

GIBRALTAR REGULATORY AUTHORITY

Annual Report 2022/2023









**GIBRALTAR REGULATORY
AUTHORITY**



www.gra.gi

Table of Contents

	CHIEF EXECUTIVE OFFICER'S STATEMENT	5
	ELECTRONIC COMMUNICATIONS	11
	Introduction	12
	International Participation	13
	Regulatory Matters	17
	RADIO COMMUNICATIONS	25
	Introduction	26
	International Coordination and Participation.....	26
	Regulatory Matters	27
	INFORMATION RIGHTS	31
	Introduction	32
	International Participation	32
	Regulatory Matters	39
	BROADCASTING.....	47
	Introduction	48
	International Participation	48
	Regulatory Matters	50
	POSTAL SERVICES	51
	Introduction	52
	Regulatory Matters	52
	HIGHER EDUCATION REGULATION.....	57
	Introduction	58
	Regulatory Matters	58
	CYBER SECURITY COMPLIANCE.....	61
	Introduction	62
	International Participation	62
	Regulatory Matters	62



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 (the "Act") and covers the period 1st April 2022 to 31st March 2023.

Gibraltar Regulatory Authority Act 2000

The GRA Board currently consists of the GRA's Chief Executive Officer (the "CEO"), Mr John Paul Rodriguez, and three members appointed by the Chief Minister, namely, Mr Tony Provasoli, Mr Kieran Power, and Mr Francis Lopez.

Organisation and Staffing

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

Electronic Communications

The Electronic Communications Division regulates and supervises the electronic communications sector in Gibraltar. It ensures that providers of electronic communications networks and/or services comply with any conditions or obligations which have been imposed pursuant to the provisions of the Communications Act 2006 (the "CA"). The CA sets out, amongst other things, the general functions, and objectives of

the Division, including the promotion of competition and the interests of users in Gibraltar.

During this reporting year, the Division undertook new initiatives, touching upon new areas of regulation. This included a review of the universal service providers' quality of service parameters, engaging with the industry to develop a geographical survey of broadband networks in Gibraltar and liaising with a new market player to provide innovative services. Additionally, the team continued with its market review exercises, established a new strategic plan for the year and embarked on a campaign to improve the level of information available to consumers of electronic communications via its website.

Furthermore, the Division has made a concerted effort during this reporting year to increase its social media presence and significantly revamp its public engagement processes. The Division developed an extensive catalogue of consumer guidance, consumer tools, and a long list of FAQs relating to a broad spectrum of useful and relevant subjects. These have been published on the Division's section on the GRA's website, however, significant effort has also been undertaken to make this information more accessible to the general public via its various social media platforms.

The Division will continue supervising and monitoring the electronic communications market in accordance with its functions and objectives, to improve its regulatory oversight for the benefit of consumers and remains committed to making itself more accessible to the general public.

Radio Communications

The Spectrum and Operations Division deals with all matters relating to the electro-magnetic spectrum, radio communications, satellite, and international coordination, as well as internal ICT and facilities management. It is responsible for administering the regulatory provision of the satellite services industry and represents the Gibraltar-based operator SES Satellites (Gibraltar) Limited at international forums, ensuring compliance with the International Telecommunication Union (the "ITU") Radio Regulations and all other international obligations.

The Division examines each new satellite project and carries out its 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 which are in 8 distinct orbital slots.

Additionally, 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 inspections of sites known to emit radio waves with a view of ensuring that they operate within the recognised safety guidelines. The Division is also responsible for the management and allocation of radio frequencies, which extend to those used by mobile operators for the provision of mobile voice and data services. The GRA issues licences to all users of licensable equipment that emit radio waves and has powers to approve radio transmitter equipment that is to be marketed in Gibraltar.

Data Protection

The Information Rights Division regulates data protection and freedom of information.

Gibraltar's data protection regime consists of the Data Protection Act 2004 (the "DPA") and the Gibraltar General Data Protection Regulation (the "Gibraltar GDPR"). Together, the DPA and the Gibraltar GDPR ensure that Gibraltar has a modern and flexible data protection system in place and individuals have a framework by which their personal data is protected and their rights in relation to privacy respected.

The DPA designates the GRA, as Information Commissioner (the "Information Commissioner"), to be the supervisory authority in Gibraltar.

With the effects of the COVID-19 pandemic subsiding, the Division has seen many practices return to those in place pre-pandemic, in particular, the resumption of in-person events, both locally and internationally.

Throughout the reporting year, the Division has continued to respond to enquiries received and has published guidance on topical matters.

In the area of awareness raising, the Division has published quarterly e-newsletters, delivered presentations in schools, and run targeted campaigns on social media on topics such as 'Credential Stuffing' and 'Data Protection in a World of Sharenting'.

The Division has again remained fully operational during another challenging year, efficiently continuing to respond to public concerns and enhance its awareness-raising initiatives.

Freedom of Information

Freedom of Information is based on the principle that people have a right to know about the activities of public authorities unless there is a good reason for them not to. The Freedom of Information Act 2018 ("FOIA"), which is designed to provide the public access to information held by public authorities, was passed by Parliament in 2018.

Under the FOIA, the Information Commissioner has regulatory responsibilities and oversight over the regime, as well as an advisory role. The Division recognises the significance of freedom of information and access to information, both for individuals and public authorities alike. In addition to attending the International Conference of Information Commissioners, plans are in place for the Division to attend an upcoming international Freedom of Information Workshop, which will host authorities from across the globe.

This has been the first full year in which the FOIA has been in place since it was commenced in June 2021.

Broadcasting

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

This year, the Division embarked on a media literacy campaign and launched a new media literacy resources webpage on the GRA

website to enable citizens to acquire the skills, knowledge, and understanding to make use of both traditional and new communications services.

Furthermore, the Division specialises in providing guidance to consumers, purchasers, and other users of broadcasting services in Gibraltar, including the public service broadcaster with whom the Division mutually cooperates with in an effort to sustain its good working relationship.

Postal Services

The Postal Services Division of the GRA has the responsibility of regulating the Postal Sector in Gibraltar in accordance with the Post Office Act 1961 ("POA") and the Postal Services (Authorisation) Regulations 2012. This is done by facilitating market entry through general authorisations and granting licences to service providers, whilst securing the provision of a competitive universal postal service at an affordable price for all users.

The GRA's statutory objective is to promote competition within the local postal services sector and ultimately improve the myriad of services currently available to consumers in Gibraltar.

It also has a legal duty to ensure that the Royal Gibraltar Post Office, as the designated Universal Service Provider, complies with the obligations arising from the POA as well as any regulatory measures relating to the provision of the universal service.

The Division issues general guidance and recommendations to all postal service providers to ensure compliance with the

requirements of the POA, whilst simultaneously ensuring that the rights of users are upheld.

Other functions of the Division include monitoring of operational developments, setting quality standards and more importantly, monitoring performance against these standards with a view of improving quality of service for consumers in Gibraltar.

Higher Education Regulation

On 31st May 2018, the University of Gibraltar (Regulation and Accountability) Regulations 2018 were commenced. The GRA was designated as both the Gibraltar Higher Education Commission, and the Gibraltar Authority for Standards in Higher Education, whose functions are carried out by the Higher Education Regulation Division in accordance with Part 11 of the University of Gibraltar Act 2015 (the "UGA").

The Gibraltar Authority for Standards in Higher Education is required to, establish criteria for the recognition of qualifications awarded by the University; keep and maintain a register of the University's qualifications; and promote the quality and standards of university education and training through a system of quality assurance of courses, academic programmes, and awards.

The Gibraltar Higher Education Commission oversees the quality and standards of education in the University, compliance with the University's functions, duties, and obligations under the UGA and the use of university funds including any public funds provided to it.

Cyber Security Compliance

The Civil Contingencies Act 2007 (the "CCA") was amended in 2018, and Part 7 of the CCA transposed EU Directive 2016/1148 on security of network and information systems (the "NIS Directive"). The NIS Directive was required to improve national cyber security capabilities of essential services throughout the EU, to build cooperation and promote a culture of risk management and incident reporting among Member States.

The Cyber Security Compliance Division was set up to enable the GRA to comply with its responsibilities under the amended CCA which include, regulating, supervising, and enforcing compliance with the CCA, establishing a list of operators of essential services; establishing a list of digital service providers; investigating breaches; issuing guidance to operators of essential services and digital service providers and drawing up codes of practice.

Section 38 of the CCA designates the GRA as the competent authority for the security of network and information systems in respect of operators of essential services and digital service providers. In addition, the GRA is designated by the CCA as the single point of contact for Gibraltar. This role largely concerns cross-border cooperation where incidents affect more than one Member State.

Competition

In December 2020, the GRA was designated as the Gibraltar Competition and Markets Authority (the "GCMA"). The

GCMA's primary objective is to promote and enforce competition law in Gibraltar to ensure that markets operate effectively and in the interests of consumers, businesses, and the economy.

The GCMA endeavours to promote an environment of open competition in Gibraltar, which provides incentives for businesses to offer desired services, create and sell products which are value for money, operate efficiently, and foster innovation.

Other matters

i. General In-house Data Protection Training

As part of their continuous professional development, GRA staff have undertaken a series of foundational data protection and privacy training courses which served to increase employee understanding of data protection, data privacy, and data security matters, and how to adequately manage the personal data they handle on a daily basis.

The training provided consisted of specialist modules, which were tailored to each employee's remit and responsibilities.

ii. Social and Wellbeing Committee

The GRA takes steps to make members of staff feel like they belong to a team. The GRA's Social and Wellbeing Committee (the "Committee") plays a key role in this regard. Led by Human Resources, but with the involvement and contributions from staff members across GRA divisions, the Committee organises social, teambuilding,

wellbeing, and community related activities.

The Committee and their activities are for the benefit of the collective and seek to actively promote a positive and inclusive working environment for all GRA staff members. Amongst this year's activities are charity awareness and fund-raising days, social events including charity quizzes, dinners, Christmas activities, and mental health awareness and training.

Further activities and ideas are in the pipeline to continue building a positive working environment for all.

Revenue and Expenditure

During the 2022/23 financial year, the total collected was £1,261,769.00 which was paid into the Consolidated Fund. This compares to expenditure (calculated on a cash basis), for all the GRA's divisions of £2,220,966.00.

Electronic Communications



Introduction

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During this reporting year, the Division undertook initiatives, touching upon new areas of regulation. These included a review of the universal service providers’ quality of service parameters, engaging with the industry to develop a geographical survey of broadband networks in Gibraltar, and liaising with a new market player to provide innovative services. Additionally, the Division continued with its market review exercises, established a strategic plan for the year and embarked on a campaign to improve the level of information available to consumers of electronic communications via the GRA website.

As a result of being designated as universal service provider, Gibtelecom is required to publish adequate information concerning the performance of their universal service obligations so that consumers can make well informed choices. The Division has therefore engaged with Gibtelecom on this matter and submitted a request

outlining the quality-of-service parameters which they are obliged to publish information on, including the methods under which it must do so.

In order to gain a better understanding of local network coverage, the Division contacted all authorised network providers and requested information on their fixed and mobile network deployment around Gibraltar. Providers were asked to supply information on their geographical coverage in order to determine which areas are well served and not. At the time of writing, the deadline for the information has not yet elapsed, but the information is expected to provide the Division an accurate view of the state of the provision of broadband networks and may help shape policies and regulatory intervention in the future.

Gibraltar has also welcomed a new authorised provider into its small but dynamic electronic communications market, with a focus on providing a variety of routing and numbering services to its international customers. Melmasti Global (Gibraltar) Ltd (MCOM) was formally authorised under the Act during the first quarter of 2023.

The Division continues to review local electronic communications markets in order to determine the level of competition. Where it finds that an authorised provider has Significant Market Power (“SMP”) it may impose obligations upon it in order to remedy the competition problems identified during its public consultation process. If, alternatively, a market is found to be effectively competitive, any remaining obligations should be removed during a process of deregulation, where the market is free to operate under its own

commercial terms without regulatory intervention.

Consequently, the Division has carried out a review of the wholesale broadband and wholesale infrastructure access markets. After conducting a public consultation, the Division determined that there is no evidence to suggest that any operator is dominant in such markets, resulting in the removal of all SMP obligations having previously been imposed on Gibtelecom in both markets.

Furthermore, the Division also reviewed the Accounting SMP Obligations currently imposed on Gibtelecom. The Division had, during its initial assessment of the overall impact of these obligations, determined that they may impose an overly burdensome set of requirements upon an operator carrying out its business in a market the size of Gibraltar. The Division subsequently issued a public consultation setting out its views and then concluded by removing the existing Accounting SMP Obligations.

During this reporting year, the Division published a strategic plan designed to outline the Division’s role and focus for 2023. Although it maintains a degree of flexibility in order to react proportionately to any developments which may occur, the plan, which is available on the GRA’s website, provides the general public with an overview of the activities which the Division has determined are of value and which reflect its responsibilities and objectives.

The Division is also committed to improving its team members’ professional development, including attending international seminars and conferences. By participating

in these events, staff are able to network with similar sized regulators and exchange ideas and best practice initiatives in order to improve its regulatory oversight of the sector. To this end, the Division regularly attends conferences organised by the International Institute of Communications (“IIC”), where regulators, consultants, lawyers, and policymakers from all over the world contribute to the agenda and discuss matters on the broadband digital divide, 5G deployment, competition in digital markets, artificial intelligence, climate change and sustainability, to name a few.

The Division has also undertaken further training in the field of data protection and privacy to increase employee understanding of data protection, data privacy, and data security matters, and how to adequately manage the personal data they handle on a daily basis.

Finally, the Division has made a concerted effort during the last reporting period to increase its social media activity and significantly revamp its public engagement processes. The Division developed an extensive catalogue of consumer guidance, consumer tools and a long list of FAQs relating to a broad spectrum of useful and relevant subjects. These have been published on the Division’s section on the GRA’s website. A significant effort has also been undertaken to make this useful information more accessible to the general public via its various social media platforms. The Division routinely publishes simple to follow, educational, and relevant guidance for the consumption of Gibraltar consumers.

The Division remains committed to making itself more accessible to the general public and encourages customers and end-users to actively engage with the team so that it may consider any issues in future.

International Participation

i. International Institute of Communications International Regulators Forum - 1-2nd November 2022

The IIC organised this year’s Forum in collaboration with the Canadian Radio-Television and Telecommunications Commission (the “CRTC”) in Ottawa, Canada. Key topics discussed were the digital divide, 5G, online platforms, harmful content, harmonised media frameworks and organisational change.

a. Broadband and the Digital Divide

The overarching theme of the session was centred around how to connect rural and remote communities, keeping pace with technological developments, and ensuring affordability and accessibility for all. The session began with the CRTC president, Ian Scott, outlining the progress that had been made in Canada. The Canadian government had established a number of programmes to connect schools, libraries and invest in broadband. The CRTC set a target of 50 Mbps download and 10 Mbps upload speed, and ‘50-10’ has been adopted as the goal for every Canadian. 90 per cent of

Canadians have this access, and 50 per cent have fibre-to-the-home (“FTTH”), with typically a 1GB service. However, in rural areas, 50-10 access is only at 45 per cent, and for indigenous communities, closer to 20 per cent. The essence of the digital divide in Canada is that the least populated areas, predominantly territories in the North, are vast in size, representing two thirds of the country’s land mass.

The situation in Sweden was slightly different given that 90% of households were connected with a few urban areas falling behind as they were not commercially viable and did not qualify for the government grants available to connect rural areas. This was explained by the Head of the Market Development Division of the Swedish Post and Telecom Authority. He added that the digitalisation of Swedish society was proceeding rapidly with cash and postal services diminishing, yet large numbers of older citizens still needed to adopt digital services.

