, in other words it is in essence, an “end-mile” measurement rather than a full “end to end” measurement. It is vital however, not to confuse this system which only monitors the delivery times of inbound international mail once it arrives in the sorting office, with the system adopted by the GPSO which monitors the full local end-to-end network in Gibraltar.

The chart below illustrates the RGPO’s performance results in respect of next day delivery of international inbound mail within Gibraltar for 2019:



The year-to-date figures received from the UPU show the RGPO’s performance for next day delivery within Gibraltar as follows:

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019
UPU Target	65%	75%	78%	88%	88%	88%	88%	88%	88%
Performance Result	85%	91%	85%	87%	80%	75.20%	67.40%	56.10%	72.40%

The unusually low performance results in April 2019 were due to a backlog in the mail centre generated by several official holidays and the low results for August 2019 were due to leave and staff shortages. However, the Division has been informed that as of October 2019, the RGPO received a new intake of supply workers to avoid this scenario occurring again.

These figures show that the RGPO has fallen short of meeting the required target of 88%. Therefore, the Division will continue to work closely with the RGPO in order to make the necessary operational improvements with a view of satisfying the required performance targets.

vii. EU Intra-Community cross-border mail

The quality of service standard for the delivery of EU Intra-Community cross-border mail is EU driven and is established in law under Section 4N (2) of the Act. The quality standard for postal items of the fastest standard category is as follows:

- 85% of items to be delivered in D+3
- 97% of items to be delivered in D+5

Due to Gibraltar's unique geographical circumstances, the above targets are not feasible due to the fact that all mail (with the exception of Spain) takes a transit route via London, whereas the above targets are for direct mail exchanges between European neighbours.

viii. Direct Mail route via London

For many years, all incoming daily mail to Gibraltar was despatched by air from London to Malaga and subsequently transported by road to Gibraltar. However, as part of its Brexit contingency measures, HM Government of Gibraltar has successfully coordinated arrangements with Royal Mail and the RGPO so that all inbound mail for Gibraltar, including letters and parcels, arrive on a direct flight from London, thereby avoiding excessive transit delays.

The RGPO targets a next day delivery service, whereby all local and international mail gets delivered or exported by the next working day and this new arrangement will ultimately serve to increase the RGPO's operational efficiency whilst reducing delivery times without any additional costs. This direct mail link is also applicable to outbound mail, meaning that the RGPO is able to provide a faster service to the UK and connecting countries.

ix. Dispute Resolution

All postal service providers in Gibraltar are required to have procedures in place for dealing with complaints. In the first instance, customers are required to contact their postal service provider with their complaint and allow them adequate time to investigate and resolve

any issues.

Where a complaint has not been satisfactorily resolved, the customer may then file a complaint with the Division. However, the Division can only consider genuine and reasonable complaints regarding services offered in Gibraltar by authorised postal service providers.

The following table is a breakdown of the number of complaints received by the RGPO during the 2019 period. These figures are updated and published regularly on the RGPO's website:

Complaint Type	Number
Mis-delivery	82
Lost	39
Damaged	6
Speed	0
Redirection	4
Staff	2
Access	0
Information	0
Insured	0

During the period under review, the Division also dealt with numerous enquiries, regarding complaints about the RGPO's service however, these were satisfactorily resolved without regulatory intervention.

x. Social Media

The Division uses social media platforms in order to ensure consumers are given up to date information or guidance on numerous topics of interest which are relevant at the time.

The Division has published information and guidance, by way of social media slides on the following topics:

- Addressing Properly
- Articles for the Blind
- Sale of Stamps
- Christmas 19 Latest Recommended Posting Dates
- Redirection of Mail.

xi. The Register

The Regulations require the Division to establish and maintain a register of authorised persons and individual licences granted under Part I of the Act.

The Register can be inspected at the GRA's office and is also accessible on its website.

xii. Revenue Collected

During the 2019/20 period and in accordance with the provisions of the Act, the total amount collected in respect of General Authorisations was £1,000.00.

The total amount collected in respect of the Individual Licence issued to the RGPO was £5,000.00.

This has brought the total revenue for Individual Licences and General Authorisations for 2019/2020 period to £6,000.00.





HIGHER EDUCATION REGULATION



Introduction

The Higher Education Regulation Division (the "Division") was set up to enable the GRA to comply with Part 11 of the University of Gibraltar Act 2015 (the "Act"). The Act was commenced on 2nd July 2015 and gave powers to the Minister for Education to designate a quality assurance authority to be known as the Gibraltar Authority for Standards in Higher Education and also to designate a regulatory authority to be known as the Gibraltar Higher Education Commission.