In Cambodia, it was reported that 82% of its geographic area is connected through a mechanism of identifying the needs of the population and establishing a universal service fund which operators contribute to. Mobile handset penetration was acknowledged to be higher and that mobile payment applications were especially popular.

b. The Race for 5G

The session began with an outline of progress on 5G in Hong Kong. Spectrum has been made available as rapidly as possible, mainly in low and mid-frequency bands, auctioned in small increments with low reserve prices. The aim was to lower the financial burden for operators

to enable rapid roll-out during the Covid pandemic. Hong Kong is now third globally in terms of 5G coverage, with service plans from US\$11 per month. Over half of the population has a 5G subscription and there is also funding available to encourage the development of 5G applications by businesses. In relation to passive infrastructure, operators are required to adopt network sharing where it is technically feasible, especially where space is limited.

In France, a deal was established in 2018 which prioritised regional planning, gradually turning over 2G and 3G sites to 4G, aiming to improve mobile coverage and performance, especially in public transport and on the roads, and then in local areas in consultation with the relevant authorities. With the introduction of 5G in 2020, this process meant that frequencies were made available in part by auction and in part by allocation, and a quarter of the sites would have to be available in rural and industrial areas by 2024.

c. Online Platforms

The debate began by acknowledging the competition challenges faced by platforms and the need for remedies that promote better competition in digital markets. One panellist cited two issues: portability and interoperability. Drawing comparisons with telecoms, number portability was seen as crucial in fostering positive interactions in that market, and it was inconceivable that a telephone network would not be interoperable.

It was also pointed out that regulation of online platforms was relatively new, and that regulators and industry players still needed to build meaningful

relationships and establish the necessary rapport to promote effective supervision. Increased cooperation with other institutions such as competition bodies and data protection commissioners were also seen as vital to enable efficient monitoring of platforms as these may be more suited to the task at hand. In the same light, the sharing of information between these regulatory authorities was also considered of utmost importance while ensuring confidentiality and secrecy.

d. Harmonised Media Frameworks

Regulatory harmonisation has always been at the forefront of the European Commission's mandate. However, it was recognised that the evolving media landscape meant that many companies found their content to be regulated differently and that the level of consumer engagement associated with the creation of content meant that equitable treatment, while desirable, was complicated. One panellist felt that the core objectives of regulatory frameworks in the media, whether in fairness, accuracy, or harmful content, remained constant and that these should drive the regulatory revitalisation rather than focussing on harmonisation as an objective.

Another contributor added that in order to survive, traditional media needed to operate in the same legal environment as online platforms and that the issue of platform content regulation was a global one that required worldwide coordination. It was also agreed that regulators needed to focus on the needs and expectations of their communities and finding the balance between significant

yet manageable change that acknowledges the broader principles of the framework.

e. Organisational Change

It was recognised that the regulatory panorama is constantly changing from specific remits of competition with telecoms markets to broader responsibilities becoming more technical all of the time. New technologies have blurred market boundaries, raising the question of which regulators are suitable for which tasks, in capacity and expertise. In some cases, regulators have deliberately expanded away from sector specificity and towards a broader digital remit, recruiting engineers and data scientists alongside economists and lawyers and working as inter-disciplinary teams.

Another point highlighted was the need to adapt to the exponential growth and diversification of technology while trying to regulate with outdated pieces of legislation. The rigid nature of legislation poses many challenges for regulators, especially in the field of digital markets and artificial intelligence given that the world is still learning the key concepts of these technologies while also trying to monitor and supervise them efficiently. In some cases, regulatory bodies had assumed responsibilities in certain sectors, yet their corresponding laws had not been assessed with regards to their effectiveness. Above anything else, a flexible learning culture and collaboration with the private sector, especially with technology firms, was seen as the way forward in dealing with regulatory issues affecting an entire sector.

ii. IIC Annual Conference - 3-4th November 2022

The 53rd Annual conference closed this year's Communications Week in Ottawa. Cybersecurity, data policies, competition and sustainability were some of the topics explored by senior industry figures, regulators, academics, and other policymakers.

a. Spectrum Policies for the Networks of the Future

All speakers in this panel agreed that there are strong spectrum policy frameworks developed to solve the problems of the past, but new spectrum users and use cases have emerged in the last decade that challenge these policies. Different spectrum bands have come into play, spectrum sharing is a reality and new users coexist with incumbents in novel ways. In this context, Ofcom, the UK's telecommunications regulator, highlighted the need to review international frameworks and improve the current International Telecommunication Union ("ITU") processes, which can be slow and difficult to navigate and sometimes not really fit for purpose.

b. Cybersecurity

Cybercrime is huge: if it were a country, its GDP would be the third largest in the world, after the US and China. An industry representative stressed the importance for regulators to understand the nature, size, and scale of cybercrime, because it is usually viewed through too small a lens. The aperture needs to be bigger and working together needs to evolve. Privacy concerns and other regulatory frameworks make it almost impossible for law enforcement to share information and was

highlighted as a significant problem.

It is not just the cybercrime economy that is huge, it is also the damage that cybercrime causes, particularly with ransomware attacks. A representative from Nokia reported several examples of breaches costing up to \$500 million. A supply chain attack that started in the Ukraine and spread globally, is known to have caused \$10 billion in damages to downtime and companies. The Internet of Things (the "IoT") botnets were also discussed as the next big threat that will grow with the spread of IoT.

A representative from Ofcom, argued that cybersecurity should be viewed as an issue of behaviours and trust and that consistent approaches across all parties involved were especially important in this field. Consumers cannot make a proper assessment of the security features of the devices they buy, and this is where regulation should ensure that users get the right security by default i.e., security by design.

c. Competition in Digital Markets

The panel opened with an overview by a speaker from Frontier Economics of the EU's Digital Market Act (the "DMA"). The EU felt there was a need for statutory regulation on digital markets in order to overcome the lengthy litigations of competition policy, which may render remedies ineffective because they are usually delayed, and dynamic markets change fast. The DMA's twin objectives are to achieve fairness and contestability in digital markets. Its provisions apply to any company operating in Europe with a number of users exceeding a given threshold,

thus avoiding the need to define markets and market dominance.

The objective of contestability rather than competition leaves a few questions unanswered: it is unclear how contestability can be measured and whether this new kind of regulation has an impact on innovation, since it targets companies that have become powerful as a result of innovation in markets characterised by strong network effects. The UK, not subject to the DMA, proposed instead that a specific code of conduct is drafted for each company deemed to have Strategic Market Status.

d. Directions in Privacy, Data Protection and Artificial Intelligence

Whilst technology creates many new opportunities, these often come with risks. In each case before them, regulators assess whether the risks are proportionate to the benefits brought about by new services, whether individuals are correctly informed, and they consent to providing their data. This assessment often intersects between the regulatory spheres of privacy, consumer protection, and competition. A broadcaster on the panel introduced the concept of 'Clean Rooms', a safe space where advertisers and publishers share anonymized data, which are considered the privacy-friendly alternative to cookies. However, not all rooms are clean in the same way, so the actual behaviour of all partners has to be checked and tested for this environment to be truly one of trust.

A panellist from MediaSmarts, a digital media literacy organisation, explained that young people have developed social norms and workarounds

for their privacy, for example, having multiple accounts and different platforms for different uses. However, they expect the platforms they use to respect context cues in the same way their peers do, for example, assuming that platforms do not store deleted messages on their servers when in fact this could be the case.

Privacy laws that have provisions for automated decision-making already regulate some aspects of Artificial Intelligence (“AI”), but specific regulation for AI is only emerging now. The AI Act in the European Union proposes a progression of AI-related risk from ‘unacceptable risk’ systems, which cannot be deployed, to ‘higher risk’ systems, which have significant requirements associated with them. One panellist questioned whether these developments are necessary, or whether existing laws already address the issues, arguing that if sector-specific provisions are needed, there is a need to understand how these new technologies work and are applied to the industry under analysis.

e. Climate change and Sustainability

A representative from the European Body of Regulators for Electronic Communications (“BEREC”) observed that regulatory authorities should make sure they are not hampering the green revolution and ideally they should focus on green solutions when facing trade-offs. One example is the copper network, substituting it with a full fibre network saves energy, but may raise the cost for both the consumer and operator.

BEREC has pledged to address the current difficulty of having different companies and

investors using different metrics to monitor their environmental efforts by publishing a report on sustainability, which develops a set of consistent indicators. The industry is actually a minor contributor to greenhouse gas emissions and taking into account the indirect, downstream impact of telecommunications services when monitoring sustainability, the picture improves further. 5G is expected to boost productivity in many industries and provide new (virtual) services that will reduce the need to physically move, thus diminishing our footprint in these ways too.

iii. IIC Small Nations Regulators’ Forum (SNRF) – 2nd November 2022

The SNRF centred around one main topic for discussion. This was “Building a regulatory checklist of ‘must-haves’ to enable and support a digital society in smaller nations”. Speakers from the regulatory authorities of Cambodia, Jersey and Botswana shared the stage with the GRA’s Head of the Communications Division for an afternoon session chaired by the Chairman of the Barbados broadcasting regulator, Dr Allyson Leacock.

Each panellist gave an overview of their regulatory duties and responsibilities including what powers each institution has at their disposal, in exercise of their main objectives. Specific information on matters such as regulatory independence from government, structure and resources, investigative powers, and pragmatic initiatives to address dimensions of convergence were also shared, with each regulator giving an account of their own

jurisdictions.

Similarities in terms of administrative setup and availability of resources were highlighted together with sharing common ground on the need to reach out to other larger and more experienced regulators for guidance and expertise. Moreover, all panellists agreed that small jurisdictions, more so than ever, need to collaborate and work together in supervising their respective industries as efficiently and effectively as possible.



iv. IIC – Brussels Telecommunications & Media Forum 2023 – Wednesday 22-23rd March 2023

Two members of the Division travelled to Brussels to attend the Telecommunications & Media Forum 2023 (the “Forum”) organised by the IIC and hosted by the Belgian Institute for Postal Services and Telecommunications (the “BIPT”) on 22nd and 23rd March 2023.

The first day kicked off with a keynote address on the delivery of Europe’s “digital decade” and a discussion on “closing the funding gap”. The keynote was followed by an open floor discussion, hosted by a panel of industry regulators, civil society, and industry practitioners in policy and regulatory affairs.

Topics discussed included the Gigabit Infrastructure Act, state aid for broadband networks, and mergers and acquisitions.

The Digital Markets Act was discussed in a session termed “DMA in practice – progress with implementation and harmonization; creation of opportunities for new entrants”. A mixture of regulators, service providers, content producers as well as policy makers, made up the distinguished panel tasked with adding valuable insight to this popular discussion. A similar panel-led discussion on the next session which addressed the “Future of enterprise connectivity and networks across Europe”, where the role of traditional operators, private networks, new entrants, regulatory models, data governance, and cybersecurity considerations, was debated at length.

The majority of the members of the next panel were policy makers and regulators, which created a spirited debate on “Driving a sustainable tele(comms) sector”, where panellists provided their views on how networks should be working to reach the European Net Zero goal, as well as how to assist other sectors in their green goals.

The second day, ventured into the audio-visual markets and the European Media Freedom Act (the “EMFA”), which included discussions on media pluralism, freedom of expression in the EU digital strategy, fighting disinformation and fake news, the consistency of the EMFA and its coherence, as well as its compliance with other pieces of media regulation (AVMS, Copyright, DSA, and DMA), the social and editorial responsibility, and the role of broadcasters and platforms.

The European Data Act and data governance policy discussions then followed, moving onto online safety and the very topical subject of AI, which developed into a debate on what AI will bring to society in the not-so-distant future. Some panellists insisted that AI would have a very significant role to play in our everyday lives and provided an exciting list of the daily functions which AI could safely and dependably take-over, including the benefits of doing so. However, those arguing a more cautious approach, warned that expectations of the capability of AI were too high given the pace at which advances have taken place in this field, bringing to the attention of the floor that the reliability of AI in such high-stakes applications had not yet been proven to be robust enough.

v. **Cullen International - Mastering EU Telecom Regulation – Online Training Course May 2022**

One member of the Division undertook an online training course totalling approximately 24 hours of online interactive training delivered by Cullen International (“Cullen”). The course took place over a period of four weeks, one module per week, each module consisting of two sessions of three hours. The first module tackled the Introduction to the European regulatory framework, the second dealt with market analysis & ex-ante regulation and the third module saw the topic of consumer protection & end-user rights being discussed. Module four focused on spectrum management and 5G.

The course gave a comprehensive

overview of regulatory issues in the telecommunications sector, using real-life examples and case studies from the EU. It also gave an insight into the latest developments in the fields of broadband deployment and access regulation, interconnection and call termination, radio spectrum policy and awards, mobile regulation and roaming and consumer protection.

Attendees gained an understanding of the key institutional mechanisms, notably the European legislative process as it relates to the telecoms sector and the harmonisation mechanisms used in Europe, such as market reviews and spectrum policy. Interestingly the material supplied gave a historical perspective on telecoms regulation, giving a clear appreciation of the key regulatory trends and in many cases, helped join the dots to understand how we arrived at the regulatory policies and processes in place today.

Regulatory Matters

i. **Market reviews**

On 8th September 2022, the Division carried out a review of the wholesale broadband access (“WBA”) and wholesale infrastructure access (“WIA”) markets. The main objective of a market review is to assess the competitive conditions prevailing in a market by reviewing the constraints that are faced by undertakings in the market. A market review

commences by defining a market, which is then analysed to assess the degree of effective competition.

The competition assessment determines whether any undertaking is found to have SMP and is defined as the ability to behave independently of competitors, suppliers and ultimately businesses and consumers in that market. The objective of any regulatory intervention is ultimately to produce benefits for end-users by making retail markets effectively competitive on a sustainable basis.

The Division issued public consultation C05/22 on WIA and WBA in order to determine if any of these markets were susceptible to ex-ante regulation. The Division applied the three-criteria test which considers three questions regarding barriers to entry, tendency towards competition and competition law. The Division concluded that, as a result of Gibraltar's market conditions, operators have been able to rollout expansive high-speed access networks to their customers, without the need to purchase WIA or WBA products from other providers. From a wholesale perspective, there is effectively zero WIA and WBA take-up in Gibraltar and therefore the Division is of the view that this is likely to continue to be the case for the foreseeable future given that this position has not changed in the last sixteen years.

Decision Notice C01/23 therefore established that there was no evidence of dominance on the part of any operator and that no undertaking enjoys SMP in any of the identified wholesale markets. Given these conclusions and considerations, the GRA decided not to mandate regulatory

obligations on undertakings in the WIA and WBA markets and consequently removed all existing SMP obligations imposed on Gibtelecom in these markets.

The Division considers that it is important to keep a close watch on the progress and developments in these markets. To this end, the Division intends to analyse future market trends on an ongoing basis and remains committed to conducting any further analyses of the WIA and WBA markets if necessary.

ii. Accounting SMP Obligations

On 21st June 2022, the Division issued public consultation C03/22 proposing amendments to the accounting separation and cost accounting obligations ("Accounting SMP Obligations") imposed on operators designated as having SMP in Gibraltar.

The Accounting SMP obligations were imposed by the Division in Response to Consultation and Decision C05/16 of 2nd November 2016, which outlines the key principles and compliance requirements for any operator imposed with Accounting SMP Obligations. At the time of publication, Gibtelecom was the only operator subject to these SMP obligations.

Taking the utmost account of the operator's responses to the public consultation, the Division decided to remove the Accounting SMP Obligations in Decision Notice C04/22. In summary, the obligations were considered to be disproportionate, overly burdensome and resource intensive for an operator

conducting its electronic communications business in a market the size of Gibraltar.

It is the Division's view, that by removing the Accounting SMP Obligations, an appropriate balance is achieved between significantly reducing the burden on SMP operators and maintaining the ability to require relevant financial information on demand.

The removal of the Accounting SMP Obligations affects all operators designated with SMP and will be taken into account when considering which obligations should be imposed on SMP operators in the future.

Following this review, the Division will be closely monitoring these markets and reserves its right to re-evaluate its position if necessary.

iii. Quality of Service of Designated Universal Service Providers

Under the Act, universal service providers are required to publish adequate information concerning the performance of their universal service obligations. The relevant information needs to be presented to the GRA, who can then impose performance targets on providers through a process of consultation, if necessary. The required relevant data on the quality of services is vital, in order for consumers to make well informed choices. Gibtelecom, as the current universal service provider, has a legal obligation to provide certain information on the quality of its telephony and Internet services.

Taking this into account, the Division is currently liaising with

Gibtelecom in order to ascertain what type of data should be collected and the manner in which it should be published. The Division will then analyse the information and assess whether any regulatory action may need to be taken in order to improve the quality of service provision.

iv. Strategic Plan 2023

The strategic plan (the “Plan”) was initiated in early 2023 and aims to define the overall framework and rationale for the work that the GRA, as regulator for electronic communications, carries out. It describes the specific activities the Division proposes to undertake over the coming year in carrying out its various legal functions and objectives.

In preparing the Plan, the Division have taken account of issues that are likely to have a significant impact on the electronic communications sector whilst pursuing a flexible approach in order to ensure the team remains responsive to changing developments and is able to subsequently rearrange its priorities as required.

The Division’s responsibilities will, therefore, be kept under constant review and the Plan aims to provide a clearer focus for the work and decision making carried out throughout the year, while ensuring that the benefits of what is carried out are justified, proportional and relevant.

The Division will regularly assess the electronic communications markets in terms of available products and services in order for the team to deliver what is required by law.

v. General Authorisations

A General Authorisation is required for the provision of electronic communications networks and/or services in Gibraltar. Under the terms of the Communications (Authorisation and Licensing) Regulations 2006, operators are free to commence operations once a completed notification form has been received, however, its operations are subject to the conditions set out in the Notice on Conditions C08/21.

A new applicant approached the GRA in the latter part of 2022 with the intention of notifying the provision of electronic communications services. The Division carried out its required due diligence in order to ascertain the details of their intended business and subsequently authorised Melmasti Global (Gibraltar) Ltd (MCOM), to provide electronic communications networks and services under the Act as from February 2023. The GRA consequently updated its Register of Authorised Persons to reflect the establishment of an additional network and service provider.

vi. Geographical survey of network deployments

The Division is currently in the process of carrying out a geographical survey of broadband network deployment associated with the electronic communications sector. A geographical survey of broadband reach is a collection of data which characterises the capability of an electronic communications network to deliver a broadband service.

Pursuant to section 48A of the Act, the survey shall include

information on the current geographical reach of fixed and mobile networks, and a forecast of the planned deployment of these networks within Gibraltar.

The objective of this exercise is to gain a comprehensive understanding of local network coverage in terms of identifying which areas are being served and more importantly, which areas are not covered by these networks. The geographical information on the reach of broadband networks will become an important tool to enable the effective design, implementation and monitoring of fixed and mobile broadband policies and related regulation.

The Division has been guided by a document on geographical surveys of network deployments published by BEREC on 5th March 2020. The guidelines provide clarification and transparency on the application, assessment and conduct of geographical network surveys in relation to the relevant collection and storage of data.

The GRA has set a deadline of 15th May 2023 for the complete submission of the data but has encouraged operators to submit this information as soon as practicable.

vii. Consumer Dispute

The Division received a request to resolve a dispute from a Gibtelecom customer who had been disconnected from Gibtelecom’s retail mobile services amid several outstanding bills. The customer claimed that these outstanding bills had been settled and that, despite numerous requests to reinstate their mobile services, Gibtelecom had denied this.

The Division investigated the matter and found that the customer, after successfully settling their outstanding bills with Gibtelecom, had accessed "Worldpay", Gibtelecom's third party billing platform and requested "chargebacks" i.e., refunds of various invoices pertaining to his account.

At the time, the customer's bills were showing as paid on Gibtelecom's own customer facing software as these were in the course of being updated during the investigation. The Division was satisfied that sufficient evidence was provided by Gibtelecom to show that despite the fact that the customer had initially paid their bills, refunds were being obtained from "Worldpay" therefore resulting in the customer still owing monies to Gibtelecom. Re-connection of the customer's services was therefore denied.

viii. Gibtelecom own initiative investigation

The Division initiated an enquiry and sought clarification from Gibtelecom on several matters resulting from a mobile roaming bill received by a business account customer in the last quarter of 2022.

While on holiday, the customer claimed to have arrived in Montenegro on 1st August 2022 and did not receive any welcome text messages on their handset outlining the relevant roaming charges. Furthermore, the customer explained that no text messages were received warning of any usage or financial/volume limits reached throughout their stay.

Gibtelecom informed the customer that their mobile number had been 'whitelisted'

and would, therefore, not receive any warning messages. As a result of being on the whitelist, the customer had no financial caps protecting them from incurring a "bill shock". The customer contacted Gibtelecom and disputed the roaming bill as they claimed that they never requested for that mobile number to be included on the whitelist. The GRA understands that Gibtelecom did not provide the customer with any written proof to show that they had in fact requested to be placed on the whitelist and refunded the entire amount disputed back to the customer.

As a result of the enquiry, Gibtelecom informed the Division that it would be establishing certain initiatives in order to improve its communication with its mobile customers in order to avoid these particular situations in the future.

ix. Statistical data

The value of the collection of quarterly statistical data remains as important as ever for the Division, in terms of both the long-term analyses of the local sector, as well as how it can factor on daily decision making. The Division aims to assess markets almost on a real-time basis instead of requesting information as and when needed.

The Division continues to work together with local providers to optimise the data being requested as well as continually monitoring and reviewing the guidance available for operators to refer to. Over the past few years, the Division understands that the process of gathering statistics is a complex task, especially when some of the data requested is not generally

used for operators' own internal or commercial purposes. Nevertheless, the Division continues to maintain a positive working relationship with the providers, which in turn, has facilitated the Division's ability to better comprehend and assist with the processes involved in order to acquire the desired information from providers in a timely manner.

The Division would like to take this opportunity to thank all local providers of electronic communications, who remain committed to work together with the Division for the provision of statistical information.

x. Provider monthly engagement

Quarterly meetings with providers were found to be such a useful and constructive endeavour for both the Division and the providers, that the Division decided to increase the frequency of the meetings in 2023 from a quarterly, to a monthly occurrence. The Division agreed that the increased face to face communication with providers, provided a platform to discuss matters at an early stage, potentially preventing issues from escalating, as well as allowing the Division to offer guidance on matters that may arise during these meetings.

xi. In-house Data Protection Training

The Division's staff undertook further foundational Data Protection and Privacy training courses as part of its continual professional development. The purpose is to strengthen employee understanding of data protection and privacy matters

in the course of their working day and how to adequately manage the personal information they commonly handle.

The individual modules included the following topics: data security for remote work, handling confidential information, identifying phishing attacks, recognising and avoiding social engineering and incident awareness, as well as recognising risks.

xii. International Telecommunication Union Questionnaires

The Division contributes statistical information regularly to the ITU's global, regional, and country information gathering efforts. The ITU collects statistical data from providers of electronic communications on a quarterly basis, which it then uses to compile accurate and reliable statistics and analyse emerging trends in the communications sector.

The ITU issues several questionnaires to national regulatory authorities such as the GRA, in order to assess how each sector is performing within each participating nation, as well as how each market is changing over time.

The data gathered includes subscriber numbers of the various services provided, the technology being used to deliver that service and volume of calls in minutes, amongst others.

xiii. Website improvements

With the increasing need to enhance the level of transparency and quality of information available to consumers, the Division undertook an exercise

to improve the consumer section of its website. It therefore created a new consumers tab which now provides consumers of electronic communications services with relevant guidance and public awareness advice, concerning a wide range of telecommunications related topics. These include information on consumer complaints and disputes, product comparisons, consumer rights and an FAQ section.

Consumers need to be informed of their contractual rights and feel protected when dealing with complaints and disputes with their service provider. The new section on consumer complaints and disputes provides consumers of electronic communications services with a quick and simple way in which to raise genuine concerns about the communications industry, or their own personal grievances. Those seeking to contact the Division for these purposes, can either submit a complaint online via the prescribed form or request the Division's assistance with a dispute which has not adequately been resolved by the service provider.

The consumers tab will also enable consumers to make well informed choices regarding the services they subscribe to. Given the number of choices available to consumers of electronic communications services, having access to clear, simple, and comprehensible information is vital to make appropriate decisions in accordance with their needs. For this reason, the Division has included an up-to-date comparison table of products currently available in the market under its consumer tools section.

The Division has also published contract information as well as

additional guidance material on a wide range of areas. Under the new guidance section, the published advice includes useful information on broadband speed tests, Wi-Fi, fibre networks, mobile data, roaming, scams, number portability and cyber-attacks.

Finally, a section on FAQs has also been added to cover recurring queries the Division receives on billing issues, mobile roaming, network coverage and 5G.

Given that the sector is constantly evolving, the Division will continue to monitor and regularly update the information available on its website in order to maintain its relevance for the benefit of consumers.

The Division encourages the general public to engage with it so that it can cater appropriately to the evolving needs of users in Gibraltar. The Division is contactable via its general email address, communications@gra.gi.

xiv. Gibtelecom's appeal against the GRA's Decision in relation to an Access Dispute between GibFibre and Gibtelecom

The appeal presented by Gibtelecom against the GRA's Determination of July 2019 which stated that Gibtelecom had to provide a wholesale leased line to GibFibre was heard in the Supreme Court of Gibraltar between 28th February to 2nd March 2023.

At the time of writing, the judgement has not yet been handed down.

**xv. Statistics and Trends
(this section will be
revised entirely after the
stats are received)**

As of March 2023, the total number of broadband subscribers increased from 22,126 in March 2022 to 22,933.

Figure 1 represents the total number of fixed call minutes of all local operators handled during the reporting year. Statistics collected by the GRA illustrate the fact that the number of traditional fixed call minutes generated by users has in fact reduced by 18% since the last reporting period, most likely attributable to the increased use of “Over the Top” (OTT) services such as WhatsApp, Facetime, Skype, and other similar applications which allow users to make free video and voice calls online.

The decrease in fixed call minutes shows that the trend reported above, continues into 2023, with 3,078,658 minutes being recorded for the month of April 2022 and 2,527,213 minutes recorded for the month of March 2023. The Division, therefore, expects that this trend will continue moving forward, although the pace at which the decline continues will be dictated by the speed at which the general public move away from this very traditional form of communication.

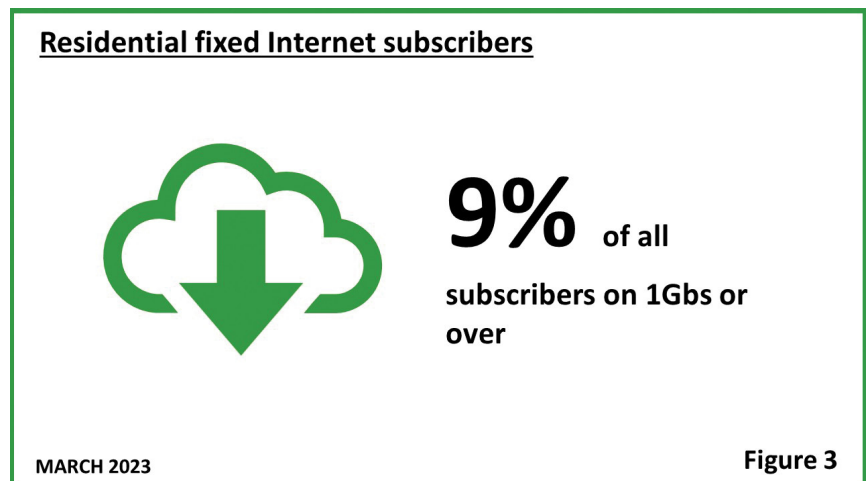
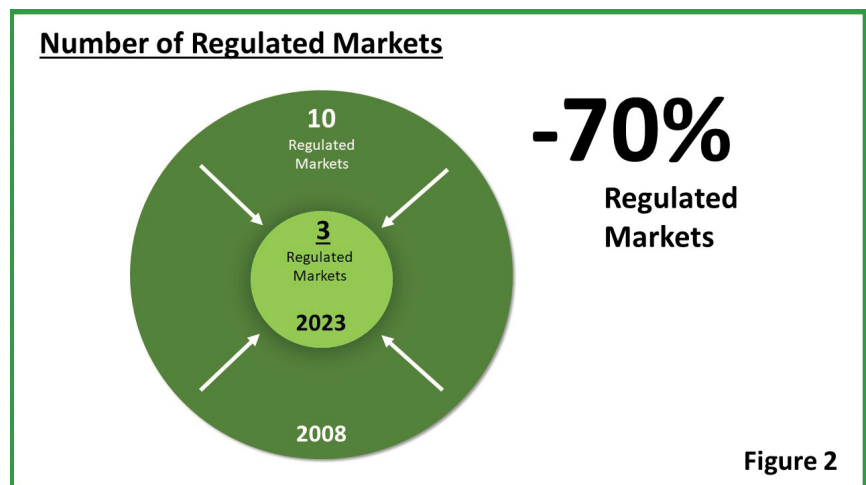
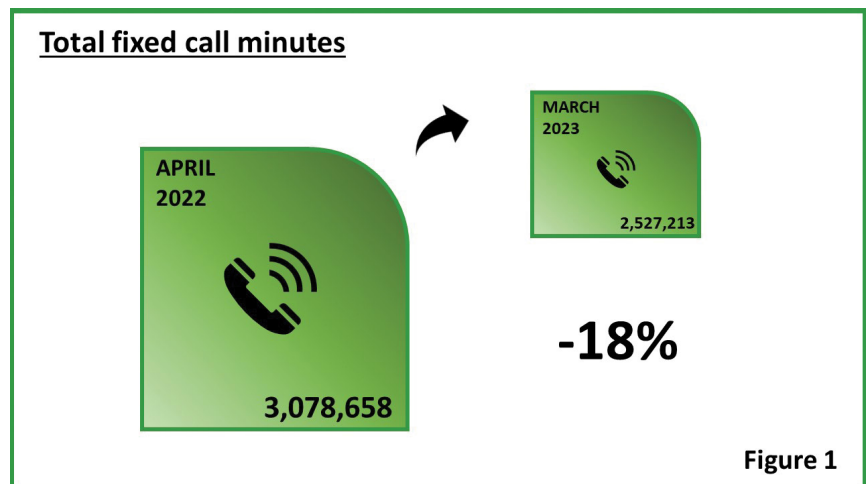
Figure 2 represents the Division's efforts in ascertaining the need for SMP obligations in various electronic communications markets in which the GRA has previously imposed obligations. To this end, the Division has entered a period where it has identified markets which, for the first time, do not require ex-ante obligations as the GRA has deemed, upon carrying

out the required consultation, that a market is effectively competitive, meaning that the public consultation procedure has resulted in a process of deregulation.