On 31st May 2018, the University of Gibraltar (Regulation and Accountability) Regulations 2018 (the "Regulations") were commenced and the GRA was designated as both the Gibraltar Higher Education Commission, and the Gibraltar Authority for Standards in Higher Education.

Role and responsibilities of the Higher Education Regulation Division

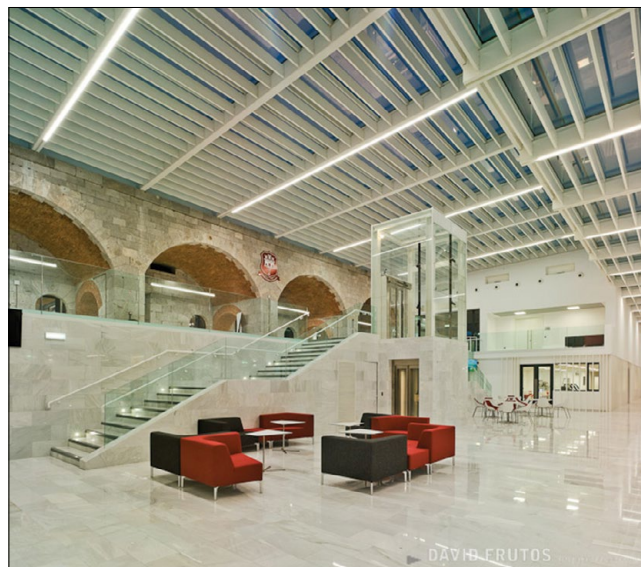
In accordance with the Regulations, the Gibraltar Higher Education Commission issued on the 1st June 2018, a Memorandum of Regulation ("MoR") to the University setting out how:-

- a) the quality and standards of education in the University shall be monitored;
- b) compliance by the University with its functions, duties and obligations under the Act shall be monitored;
- c) the use by the University of its funds including any public funds provided to it shall be monitored;
- d) other aspects of the University's performance are monitored;
- e) the University is expected to demonstrate effective governance and accountability; and
- f) the University's autonomy and academic freedom are maintained.

Furthermore, the Gibraltar Authority for Standards in Higher Education in accordance with the University of Gibraltar Act 2015 (the "Act") is required to:-

- a) establish criteria for the recognition of qualifications awarded by the University;
- b) keep and maintain a register of the University's qualifications; and

- c) promote the quality and standards of University education and training through a system of quality assurance of courses, academic programmes and awards.



Memorandum of Regulation ("MoR")

One of the objectives of the Regulations was to provide the Division with the necessary powers to perform the roles of the Gibraltar Higher Education Commission and the Gibraltar Authority for Standards in Higher Education. However, the Regulations also included and set out a memorandum that the Division would have to agree with the University.

During the last couple of years, the Division has been working and liaising with the University to identify its governance structure and its future development plans. The Division has been consulting UK experts, and the MoR sets out the process by which the University will provide annual documentation to support their developments and improvements in all aspects including governance, facilities, quality of courses and sustainability.

The Division, in performing its responsibilities as the Gibraltar Higher Education Commission, will carry out desktop analysis of the documentation provided and with the assistance of the University Advisory Board will provide recommendations to the University. Furthermore, the Division, as part of its responsibilities as the Gibraltar Authority for Standards in Higher Education, will continue to liaise closely with the University to determine a mutually acceptable schedule of internal and external audits to assess the quality of the courses being provided. These audits are of great importance for both the University and the Division and will not just concentrate on the undergraduate and post-graduate courses but also in more general procedural aspects of the taught courses.

University Advisory Board

The provisions of section 48 of the Act give powers to the GRA, in its role as the Gibraltar Authority for Standards in Higher Education, to appoint an advisory board. The University Advisory Board (the "UAB") was setup in June 2018, with the aim to provide advice and support to the CEO of the GRA in his role as the head of the Gibraltar University Regulatory Commission and the Gibraltar Authority for Standards in Higher Education.

Under its terms of reference, the UAB is comprised of four independent members with expertise in governance, regulation and higher education, and is required, amongst other things, to advise the CEO on the design and operation of the regulatory framework and the MoR.

The UAB has met twice since the last reporting year and, has reviewed the effectiveness of the MoR and monitored the autonomy and academic freedom of the University. The outcome of the first meeting in April 2019, resulted in the UAB providing the CEO of the GRA with an analysis of the Division's annual risk assessment of the University. This analysis was based on the documentation that was supplied by the University at the end of 2018 in compliance with the requirements of the MoR.