This coincides with the European Commission's reduction in markets which they feel are subject to Regulation.

Figure 3 illustrates the strength

of the residential fixed internet subscriber market in Gibraltar, which, as touched upon previously, represents one of the top destinations in the world in terms of customer choice and broadband speeds. Customers have access to an array of ultra-fast broadband services from as many as three service providers available in their area, all of whom offer at least some of their



services via a FTTH network, with speeds ranging between 20Mbps and 2Gbps. From the data available to the Division, it is apparent that customers continue to move away from basic broadband offerings. 73% of all residential subscribers now opt for broadband packages with over 100Mbps download speeds, with a record 9% of subscribers now purchasing 1Gbps or more in 2023. We suspect that the rate of increase may slow down in the coming years, but as the market continues to head towards full FTTH service provision, we speculatively assume that customers will most likely be naturally migrated to faster broadband services as the slower services become less popular with residential customers.

Figure 4 shows the distribution of broadband packages in Gibraltar. The figures collected indicate

that 64% of all local residential broadband subscribers are currently purchasing a high bandwidth package with download speeds ranging from 101Mbps and 500Mbps. Just 9% of all subscribers were on a broadband package greater than 501Mbps, however, this is not to say that ultra-high speed symmetric fibre offerings are unpopular, but it is more likely these packages may vastly exceed the usage requirements of general subscribers who may have more modest needs which are sufficiently met by the mid to high range offerings as indicated by the figures presented for the 101Mbps to 500Mbps shown in Figure 4. Accordingly, only 13% of subscribers are subscribed to broadband packages with download speeds under 25Mbps, and the statistical data collected indicates that the

majority of these subscribers were pensioners.

In addition to this, it is important to note that the ultra-high-speed offerings (1Gbps and above) have not been available on the market for very long, in comparison to the more established offerings, and in certain instances have only been introduced quite recently. Irrespective of this, Figure 4 still reinforces the fact that Gibraltar is following the worldwide trend of subscribers migrating to higher bandwidth products as prices become more competitive and lower bandwidth packages are ultimately phased out.

As residential providers increase their ability to consume data faster online by purchasing higher bandwidth services for their home, whether it be for the sake of streaming higher quality video, for uploading more content, spending more time on virtual meetings, adding more online gamers to play concurrently, or to simply add more devices to their home network, inevitably, all those activities consume larger amounts of data. Figure 5 shows just how much that has increased year on year.

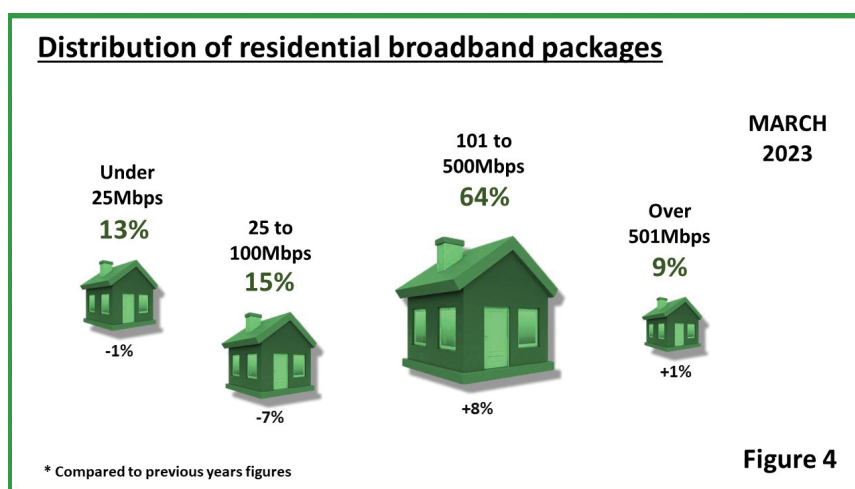


Figure 4

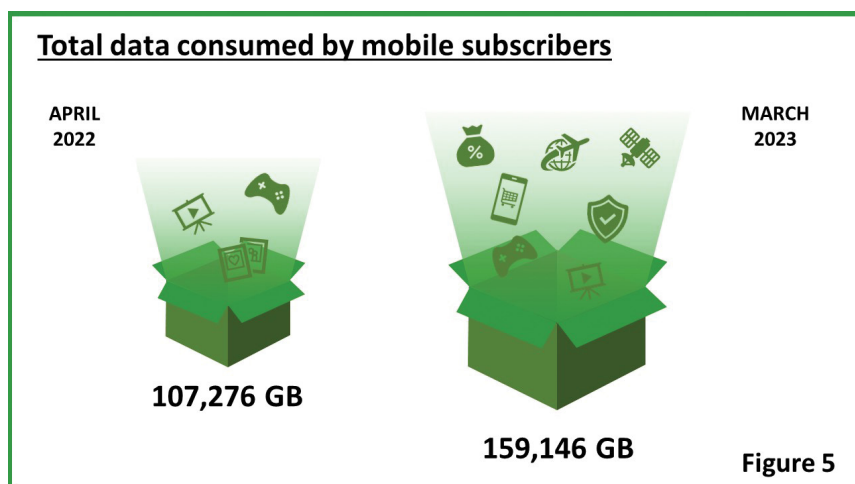


Figure 5

xvi. Revenue Collected

During the 2022/23 period and in accordance with the provisions of the Act, the total amount collected by the GRA in respect of General Authorisations was £591,811.00.

The total amount collected by the GRA in respect of Service Providers was £3,744.00.

This has brought the total revenue for Service Providers and General Authorisations for the 2022/23 period to £595,555.00.



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 responsible for administering the regulatory provision of the Radio Regulations, which include terrestrial and satellite services, together with the issuing of Outer Space Act Licences. Furthermore, the Division also represents the Gibraltar-based operator SES Satellites (Gibraltar) Limited ("SES-G") at international meetings and forums and ensures compliance 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 which are in 8 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 inspections of sites known to emit radio waves, with a view to ensuring that they operate within the recognised safe guidelines. The Division is also responsible for the management and allocation of radio frequencies, which extend to those used by mobile operators for the provision of mobile voice and data services.

The GRA issues licences to all users of licensable equipment which emit radio waves and has powers to approve radio transmitter equipment to be marketed in Gibraltar.



International Coordination and Participation

i. Satellite Coordination

The geostationary orbit is where most of the communications satellites are located. At 36,000km above 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 that 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 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 timeframe for FSS and BSS respectively will commence.

The ITU will examine the filed parameters to calculate the potential for 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 to inform all other administrations of the new satellite filing.

This starts off the lengthy process of coordination with the operators that are 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 harmful interference.

Once efforts have been made to coordinate the filing, these can be reported to the ITU before the regulatory deadline and entered into the Master International Frequency Register 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 16 filings with the ITU in 8 orbital slots around the geostationary orbit.

Gibraltar has a mature satellite industry and currently has 12 filings brought into use and notified with the ITU, with the activity this year going into existing key orbital slots. These SES-G existing networks could potentially suffer harmful interference from new incoming filings and the Division has identified 930 satellite networks from different administrations around the world that could potentially affect SES-G networks (this includes potential harmful interference identified from the 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 automates the process of notification to Ofcom, the UK regulator, and streamlines the back office associated activities such as filing and logging deadlines.

iii. Satellite Coordination Meetings

No in-person coordination meeting has taken place during this period as most matters were dealt via correspondence.

iv. SES-G Development Plan Review Meeting - Update

A virtual meeting was held between the Division, Ofcom and SES-G in June 2022 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.

v. Terrestrial Coordination

As with satellite coordination, the Division examines the information published by the ITU with respect to terrestrial services which contains additions, modifications or suppressions 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, 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 2022-2023, a total of 1375 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.

vi. World Radiocommunications Conference 2023 (WRC-23)

World Radiocommunication Conferences (WRC) are held every 3 to 4 years to review, and, if necessary, revise the Radio Regulations, the international treaty governing the use of the radio-frequency spectrum and the geostationary-satellite and non-geostationary-satellite orbits. Revisions are made on the basis of an agenda determined by the ITU Council, which takes into account recommendations made by previous world radio communication conferences.

The conference will be held in Dubai later this year, and as the date gets closer, the number and frequency of associated preparatory and subcommittee meetings are steadily increasing. The GRA attends these meetings as part of the UK delegation, represented by OFCOM, with whom the GRA has a very close working relationship with.

Regulatory Matters

Below is an overview of regulatory matters dealt by the Division during 2022/23:

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 several 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.

The GRA has recently upgraded its Rohde & Schwarz PR100 portable monitoring receiver to the newer PR200 model. The PR200 includes extra

functionality to aid in direction finding of suspect signals as well as being equipped with Time domain measurements which is crucial in the proper identification of Time Division Duplexing (“TDD”) signals such as 5G. 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 for the Environment to ensure that concerns from the public regarding electromagnetic emissions from mobile base stations and other radio transmitters are addressed swiftly.

ii. Mobile/Fixed Communications Networks (MFCN)

GibFibre Limited (“Gibfibre”) was issued a MFCN Test and Development licence in December 2022. This licence allows Gibfibre to install and test radio transmitters and associated radio equipment as they rollout their mobile telephony network. As more test sites come online, the GRA conducts electromagnetic fields (“EMF”) audits to ensure that new radio components to the network are compliant with the ICNIRP guidelines. This licence however does not allow them to provide a commercial service, however once all relevant tests are completed satisfactorily and their network has been fully

deployed and commissioned, the relevant Part VI licence will be issued in accordance with the Act and Gibfibre will be authorised to provide a public service.

iii. Interference and Power-Level Monitoring

The Division also carries out inspections if concerns are raised by members of the public and/or 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 or exceed the ICNIRP Guidelines, the standard adopted by HM Government of Gibraltar. Taking into consideration the resources required to ensure all radio transmitters, including future mobile network base stations, are compliant with the ICNIRP guidelines, the GRA has equipment to continuously monitor EMF levels throughout Gibraltar and emissions from mobile phone base stations, including all radio transmissions in the frequency band 20MHz to 40GHz.

The equipment consists of 4 fixed monitoring units (“FMU”), an indoor deployable unit (“IDU”) (for use inside buildings), and a handheld portable unit (“HPU”) to measure EMF levels at key locations around Gibraltar. The fixed and deployable units monitor the EMF levels in real time in the bands 20MHz to 40GHz and automatically uploads the information onto a publicly available portal. This portal can be accessed via the GRA’s website. This equipment complements the existing spectrum analysers which are used primarily to identify the

sources of interference and conduct detailed compliance verification.

In September 2022, the GRA began a 'spot check' program to compliment the data gathered from the FMU's at different locations throughout Gibraltar. The spot checks are conducted on a weekly basis using the HPU and the results can be found on the GRA's website: <https://www.gra.gi/communications/spectrum-use/emf-monitoring>

The table below shows the peak and average levels recorded during the measurement programme which was commenced in April 2021 and up to 31st March 2023. The results show that the recorded levels did not exceed the ICNIRP guidelines and on average are considerably below the maximum threshold.

<https://monitoring.wavecontrol.com/en/public/gibraltar-regulatory-authority/>

	Peak	Average
University of Gibraltar	11.55 V/m	1.14 V/m
Westside/Bayside School Complex	36.48 V/m	2.81 V/m
St Anne's School	6.13 V/m	3.50 V/m
Kings Way House Alameda	13.61 V/m	1.68 V/m

In March 2023, the FMU located at Westside School complex recorded values exceeding the ICNIRP guidelines. GRA officers were deployed to the site and an immediate investigation was conducted. The investigation concluded that the equipment had developed a fault which led to the excessive values being measured. The device has since been removed and sent to the manufacturer for further testing. In the meantime, the FMU located at the University of Gibraltar was relocated to Westside School. As of 9th March 2023, there are only 3 FMU's units in operation. To compensate, the spot check programme has been extended to 2 scans per week whenever possible.

In the period 2022/23, the following matters were attended to:

a) Radionavigation Radar Interference

The GRA is in regular communication with the Ministry of Defence and its contractors regarding the planned upgrade to the airports radar system. During configuration tests of the new radar, an interfering signal originating from Spain was reported to the GRA. In collaboration with NATS, GRA officers investigated the issue and although the exact source could not be identified, alternative frequencies were assigned so that calibration on the new system could continue. The matter is still under investigation.

b) Kingsway Tunnel

The Kingsway Tunnel contains various radio transmitter systems, namely a mobile telephony transmitter which for all intents and purposes behaves as a mobile base station to provide coverage within the tunnel. The GRA conducted commissioning testing back in 2021 with the project developers and subsequently conducted EMF audits in collaboration with Gibtelecom before the opening of the tunnel.



iv. Advice and Cooperation with other Agencies

The Division continues to work closely with the Ministry for the Environment and HM Government of Gibraltar agencies to address issues relating to radiocommunications, especially perceived health risks from radio transmitters. Throughout the 5G Project rollouts, the Division continues to be in regular communication with the Ministry for the Environment, Civil Aviation Director, Office of the Town Planner, NATS, RAF, and the Environmental Safety Group.

v. Licensing of the Electro-Magnetic Spectrum

The GRA collects licence fees on behalf of HM Government of Gibraltar and uses different licensing schemes to promote the use of technologies and maximise the use of the electro-magnetic spectrum efficiently. The GRA collected a total of £586,027.00 in respect of licenses under Part VI of the Act.

The following table outlines the fees collected during the period 2022/23 for each type of licence issued under Part VI of the Act:

Accounting Authorities	£9,500.00
AGRS	£453.00
CB Radio	£84.00
Fixed Links	£5,545.00
Mobile	£517,244.00
Radio Microphone	£149.00
PMR	£12,550.00
Port Ops	£3,450.00
Radar	£320.00
Radio Amateur	£336.00
Ship Station Licence	£21,960.00
Wireless Dealers	£1,700.00
Spectrum Usage	£10,595.00
VSAT	£2,141.00

Furthermore, during the period 2022/23, the GRA renewed six Outer Space Act licences for SES-G for each of the satellites operating in outer space, and which are controlled from Gibraltar. The total revenue received as a result of issuing these licences was £6,000.00.

vi. Outer Space Act

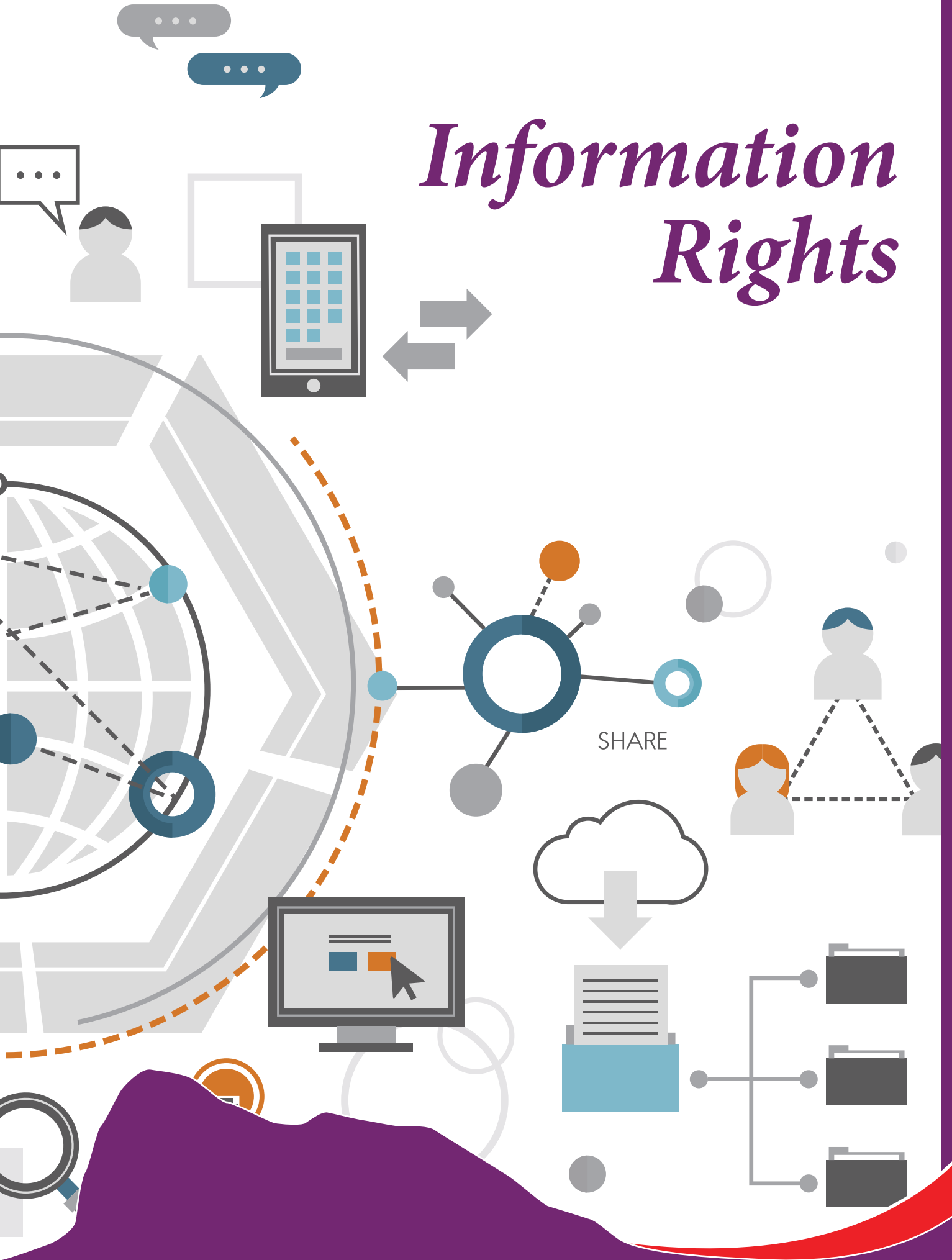
The UK's Outer Space Act 1986 was extended to Gibraltar by the Outer Space Act 1986 (Gibraltar) Order 1996, which conferred licensing and other powers to the Governor of Gibraltar to ensure compliance with the international obligations concerning the operation of space objects and activities in outer 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.

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 (the "UKSA"), to ensure that the satellites are operated in compliance with international treaties and principles covering the use of outer space. In July 2021, the Civil Aviation Authority (the "CAA") became the UK space regulator and the powers previously under the UKSA for these purposes were transferred to the CAA. The GRA continues to work closely with the UKSA and CAA during this transition, and a closer working relationship with the CAA will be pursued.

Currently, there are 6 Gibraltar-licensed satellites.



Information Rights



Introduction

Gibraltar's data protection regime consists of the Data Protection Act 2004 (the "Act") and the Gibraltar General Data Protection Regulation (the "Gibraltar GDPR"). Together, the Act and the Gibraltar GDPR ensure that Gibraltar has a modern and flexible data protection system in place and individuals have a framework by which their personal data is protected and their rights in relation to privacy respected. The Act designates the GRA, as Information Commissioner (the "Information Commissioner"), to be the supervisory authority in Gibraltar.

With the effects of the COVID-19 pandemic subsiding, the Information Rights Division (the "Division") has seen many practices return to those in place pre-pandemic, in particular, the resumption of in-person events, both locally and internationally.

The Division has continued to respond to enquiries received and publish guidance on topical matters. In the area of awareness raising, the Division has continued to publish quarterly e-newsletters, deliver presentations in schools, including school surveys, and run targeted campaigns on social media with new campaigns on topics such as 'Credential Stuffing' and 'Data Protection in a World of Sharenting'.

In relation to freedom of information, this has been the first full year in which Gibraltar's Freedom of Information Act 2018 has been in place since it commenced in June 2021.

International Participation

As part of its tasks under the Gibraltar GDPR and the Act, the Division is required to collaborate with foreign data protection authorities. Collaborative efforts not only include the provision of mutual assistance and cooperation in the context of international investigations, but further extend to the development of best practices and standards in the regulation and enforcement of data protection legislation.

In its continued efforts to interact with regulators world-wide and to maximise its efficiency and effectiveness, the Division has participated in various international events during the reporting year. Such events have included:

i. **12th to 13th April 2022- International Association for Privacy Professionals ("IAPP") Global Privacy Summit 2022**

The Director of Information Rights was invited to form part of a panel at the IAPP's Global Summit 2022, where he joined the General Counsel of the UK's Information Commissioner's Office and the Deputy Commissioner of the Office of the Privacy Commissioner of Canada, to discuss the regulation of emerging technologies and threats with global collaboration.

The IAPP Global Summit is one of the largest privacy events in the world with 85+ sessions, 125+ exhibitors and 200+ expert speakers.

ii. **24th to 27th May 2022 – 30th European Conference of Data Protection Authorities**

The Division attended the 30th European Conference of Data Protection Authorities (commonly known as the 'Spring Conference'). The Spring Conference held annually, is amongst the most important in Europe's data protection calendar.

Delegates from European-wide data protection authorities and wider organisations congregated over 2 days to participate in sessions covering:

'Recent developments in data protection in the case-law of the ECHR';

'Convention 108+ mutual assistance and global convergence';

'Latest developments and challenges around data transfers';

'Enforcement cooperation: cross-border cases and Article 50 of the GDPR, mutual assistance between EU and non-EU countries';

'Foresight, innovation and technology monitoring'; and

'Raising awareness, activities and implementation of the EU funded projects in EU and non-EU countries'.

Amongst the influential speakers were Ms Andrea Jelinek, Chair of the European Data Protection Board; Mr Marko Bošnjak, Judge of the European Court of Human Rights; Mr Sanjin Rukavina, Croatian State Secretary, Ministry of Justice and Public Administration; and Ms Alessandra Pierucci, Chair of the Council of Europe Consultative Committee of Convention 108.

Resolutions were passed by the membership in respect of Convention 108+, calling for its ratification. Convention 108+ aims to strengthen people's privacy rights in the new digital age. A further resolution on the Vision, Mission and a Steering Group for the Conference was also adopted. The focus of this second resolution was the future of the Conference, in particular to continue building and implementing measures to evolve and progress the Conference as a flagship data protection event for Europe. The Director of Information Rights, alongside a delegate from the UK Information Commissioner's Office presented to the wider membership on the resolution of the future of the Conference. Further, the Information Commissioner is a member

of the Interim Steering Group set up by the corresponding resolution and the Division has been contributing to work done throughout the year on the modernisation of the Rules of Conference, future planning and guiding and advising on the organisation of the annual event.

The Director of Information Rights also reported and delivered a presentation on the European Case Handling Workshop, a sub-group of the Spring Conference, as hosted by the Information Commissioner in November 2021.

iii. 16th June 2022 – Centre for Competition Policy Annual Conference 2022

The Division attended an online seminar titled "Frontiers in

Competition and Regulation," which provided a forum for researchers, policymakers, and practitioners to discuss latest research in the field. Of particular interest was the session on "Privacy and Competition" which explored the wider repercussions the EU General Data Protection Regulation 2016/679 ("EU GDPR") has had on app developers and websites, with significant consequences noted. The Gibraltar GDPR, which came into effect on 1 January 2021, for the most part, mirrors the EU GDPR.

iv. 22nd to 24th June 2022 – International Conference of Information Commissioners (the "ICIC")

This year's event was hosted by the Mexican Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales ("INAI"). The Division attended virtually. With its main focus being access to information, participation, and inclusion in the digital age, the ICIC provides a level-playing field for dialogue and exchange of experiences and practices in the area of freedom of information. It aims to promote, at a global level, the effective exercise of the right of access to information.



v. 28th June 2022 – Global Privacy Assembly (“GPA”): Credential Stuffing Guidelines and Awareness Raising

The Information Commissioner is a member of the GPA’s International Enforcement Working Group (the “IEWG”), which published guidelines for organisations and awareness raising material for the general public on “Credential Stuffing”, which is a significant and growing cyber threat.

The publications were the result of work carried out by a sub-working group (the “SWG”) of the IEWG, composed of data protection and privacy regulators from Canada, Gibraltar, Jersey, Switzerland, Turkey, and the

United Kingdom. The working group was established following a presentation delivered by the Division to international counterparts on the growing threats from credential stuffing.

The SWG collated information from data protection and privacy authorities worldwide on the topic of credential stuffing, conducted secondary research and also engaged with external cyber security experts and stakeholders. Amongst the experts and key stakeholders consulted were Bojana Bellamy, Centre for information Policy Leadership (with the involvement of Lisa Sotto from Hunton Andrews Kurth); Clarisse Girot, Asian Business Law Institute (with the involvement of James McLeary and Jay Gomez from Kroll and Rajesh Sreenivasan from Rajah & Tann LLP); the Open Web Application Security Project – Shuman Ghosemajumder, F5; and, the United Kingdom’s National Cyber Security Centre.

The material produced supports data protection and privacy regulators in cases that relate to credential stuffing attacks and the promotion measures to mitigate the risk of said cyber threat. Further, the work done by the SWG contributed to the GPA’s efforts to operate as a ‘year-round’ organisation and furthered the GPA’s strategic priority of maximising the assembly’s voice and influence through the involvement of engagement and collaboration with external stakeholders.

vi. 14th July 2022 - UK ICO launch the “ICO25”

The Information Commissioner was invited by the ICO to the launch of “ICO25”, an event which set out the ICO’s strategic vision and priorities for the

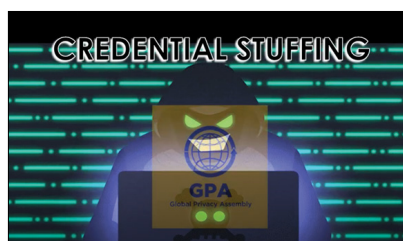
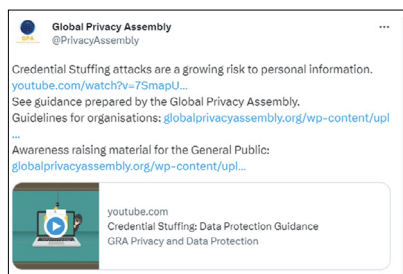
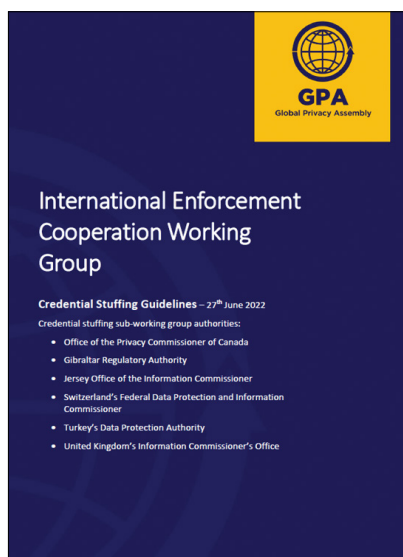
period 2022-2025. The following key points were highlighted at the event:

1. The ICO would adopt a more targeted and focused approach, prioritising areas that are considered to pose the greatest harm to individuals and/or society.
2. By prioritising areas of most harm, the ICO will have a clearer purpose that will inform day to day decision making.
3. The ICO aims to better understand the demands, concerns and interests of individuals, organisations and society. Feedback obtained from a listening exercise and stakeholder engagement campaign in early 2022 helped shape and develop ICO25 to ensure that the ICO’s work factors in the priorities of individuals, organisations and society.

Notably, the ICO25 plan sets out that the ICO aims to work collaboratively and cooperatively to maximise effectiveness, through effective relationships with other regulators both nationally and internationally.

vii. 15th to 16th July 2022 – British, Irish and Island’s Data Protection Authorities (“BIIDPA”)

The annual BIIDPA meeting was hosted by the ICO following its launch of ICO25. The meeting was attended by data protection authorities from Jersey, Gibraltar, Guernsey, Ireland, Malta, Isle of Man and the UK, and took place over two days. Participating authorities discussed key developments and shared ideas and action plans to facilitate regulatory progress



and create opportunities for coordinated action. Key topics discussed included regulatory cooperation with sectorial regulators, the prioritisation of case handling, effective enforcement in the public sector, privacy awareness initiatives, promoting compliance through accountability, methods available to access technological and investigative expertise and identifying data protection harms, to clarify and highlight the practical importance and impact of data protection to prioritise regulatory action.

viii. 4th August 2022- Global Privacy Enforcement Network (“GPEN”)

The GPEN organised a webinar regarding “[d]ark patterns in social media platform interfaces” to highlight how best to recognise, and avoid them, as discussed in the draft guidelines published for public consultation by the European Data Protection Board.

Dark patterns are user interfaces and user experiences implemented that coerce users to make unintended, unwilling, and potentially harmful decisions regarding the processing of their personal data. This influences users’ behaviour and ability to effectively protect their personal data. For example, a user interface may be designed in a manner that prevents users from making an informed and freely given consent. This can be exploited in several aspects of the design, such as interfaces’ colour choices and placement of the content. Conversely, by providing incentives and user-friendly design, the realisation of data protection regulations can be supported.

ix. 29th September 2022 - Organisation for Economic Cooperation and Development (“OECD”)

The Division attended a virtual conference titled “[t]he future of access to information: ensuring complementarity between the right to information and personal data protection”, which focused on the linkages and tensions between access to information and personal data protection.

x. 6th October 2022 - GPA’s Digital Citizen and Consumer Working Group (“DCCWG”) Survey

The mandate of the GPA DCCWG is to explore regulatory intersections and promote regulatory cooperation. The Division took part in a survey which aimed to better understand the intersection between privacy and the regulation of digital technologies, by collating information about the digital regulatory regimes that operate in GPA members’ jurisdictions.

xi. 11th October 2022 - Channel Islands Data Protection Forum

The Director of Information Rights was invited to take part in a panel alongside data protection Commissioners from Guernsey and the Isle of Man at the Channel Islands Data Protection Forum Inaugural Conference, in Guernsey. The panel actively discussed “what is trust when it comes to data?”. Amongst other things, the panel highlighted the importance of data protection regulation as a platform that supports trust

and facilitates business activity, particularly in the context of the digital economy.

Other topics discussed at the event were - embedding a data protection culture, developing resilient data sharing systems for a safer tomorrow and implementing data protection by design.

The Channel Islands Data Governance Forum is a not-for-profit organisation operating across Gibraltar, Guernsey, Isle of Man and Jersey. The forum’s aim is to bring together people who are passionate about Data Governance/Data Security through a forum where people can come together and network, learn and share experiences.

xii. 25th to 28th October 2022 - 44th GPA

The Division attended the 44th GPA in Turkey. The GPA is an annual event where over 130 data protection and privacy authorities from around the world connect to provide leadership at international level: a premier forum for international collaboration and engagement in the field of data protection.