Having conducted its analysis and taken into account the expert opinions of the members of the UAB, staff of the Division met up with the University and discussed the annual risk assessment and any areas of concern. Overall, the University was satisfied with the analysis and agreed to liaise closely with the GRA.

Quality Assurance

The University has developed all its degree courses in line with UK quality standards. To further ensure that the quality of all their courses continue to meet the highest standards, the University has appointed a Director of Academic Quality and Learning and has expanded its schedule of internal audits and checks. In addition to these internal measures, the University has taken onboard the recommendations of the Division and the UAB. As a result, the University has arranged for an external quality assessment to be carried out earlier than had originally been anticipated. During this academic year, the University applied to the UK's Quality Assurance Agency for Higher Education (QAA) to undergo an International Quality Review (IQR).

The IQR consists of five key stages including analysis

and evaluation of the University's own processes, taking part in an external review by QAA's peer reviewers and follow-up action planning.



In November 2019, the University underwent the "scoping visit" from the QAA, which resulted in a favourable report in which the University was invited to progress on to Stage 3: the institutional review.

The QAA also highlighted areas of interest and based on their recommendations the University agreed to the review being carried out during the academic year 2021/22.

A successful review would mean that the University of Gibraltar would be officially accredited by QAA. Furthermore, the University would be able to use the IQR Accreditation Badge on their website and marketing materials, which would indicate that they are accredited against internationally recognised standards.

This accreditation would provide further assurance to students and parents that the programmes offered meet international academic standards.

University of Gibraltar Higher Education Courses 2019-2020

POST GRADUATE

MSc in Marine Science and Climate Change

Postgraduate Certificate in Education (PGCE)

UNDERGRADUATE

Bachelor of Business Administration





CYBER SECURITY COMPLIANCE

Introduction

In 2018, the Civil Contingencies Act 2007 (the “Act”) was amended to include the requirements of Directive 2016/1148 on the security of network and information systems across the EU (the “NIS Directive”).

The NIS Directive was required to improve national cybersecurity capabilities of essential services throughout the EU, to build cooperation and promote a culture of risk management and incident reporting among Member States.

The GRA was designated in Part 7 of the Act as the competent authority for the security of network and information systems in respect of operators of essential services (“OES”) and Digital Service Providers (“DSP”).

Additionally, the GRA was designated by the Act as the single point of contact (“SPOC”) for Gibraltar. The SPOC’s role largely concerns cross-border co-operation where incidents affect more than one Member State.

In order to comply with the new requirements of the Act, the GRA established the Cyber Security Compliance Division (the “Division”). The role and responsibilities of the Division are:

- a) Regulating, supervising and enforcing compliance;
- b) Establishing a list of operators of essential services;
- c) Establishing a list of digital service providers;
- d) Investigating breaches;
- e) Issuing guidance to operators of essential services or digital service providers;
- f) Drawing up Codes of Practice;
- g) Recording and reporting incident notifications; and
- h) Conducting or organising inspections.

International Participation

i. CYBERUK Conference, Scotland, April 2019

The Head of the Cyber Security Compliance Division attended the CYBERUK conference which is the UK government’s flagship cyber security event, hosted in Glasgow on 24-25th April 2019 by the National Cyber Security Centre (“NCSC”). The CYBERUK event featured world-class speakers that provided insight into the latest threats and cyberattacks, and discussed the possible mitigation techniques and the importance of awareness campaigns.



For the first time, representatives of the ‘Five Eyes’ allied intelligence agencies appeared on stage together to discuss global cyberattack resilience.

The conference also provided the opportunity to meet with representatives of the Scottish government, and to discuss their implementation of the NIS Directive requirements. This has proved very fruitful and paved the way for future discussions and knowledge sharing which is paramount in the ever-evolving cybersecurity world.

Regulatory Matters

The following is an outline of the regulatory matters which the Division has been working on since it was designated as the competent authority by the Act.

i. Reporting of Incidents

The designated OES and DSP are required under sections 42 (1) and 43 (3) of the Act respectively, to notify the Division of any incident that may have a substantial impact on the provision of the essential service.

The reporting of incidents is done via the NIS reporting form available on the GRA website and should be submitted as soon as possible but no later than 72 hours after becoming aware of the incident.

The NIS reporting form was designed for major incidents, but it can also be used by OES and DSP or any other related company or body to alert the Division of potential cyber incidents and attacks that may have been mitigated but could potentially have an impact.

ii. Report on Cyber Incidents

The European Cooperation Group (“ECG”) collates reports on the quantity and nature of cyber incidents, from each Member State, to determine the main cyber threats across the EU and provide recommendations for mitigating the effects and even blocking specific cyberattacks.