The event was held over four days consisting of two open session days and two closed session days. Organisations and individuals other than the regulatory authorities that are members of the GPA may attend and contribute to the open session. Organisations and individuals from industry, academia, the media, and other sectors attended the event. The following were some of the key topics discussed:

Artificial Intelligence (“AI”) - The session emphasised the importance of ensuring that

the power of AI is guided and controlled for the benefit of all. The risks associated with AI were highlighted, such as AI being used for political influence and control as well predatory commercial practices, which challenges the notion of privacy as a space for individuals to think and organise their thoughts and actions without interference. In a speech delivered by Paul Nemitz, Principal Advisor, Directorate-General for Justice and Consumers, European Commission, emphasised the need to ensure that AI safeguards are in place, highlighting that a private space, without interference is inherently necessary for an individual's freedom to be maintained and democracy to exist.

Mr Nemitz suggested that data protection and privacy regulators are in a privileged position to examine, scrutinise, and learn from and guide AI, recommending that this privilege should be used to attract the curiosity of students and technologists, to focus on AI and become centres of AI expertise.

Facial Recognition Technology – the session highlighted the importance of understanding the risks to human rights from facial recognition technology and its convergence with the rule of law, pointing to developments across the world with facial recognition technology being tightly controlled and/or banned. Further work is required to ensure the responsible and effective development/use of facial recognition with adequate safeguards.

Privacy by Design (“PbD”) – in a session that focused on emerging technologies in the light of privacy principles highlighted PbD, as a vehicle

for organisations to proactively implement privacy into their products, recognising the rapid growth in which PbD is becoming a legal requirement in the global privacy and data protection landscape. In an intervention from panellist Ann Cavoukian, the inventor of PbD, Ms Cavoukian advocated for the support and promotion of PbD as a catalyst for progress, emphasising that “privacy breeds innovation and technology” and is a “positive-sum process not zero-sum as some may like to claim”. Google’s Privacy Director, Mr William Malcolm followed Ms Cavoukian’s comments and contributed by acknowledging that “the one thing that engineers understand is that trust is key as the product will not win without trust”, supporting the value of PbD as a positive-sum process.

Surveillance – citizens are increasingly living in surveillance societies exposed to manipulation and control. The number of data protection and privacy authorities is growing worldwide and so is the guidance published, but surveillance continues to increase. Despite the growth in regulators and guidance, the session suggested that more work is needed to counterbalance surveillance, particularly as we increasingly live in a digital world where being online is essential and no longer an option. Privacy friendly models need to be supported as a viable alternative to intrusive tracking and monetisation/exploitation of personal data, with the right incentives promoted.

Blockchain, augmented and virtual reality (“VR&AR Tech”) -

Data protection and privacy challenges were identified relating to the development and use of new technologies

such as blockchain and virtual and augmented reality. AR&VR Tech could make it possible for organisations to collect extremely detailed information about individuals, in addition to the large volumes of data already being collected, and amplify the ability to profile, make inferences about individuals and manipulate. Regarding blockchain, data protection challenges were referred to in the context of controllership, erasure, data minimisation and storage limitation. However, different blockchain models were discussed, including privacy friendly models such as the self-sovereign identity system, which prioritises an individual’s control over their data. This approach is thought to promote compliance, accountability, and privacy.

The session also highlighted the importance of discussion and engagement between industry and regulators where new and evolving technologies emerge, without fearing difficulties in said engagement as the guidance, certainty and practices that result, will likely promote and facilitate sustainable technology.

Protecting children in the digital age – the need to protect the fundamental freedoms of children with regard to their personal data, including the protection of children against the commercial exploitation of their data, is increasingly important given the rapid increase in the development and use of digital services for children. Reference was made to guidance from the UN’s Committee on the Rights of the Child, General Comment 25, which notes that during consultations, children expressed the view that the digital environment should support, promote and protect their safe and equitable engagement: “We would like



the government, technology companies and teachers to help us manage untrustworthy information online.”; “I would like to obtain clarity about what really happens with my data... why collect it? how is it being collected?”; “I am ... worried about my data being shared”.

The rights of every child must be respected, protected and fulfilled in the digital environment - the best interests of the child should be a primary consideration when designing and developing online services.

PbD plays a fundamental role in ensuring age-appropriate technology and services, which should result in no geo location, no data sharing, parental controls, no profiling etc...

The GPA’s closed session followed the open session. The closed session focused on various matters including –

Reports from the GPA’s various working groups, each dedicated to specific areas such as the digital economy, global frameworks and standards, international information, AI, etc. Notably, the Division made significant contributions to the Digital Education Working Group and the IEWG. Specific reference was made at the assembly to the work carried out in relation to credential stuffing by the IEWG.

Capacity building workshops including a session on measures for data protection and privacy regulators to increase their effectiveness.



Resolutions, including a Resolution on International Cooperation Capacity Building for Improving Cybersecurity Regulation and Understanding Cyber Incident Harms and a Resolution on Principles and Expectations for the Appropriate Use of Personal Information in Facial Recognition Technology. The Information Commissioner co-sponsored both these resolutions.

jurisdictions, particularly in the field of data protection. Sharing experiences and best practice, joint research projects and mutual assistance are key aspects covered in the MoUs. Our digital economies operate in a global environment, which need and benefit from international cooperation to support and incentivise best practice and technological development with adequate safeguards.

xiii. 25th to 28th October 2022 - Signing of memorandums of understanding (“MOUs”)

During the GPA in October, the Information Commissioner signed separate memorandums of understanding (“MoUs”) with the authorities of the United Kingdom and Malta, in recognition of, and to further develop, the longstanding and close relationship with both





The MoUs are a further demonstration of the Information Commissioner's collaborative efforts to support and take part in the development of a digital world, with high standards for the benefit of citizens and business.

xiv. 16th to 17th November 2022 – 43rd Plenary Meeting of the Consultative Committee of Convention 108

Convention 108 is the first binding international law on individuals' rights to the protection of their personal data. Held in Strasbourg, the meeting discussed matters relating to digital identity and further explored major developments and activities in the field of data protection.



xv. 17th to 19th November 2022 - European Case Handling Workshop ("ECHW")

The Division attended the ECHW organised by the Personal Data Protection Service in Tbilisi, Georgia. Participants discussed the planning of data protection inspections and effective management of inbound complaints, as well as emerging topics including the impact of data protection in a social media context. With the GRA's Director of Information Rights moderating the session, members of the Division presented on "The 'Domestic Exemption' and aspects surrounding its application" alongside the European Data Protection Supervisor and the International Committee of the Red Cross.

At the event, the Director of Information Rights was interviewed by a Georgian TV broadcaster in relation to the workshop.

xvi 7th December 2022 - GPA Global Framework and Standards Working Group ("GFSWG")

The GFSWG is mandated by the GPA's Strategic Plan to deliver a resolution or policy statement





on the GPA's view of high data protection and privacy standards. The Division took part in a survey which gathered the views of GPA members in relation to what principles, rights and other elements are considered important to ensure high data protection and privacy standards, and what will be important to make today's data protection frameworks fit for the future.

xvii 26th – 27th January 2023 – Islands Data Governance Forum (“IDGF”) in Guernsey

The forum aimed to bring together people who are passionate about Data Protection and Data Security. Events included a table-top incident response exercise and the launch of the IDGF awards. The Director of Information Rights was involved in several panel discussions.

Regulatory Matters

The following is an outline of the regulatory matters which the Division has been involved in for the period 2022/23.

i. Measured Activity

Amongst other activities, the Division's regulatory functions include dealing with inbound enquiries, investigations, data protection audits and data breach notifications.

a. Inbound Enquiries

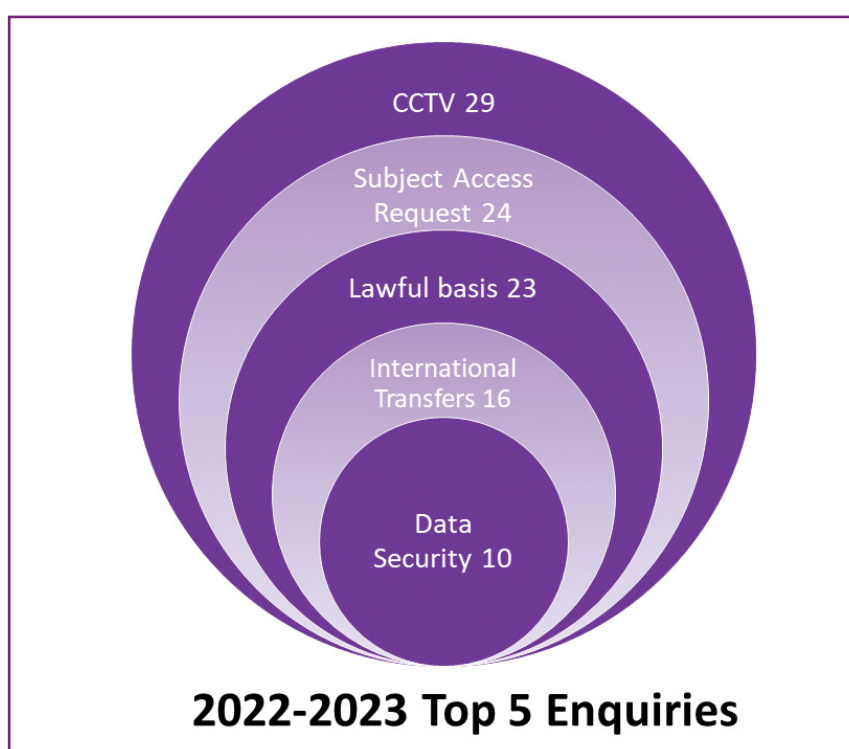
184 enquiries were received by the Division this year. Grouping enquiries by subject matter allows the Division to gain an understanding of data protection issues affecting organisations and individuals in Gibraltar. With this insight, the Division is able to tailor its work, including arranging focused workshops and drafting targeted guidance notes.

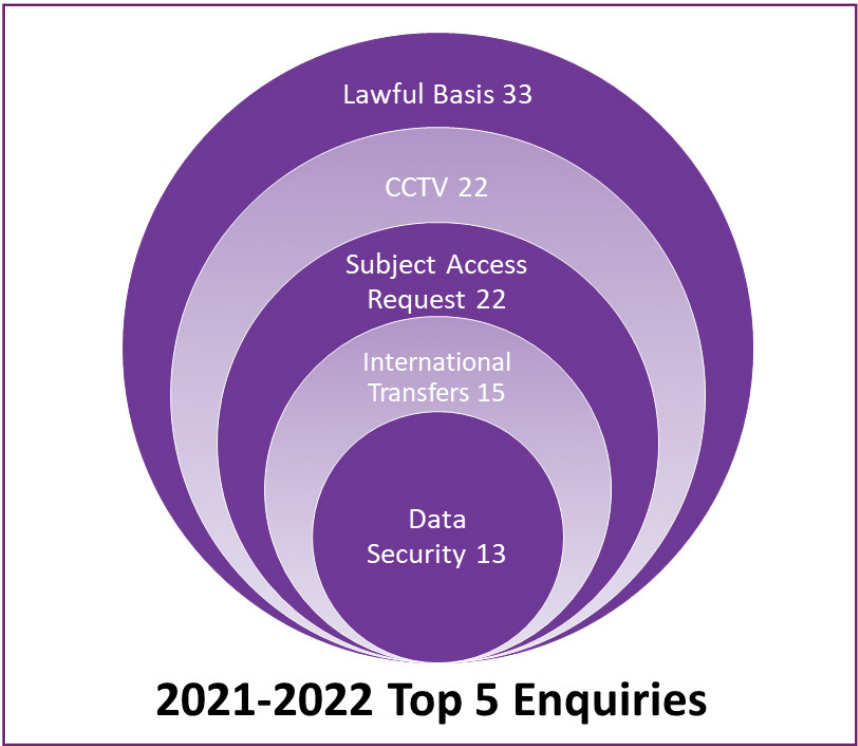
For the second consecutive year, enquiries relating to CCTV, subject access requests (“SARs”) and the need for a lawful basis, top the chart (although in a different order).

Whilst remaining amongst the most prominent topics, of particular note is the decrease in enquiries relating to the need for a lawful basis when processing personal data. Last year it was noted that the increase in such enquiries may have stemmed from the Division's newly published Data Sharing Code of Practice, which was published in August 2021. The subsequent decrease may be a result of organisations becoming more comfortable with the Code of Practice.

b. Complaints, Investigations and Enforcement

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 doubt as to whether the Act





action taken in relation to these, are summarised in the table opposite.

and/or Gibraltar GDPR is being complied with.

The Division is responsible for handling complaints received from data subjects in relation to data protection matters.

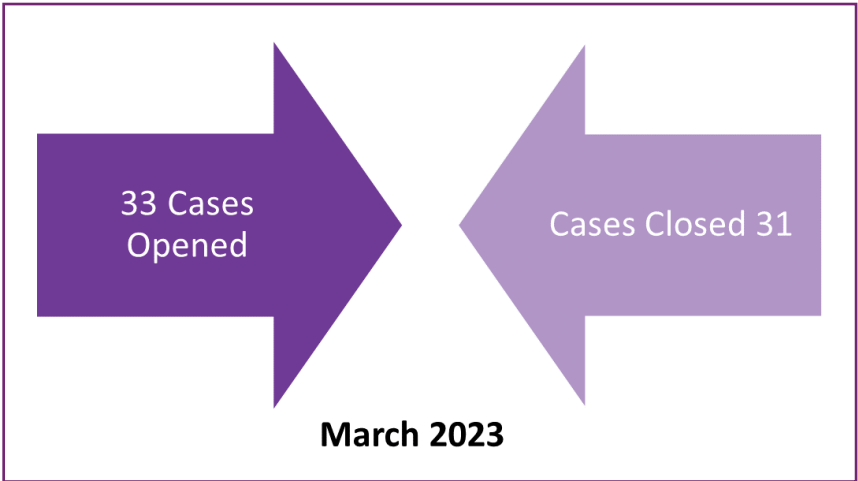
With regards full investigations, the Division completed and closed a total of 5 in the reporting period, some of which were ongoing from the previous year.

Importantly, a distinction can be made between cases closed without requiring a full investigation (i.e., when parties succeed in resolving the matter amicably with minimal intervention by the Division),

and those requiring a full investigation by the Division.

During the reporting period, 33 new cases were opened by the Division. In turn, 26 cases were closed without requiring a full investigation. In this regard, the Division’s internal complaints handling procedure, which requires parties to make attempts to resolve the matter between themselves, appears to be effectively improving efficiencies and the better management of investigations.