In accordance with the provisions of section 40 (3) of the Act, the Division submitted an incident report to the NCSC, for this to be collated with the UK’s report to the ECG.

The UK has clearly stated that cybersecurity is of critical national importance and it will continue to cooperate with other European countries and EU security organisations.

iii. Report on designation of Operators of Essential Services (“OES”)

The Division is required to identify the essential services being provided by network and information systems and essential for the maintenance of critical societal or economic activities in Gibraltar.

The Act requires the Division to assess the following sectors:

- Energy
- Transport
- Banking
- Financial market infrastructures
- Health Sector
- Drinking water supply and distribution
- Digital infrastructure

The Division has identified and designated four OES by way of a Notice under section 35(2) of the Act, as providers of essential services. The Act requires an OES to take appropriate and proportionate technical and organisational measures to manage the risks posed and prevent and minimise the impact of incidents affecting the security of their network and information systems. Furthermore, an OES is also required to notify the Division of any incident that may have a significant impact on the provision of an essential service.

iv. Designation of Digital Service Providers

DSP, just like OES, must ensure the level of security of their systems are appropriate to the risks identified and as far possible minimise the impact of any cyber incident. DSP must also notify the Division of any incident having a significant impact on the provision of their digital service. The Division is currently assessing the “Cloud computing services” and awaiting the changes to the Act, due to Gibraltar’s departure from the EU, to identify the necessary thresholds for DSP.

v. Cyber Assessment Framework

The Act requires an OES to take appropriate and proportionate technical and organisational measures to manage the risks to the security of network and information systems which support the delivery of essential services. The Cyber Assessment Framework (“CAF”) encourages OES to meet a set of fourteen NIS cyber security principles written in terms of outcomes. The CAF is intended as an assessment tool that specifies what needs to be achieved rather than stating exactly what needs to be done. The Division requires all OES to complete their own risk assessments in order for the CAF to be targeted at the critical systems and the networks providing the essential service.

Structure of the Cyber Assessment Framework

Objectives							
A: Managing security risk	B: Protecting against cyber attack		C: Detecting cyber security incidents		D: Minimising the impact of cyber security incidents		

Principles							
A1: Governance	A2: Risk management	B1: Service protection policies & processes	B2: Identity & access control	C1: Security monitoring	C2: Proactive security event discovery	D1: Response & recovery planning	D2: Lessons learned
A3: Asset management	A4: Supply chain	B3: Data security	B4: System security				
		B5: Resilient network & systems	B6: Staff awareness & training				

The CAF is based on four main objectives and structured into specific principles that are based on sets of indicators of good practice. For further information on the assessment process and the CAF, please visit the GRA website: <https://www.gra.gi/cyber-security-compliance/guidance>

vi. Cyber Essentials

Cyber Essentials is a simple but effective, UK Government backed scheme that will help to protect organisations, whatever their size, against a whole range of the most common cyber-attacks.

Cyber Essentials Certification shall be accepted by the Division as part of the deliverables required from OES and DSP to demonstrate the level of security in place is appropriate for the criticality of their essential services, and the measures taken to minimise the effects of cyber incidents.

For more information on Cyber Essentials Certification, please refer to the UK website <https://www.cyberessentials.ncsc.gov.uk/> which provides a directory of accreditation bodies who will direct you to over 170 certification bodies that can assess any organisation and provide the certification.

vii. Liaison with other Bodies

The Division is liaising closely with all the designated OES and potential DSP to identify the possible cyber security risks that need to be addressed in each

sector. As part of our requirements and in accordance with sections 38 and 40 of the Act, the Division is cooperating closely with the Gibraltar computer security incident response team (CSIRT) and with Gibraltar law enforcement authorities. As the designated SPOC, the Division will continue to liaise closely with the UK's Government Communications Headquarters (GCHQ) and NCSC and, whenever required, liaise with relevant authorities in other Member States to ensure cross border co-operation.

The Division is currently working with the Government of Gibraltar and industry experts to ensure that all measures taken will lead to better standards of cyber security.

A nighttime aerial view of a city with many lit-up buildings. In the foreground, a white computer keyboard is overlaid on the image, with a hand typing on it. The keyboard is semi-transparent, allowing the city lights to be seen through it.

GRA

GIBRALTAR REGULATORY
AUTHORITY

2nd Floor, Eurotowers 4, 1 Europort Road, Gibraltar Tel: 200 74636

www.gra.gi