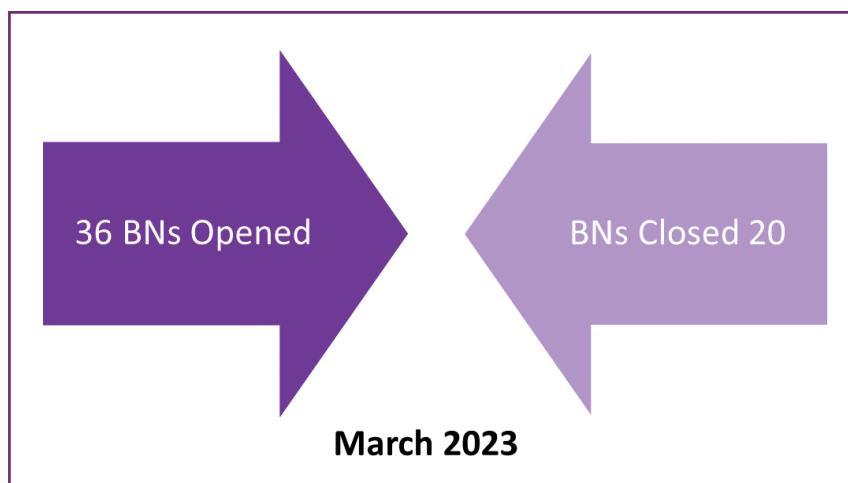
The in-depth investigations carried out during the reporting period, and any enforcement



Reference Number and Data Controller	Investigation Summary
IV33/18 Gibraltar Savings Bank ("GSB")	<p>The investigation concerned excessive requests for personal data by the GSB.</p> <p>Articles breached: 5(1)(c), 5(2) and 6 of the EU GDPR.</p> <p>The GSB were required to review their policies and procedures to ensure personal data requested is adequate and limited to what is necessary. Further, the GSB were required to delete/destroy personal data which had been unlawfully obtained.</p> <p>The Information Commissioner had previously issued the GSB with a Reprimand, as reported in the GRA's Annual Report of 2019/2020.</p> <p>The investigation concerned the alleged loss and/or erasure of personal data by St. John, and St. John's data protection arrangements for the processing and protection of personal data.</p> <p>Articles breached: 5(1)(f), 5(2), 24(1), 24(2) and 32 of the EU GDPR.</p>
C39/19 St. John Ambulance ("St John")	<p>St. John were required to review their arrangements to ensure that appropriate policies and procedures were in place for the processing of personal data. St. John were also required to demonstrate that these would be implemented, and that relevant training would be provided to personnel as appropriate.</p> <p>No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
C24/20 Gibraltar Health Authority ("GHA")	<p>The investigation concerned excessive processing of personal data in relation to healthcare registration.</p> <p>Articles breached: 5(1)(a) and 5(1)(c) of the Gibraltar GDPR.</p> <p>The GHA took corrective action by adopting a narrower approach to personal data requests and by providing clearer guidance to data subjects.</p> <p>Other than the provision of some additional recommendations, no further action was required, taking into account the circumstances of the case and corrective action taken.</p>
C30/20 Royal Gibraltar Police ("RGP")	<p>The investigation concerned the continued processing of employment related personal data, including its retention and disclosure, by the RGP.</p> <p>Articles breached: 5(1)(a), 5(1)(b), 5(2), 6(1) and 24 of the EU GDPR.</p> <p>The RGP were required to review their data protection arrangements to ensure that appropriate policies and procedures were in place for the processing of employment related personal data, including procedures for the disclosure and retention of the same. The RGP were also required to demonstrate the implementation of said policies and procedures.</p> <p>No further action was required, taking into account the circumstances of the case and corrective action taken.</p>
C12/21 The Food Co. ("TFC")	<p>The investigation concerned a response to a SAR.</p> <p>No contravention of the Act and/or Gibraltar GDPR was identified in respect of the SAR.</p>

c. Data Breach Notifications and Enforcement

Article 33 of the Gibraltar GDPR provides controllers with obligations relating to circumstances in which they must notify the Information Commissioner of a personal data breach suffered by their organisation. When the Division receives such breach notifications, an assessment is made of the action that the



organisation has taken. The Division may recommend that the organisation takes further action to mitigate the risk of the breach on the relevant data subjects, to mitigate the risk of the same or similar breach re-occurring. On occasions, the Division may take enforcement action.

During this reporting period, the Division received 36 data breach notifications. Of all data breach notifications, including new cases and those continuing from previous years, 20 have been closed and 20 remain ongoing.

Notably, the highest category of breach notifications relates to cyber security. This has led the Information Commissioner to focus additional efforts and resources on the subject area. Amongst other initiatives, the Division will be adding a day to the workshop due to be hosted in May 2023, aimed at focussing on cyber security in the data protection sphere. Organisations will be invited to discuss their concerns on the subject and to highlight any developing trends.

The breach notifications in respect of which enforcement action has been taken in the reporting year 2022/23, are summarised in the table below.

Reference Number and Data Controller	Enforcement Information
BN17/20 Royal Gibraltar Police ("RGP")	<p>The investigation concerned a data breach discovered by the RGP on 16 October 2020 regarding –</p> <ul style="list-style-type: none"> (a) the unlawful disclosure by the RGP of personal data relating to current and previous employees, as well as information relating to law enforcement matters; (b) the lack of appropriate technical and organisational measures to ensure security in respect of such personal data; and (c) the unlawful retention by the RGP of such personal data. <p>Provisions breached: Sections 48(1), 48(2), 49, 65(1), 65(2), 70, 75, 77(1) and 77(2) of the Act. Articles 5(1)(e), 5(1)(f), 24(1), 24(2), 30, 32, 34(1) and 34(2) of the EU GDPR.</p> <p>The Information Commissioner issued the RGP with a Notice of Intent to issue a monetary penalty on 7 March 2022, followed by a Penalty Notice issuing the RGP with a monetary penalty of £10,000 on 21 April 2022.</p>

d. Data Protection Audits

Audits aim to check for compliance with data protection legislation and to assist organisations in achieving best practice in terms of their data processing operations. Enforcement action may be taken where necessary, although is not the focus of audits.

Having put these on hold during recent years, mainly due to the COVID 19 restrictions, the Division aims to revive its auditing activities through the launch of a consensual audit scheme. Further details are expected to be announced in coming months.

ii. Data Protection Guidance

The Division continues to

provide guidance by proactively publishing guidance notes and by organising data protection workshops intended to promote collaboration and debate, and to provide an open forum whereby organisations can discuss data protection law and best practice.

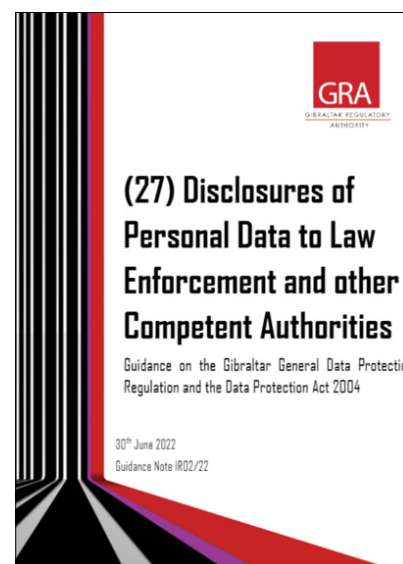
The following lists the Division's output during the reporting period in respect of the same:

a. Guidance Notes

Disclosures of Personal Data to Law Enforcement and other Competent Authorities (published June 2022) - This Guidance Note aims to assist data controllers when seeking to share personal data with 'competent authorities' (as defined in the Act), who are carrying out their statutory

law enforcement functions. It provides an understanding of the lawful basis under which personal data may be shared in the circumstances.

Credential Stuffing Guidelines (published June 2022) - Together with international counterparts,



the Division conducted research and published guidelines for organisations on how to prevent, detect and mitigate the risks of credential stuffing attacks.

Credential Stuffing Raising Awareness (published June 2022) - Separate guidance was also published with a focus on educating and assisting the public on the matter of credential stuffing, and on measures they can take to protect their personal data.

b. Local Workshops/ Organisational Awareness

• Local Workshops

As well as an opportunity for organisations to obtain support, the workshops organised by the Division provide the opportunity to obtain a better understanding of common issues/challenges faced by organisations. The workshops also help create synergies by facilitating collaboration between organisations. Guidance and engagement are areas of work that are prioritised by the Division to promote compliance and mitigate risks, whilst supporting the development of new practices.

As previously stated, the Division has commenced preparations for a Data Protection Officer (“DPO”) Workshop to be held during the second quarter of 2023. DPOs interested in attending the workshops can register via email - dpoworkshops@gra.gi or see our website.

c. Registers

• Register of DPOs

In accordance with section 138 of the Act, the Information Commissioner continues to maintain a public Register of DPOs. Organisations looking to include their DPO on the register

must complete and return the DPO Notification Form as available on the GRA’s website.

• The Opt-Out Register

In 2013, the Division launched the Opt-Out Register for fax and telephone, based on provisions found in the Communications (Personal Data and Privacy) Regulations 2006. The Information 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.

d. Public Awareness

The Division’s ‘Control Your Privacy’ (“CYP”) campaign, through which the Division raises awareness of data protection and privacy, has continued. This year, interactions with the public have included the following:

• Social media

Social media platforms form part of the Division’s public engagement strategy. Ad hoc posts are combined with larger social media campaigns to cover topics of relevance. These sometimes link to more substantial documents such as infographics and/or guidance notes, which provide a further in-depth insight into topics.

This year, the Division’s social media activities included the following:

Privacy Awareness School Survey (2021-22) (Social Media Post Campaign)

This eleven-week campaign that commenced in August 2022 highlights the key findings from the Privacy Awareness School Surveys carried out in schools

in Gibraltar during the 2021/22 academic year.

Data protection in the Employment Context

In April 2022, a social media campaign titled ‘Data Protection in the Employment Context’ was launched. This campaign, which followed on from a guidance note on the subject published in 2021, aimed to encourage employers to examine the manner in which they process personal data within the employment context.

Guidance on the Use of CCTV

In March 2023, an existing social media campaign titled ‘Guidance on the Use of CCTV’, was re-vamped and re-launched. With CCTV an increasingly common area of complaint, the Division decided to roll-out additional resource on the topic.

Ad-hoc posts

Ad-hoc posts vary from specific guidance on certain topics 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.

Audio visuals: Protect Your Privacy -Summer Edition

In Summer 2022, the Division released an awareness-raising audio-visual to highlight the potential risks involved when individuals share content, such as treasured moments and holiday experiences, on social media. The video, which is available on the GRA’s YouTube channel and GRA website, provides top tips to safeguard privacy in today’s online environment.

Audio visuals: Protect Your Privacy -Christmas Edition

Often adding to the excitement of Christmas is the ease with which images and videos can be shared on social media platforms. With this in mind, the Division published a video which aims to raise awareness about the importance of recognising the resulting risks to privacy and personal data protection. In this video, the Division again provides top tips to safeguard privacy in today's social media culture. The video is available on the GRA's YouTube channel and GRA website.

e. E-Newsletters

E-newsletters have continued to be published on a quarterly basis, providing subscribers with news, updates, and latest developments in relation to data protection and freedom of information. These can be found on the GRA's website.

f. Subscription Service

The Division's free subscription service for individuals and/or organisations interested in staying informed about data

protection-related matters, allows the Division to provide information regarding ongoing work, including the publication of Guidance Notes and any additions to the GRA website. Those wishing to subscribe can email dpsubscribe@gra.gi.

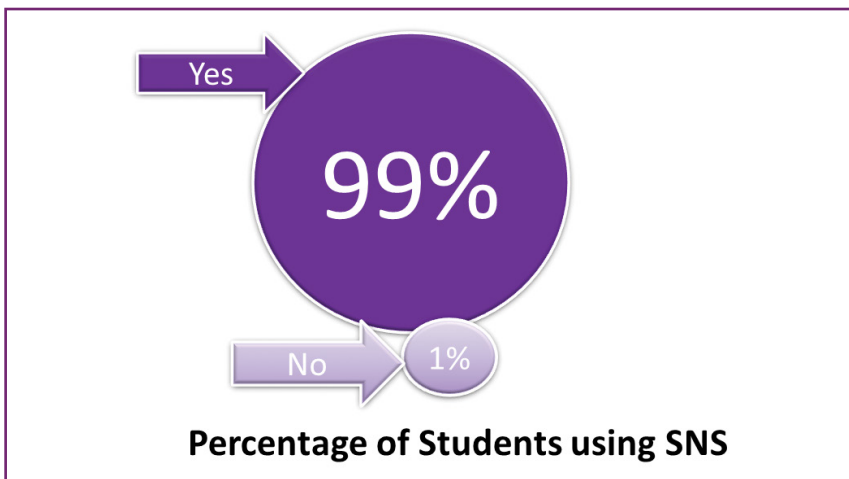
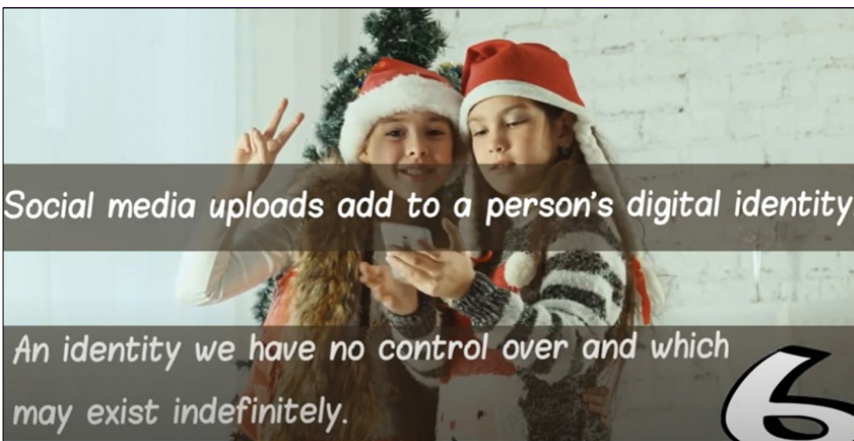
g. Data Protection Day

Celebrated internationally every 28th January, Data Protection Day commemorates the importance of privacy and data protection.

This year the Division launched a public campaign (the "Campaign") with the aim of better understanding and examining the prevalence of online information sharing by parents and/or guardians, a phenomenon that is termed "sharenting". The Campaign was launched in October 2022 with the publication of an online survey, the issuance of a dual infographic, and an awareness-raising audio-visual, highlighting the pros and cons of the sharenting phenomenon. It concluded with a report which explores the extent of sharenting in Gibraltar and assesses the levels of data protection awareness amongst local parents and/or guardians.

h. Awareness Through Education

With an increasing use of technology and social media amongst younger generations, the Division is keen to educate Gibraltar's youth with regards data protection and their privacy rights, encouraging them to make informed decisions about the opportunities, but equally about the personal data risks associated with social media. The Division delivered presentations to Year 5, 7, 9 and 11 students,



as well as “Level 1” and “Level 2” students from the Gibraltar College, between November 2022 and March 2023.

In conjunction with the school presentations and following from previous years, the results from the Division’s Privacy Awareness School Surveys (the “Surveys”) conducted during the previous academic year (2021/2022), were published in a report dated June 2022 (the “Report”). A total of 1093 students between the ages of 9 and 17 years took part in the Surveys reported on.

The findings as set out in the Report raised concerns regarding the increased use of Social Networking Service (“SNS”) amongst younger students in Gibraltar, in particular because most SNS are designed for individuals over the age of 13. Notwithstanding, the Report notes some positive trends amongst students in regard to their online privacy practices.

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

i. Freedom of Information

Freedom of Information is based on the principle that people have a right to know about the activities of public authorities unless there is a good reason for them not to. The Freedom of Information Act 2018 (“FOIA”), which is designed to provide public access to information held by public authorities, was passed by Parliament in 2018. The FOIA commenced on 1st June 2021, and this is therefore the first full year in which it has been operational.

For the FOIA provisions to be enforced against any particular government department or



authority, they need to be expressly added to a Schedule within the FOIA itself (the “Schedule”). The departments currently subject to the FOIA are the Department of Education, the Human Resources Department, and the Gibraltar National Archives.

The Division recognises the significance of freedom of information and access to information, both for individuals and public authorities alike. In addition to attending the ICIC (see “International Participation” above), plans are in place for the Division to attend an upcoming international Freedom of Information Workshop, which will host authorities from across the globe.

iii. Additional Matters

a. 22nd September 2022: “Managing New Technologies” talk

The Division was invited by the University of Gibraltar to speak about data protection, with regards to “Managing New Technologies”, to its MBA and MA students. The event, which took place on 22 September 2022, focused on the evolving relationship between the ever-

increasing volumes of personal data processed and the ongoing developments of digital services used daily. As technology and data take centre stage, the inclusion of data protection in an education programme is a great initiative that will have a real impact on people and technological developments. Data protection and privacy being embedded into education is Privacy by Design at its finest.

b. 2nd November 2022 - Workshop for the Online Gambling Sector

The Division actively took part in the delivery of sessions at a data protection workshop organised by the Gibraltar Betting and Gaming Association. Areas covered at the workshop included current and emerging issues, data security, accountability, the rights of individuals, and international transfers. The event was well represented by most organisations offering online gambling services in Gibraltar.

c. 3rd November 2022- “Breakfast Club” Workshop

The Division participated in a ‘Breakfast Club’ run by the Gibraltar Federation of Small Businesses by delivering a session aimed at SMEs, outlining

key points of the Gibraltar GDPR and the Act.

d. 26th January 2023 – Data Protection Presentation – Young Enterprise and Youth Service

The Division’s awareness-raising efforts to promote the responsible sharing of children’s personal data by others included the delivery of presentations to the Young Enterprise Gibraltar participants and to members of staff at the Gibraltar Youth Service. The Division is keen to provide further guidance on children’s data and is aiming to focus on the area over the coming year.

e. December 2022 – Standard Contractual Clauses (“SCCs”)

The Gibraltar GDPR imposes conditions on transfers of personal data to jurisdictions outside Gibraltar. The mechanisms that may be used to transfer such data include SCCs made up of standard sets of contractual terms and conditions, which the sender and the receiver of the personal data both sign up to.

During this reporting year, the Division issued new SCC’s which senders of personal data can rely on as a transfer tool to comply with Gibraltar’s data protection

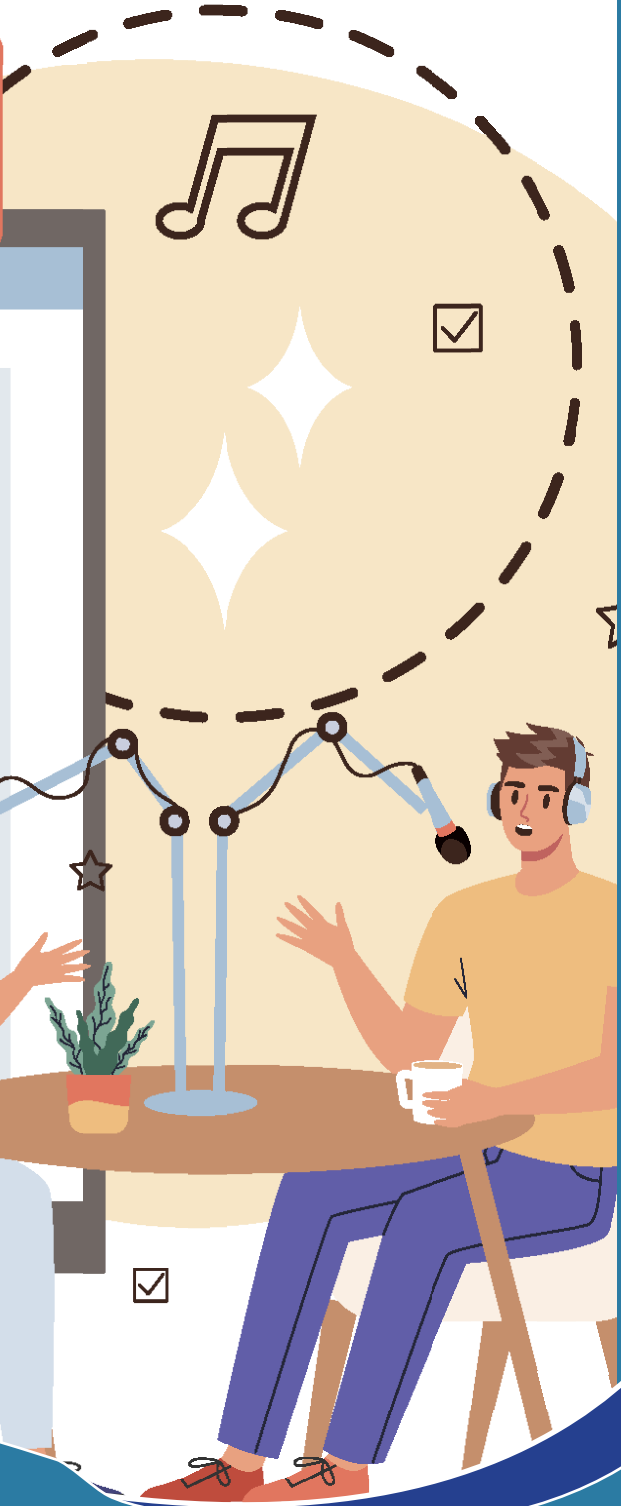
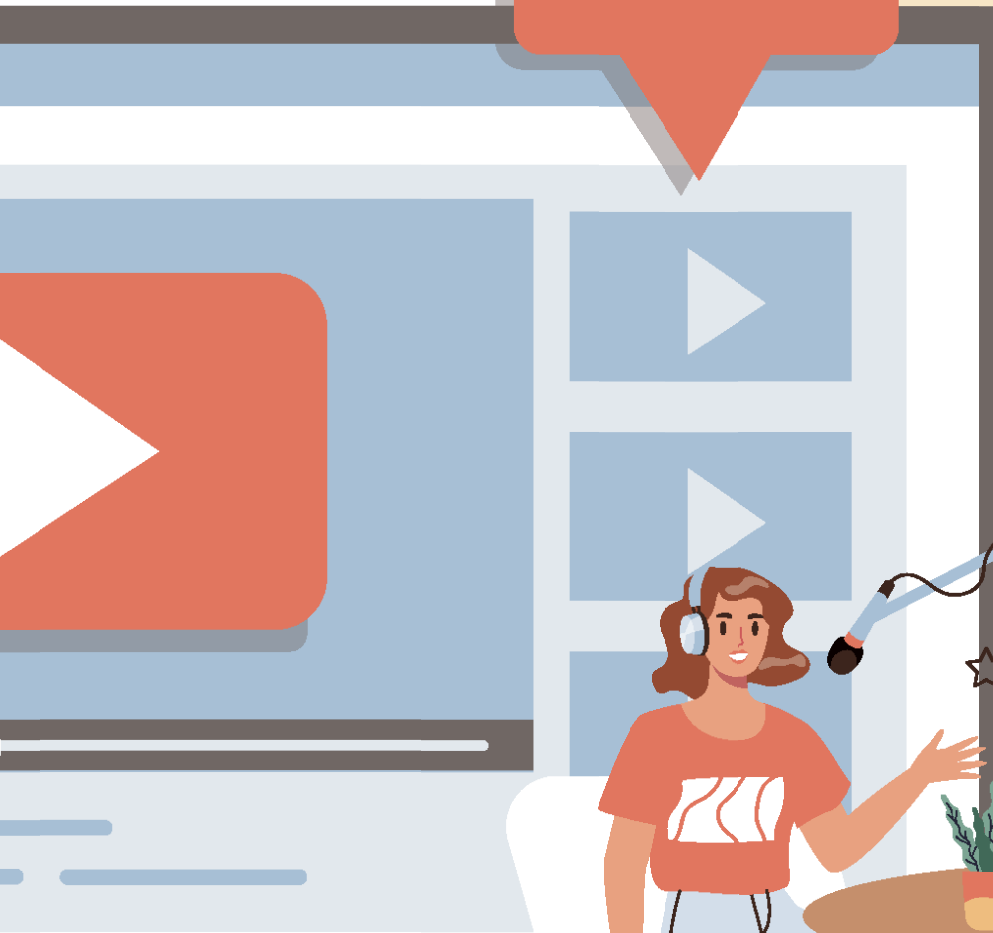
regime. They are the International Data Transfer Agreement (the “IDTA”) and the International Data Transfer Addendum to the European Commission’s standard contractual clauses for international data transfers (the “Addendum”).

A template of the IDTA and the Addendum are available on the GRA’s website.

The SCCs that were valid on 31 December 2020 (the “EU SCCs”), entered into, on or before 27 December 2022, continue to ensure compliance with local data protection legislation when transferring said data to a third country. The SCCs template produced by the Division which are based on the EU SCCs, remain available on the GRA’s website, namely the documents titled “SCC CONTROLLER TO CONTROLLER” and “SCC CONTROLLER TO PROCESSOR”. As from 27 December 2022, senders can no longer enter into such SCCs or a new EU SCC, however those entered into prior to that date remain valid until 21 March 2024.



Broadcasting



Introduction

The responsibilities of the Broadcasting Division (the “Division”), as set out in the Broadcasting Act 2012 (the “Act”), are to:

- License broadcasters;
- Enforce the conditions of the licences;
- Regulate matters on broadcasting standards;
- Issue codes of practice; and
- Encourage the promotion of media literacy.

The Division specialises in providing guidance to consumers, purchasers, and other users of the broadcasting services in Gibraltar, including the public service broadcaster with whom the Division maintains a good working relationship.

There are five media service providers that are under the jurisdiction of Gibraltar, these are:

- a. **The Gibraltar Broadcasting Corporation (“GBC”). GBC is the sole media service provider with a public service remit. GBC provides a television broadcasting service and a radio broadcasting service, Radio Gibraltar;**
- b. **The British Forces Broadcasting Service, provided by the Services Sound and Vision Corporation, is a radio broadcasting service;**
- c. **Music Box Gibraltar, is an audiovisual media service that offers international and local music videos 24/7 and transmits via the cable networks;**
- d. **The Gibraltar Football Association (“GFA TV”) is an audiovisual media service that offers local and international football matches, as well as sport news, and transmits via the cable networks; and**
- e. **Gibfibre VOD, is a subscription-based video-on-demand service that offers adult content to Gibfibre customers only.**

International Participation

i. **55th meeting of the European Platform for Regulatory Authorities (“EPRA”), 12th-13th May 2022**

After an absence of two years since last having met in-person, the meeting was held in Antwerp, Belgium. A total of 152 participants from 51 member countries discussed two thematic sessions, the first being on “Minors and Advertising” and the second being “Media NRAs in a Digital Environment”.



The first thematic discussion focused on empowering and protecting minors and the difficulty in striking a balance between protecting a vulnerable audience and taking into account children’s rights.

The second thematic discussion covered various complementary angles within the wide theme of media regulatory authorities in a digital environment. This incorporated three current topics of interest for media regulators: the regulation of video-sharing platforms, media and information literacy, and artificial intelligence.

ii. **56th meeting of EPRA, 12th-14th October 2022**

The meeting was held in Antalya, Turkey. A total of 152 participants from 51 member countries discussed two thematic sessions, the first being “Dis/information, Plurality and Trust”. An active discussion on how national regulatory authorities cope with the challenges of sustainable and diverse media content and the effect of online technologies and algorithms systems. Maintaining plurality, and ensuring audience trust, when it comes to news, was deemed important.



The second thematic discussion was titled “Media NRAs in a Digital Environment – Part 2” and followed from the last meeting in Antwerp. There was a lively discussion between the panellists and the audience which highlighted some of the recent or planned changes relating to the structure and/or the powers of their respective regulatory authorities and recorded a growing body of experience with the supervision of video-sharing platforms.

iii. EPRA – Artificial Intelligence (AI) & Regulators Roundtable – 3rd October 2022

This was the GRA’s first participation as observer in the virtual roundtable meeting. The meeting focused on issues of “dis/misinformation, pluralism & trust”. The main keynote speaker was a representative of Adobe Inc. The speaker’s presentation explained how the Content Authenticity Initiative, which was founded in 2019 with Adobe, The New-York Times and Twitter, was setup to fight misinformation and add a layer of verifiable trust to all types of digital content. With the rise of open-source AI generated tools, this has fed the lack of trust and rise of disinformation and so being able to tell whether an image, audio or video has been altered was important.

iv. EPRA – EMIL (EPRA’s Media and Information Literacy Taskforce) – 4th November 2022

This virtual workshop thematic event was titled “Trust and News: How does news and information literacy work?” Key speakers from Thomson Reuters and the Guardian Foundation discussed how news and journalism were tackling disinformation and how they build trust with their readers/viewers.

v. EPRA – Artificial Intelligence & Regulators Roundtable – 2nd December 2022

The topic for this roundtable discussion was about online advertising and the AI tools developed by the Advertising Standards Authority in the UK to tackle misleading influencer advertising.



vi. Annual Media Literacy Ireland Conference – 15th December 2022

The conference was hosted by Trend Micro and the Broadcasting Authority of Ireland, and took place in Cork, Ireland. Media Literacy Ireland is an informal alliance of individuals and organisations who work together on a mainly voluntary basis to promote media literacy in Ireland. This was the first time a representative of the GRA participated with the aim of establishing new contacts in its pursuit of establishing the GRA’s Media Literacy Awareness Campaign.

vii. EPRA virtual workshop – EMIL – 2nd March 2023

The focus for this meeting was developed in response to demand from the members for useful resources and approaches to developing national Media and Information Literacy strategies. The GRA also used this opportunity to update the members of its recently launched Media Literacy Awareness webpage with repository information.

viii. EPRA virtual workshop – AI – 10th March 2023

The theme for this virtual workshop was “Media and Information for the Public Good”. The thematic focus was how the European Broadcasting Union was using AI and media literacy tools by public service media. The discussion explored the technical, legal and ethical issues of using the AI tools.

Regulatory Matters

The following is an outline of the regulatory matters which the Division has been involved with during the reporting period 2022/23.

i. Measured Activity

a. Inbound Enquiries

The Division continues to receive queries on matters relating to the GRA's codes of practice, as well as dealing with queries about applications for television and radio licences.

b. Monitoring

The Division continues to have a good working relationship with local broadcasters and is always available to provide guidance and make recommendations. The Division, having recently purchased monitoring equipment capable of recording multiple channels simultaneously, has expanded the systematic monitoring and logging of broadcast content to ensure that media services providers are complying with all the relevant codes of practice.

c. Complaints

The Division received two formal complaints during this reporting year on matters relating to the Code on Programme Standards (the "Code").

1. Regarding the first complaint, the matter was referred to the Information Rights Division as it was deemed to be a matter concerning personal data and not a breach of the Code.

2. The second complaint alleged that GBC had breached the Code. The Division carried out a preliminary investigation on the complaint, which involved reviewing the video and transcribing what had been said in the recording. The outcome of the investigation was that GBC had not breached the Code.

ii. Media Literacy Awareness Campaign Website

The GRA does not regulate any content that originates from the internet, however, it has a statutory duty under the Broadcasting Act 2012, to promote media literacy including cooperation with broadcasters and educationalists. Media literacy is the ability to critically evaluate, analyse, and create content for broadcast and related electronic media.

Therefore, on 2nd March 2023, the GRA launched a new Media Literacy resources webpage (www.gra.gi/broadcasting/media-literacy) on its website. The objectives of this Media Literacy Campaign is to enable citizens to acquire the skills, knowledge and understanding to make use of both traditional and new communications services. Being media literate, will help people manage content and communications, and protect themselves and their families from the potential risks associated with using these services.

Additionally, the GRA seeks to ensure that children and young people are safe and savvy online, including increasing their skills and confidence to critically navigate the news and spot misinformation.

Moreover, the GRA expects to be

able to reach out and engage with parents, carers, educationalists, and broadcasters alike, and share such resources, and will endeavour to constantly update the information and guidance to ensure that Gibraltar keeps pace with the constantly changing digital world that it lives in.

Throughout the next reporting year, the GRA will be conducting a nationwide Media Literacy Survey to assess the level of media literacy awareness throughout the different social strata. The results will be able to help the Division gauge the level of awareness in the different age groups, which will help the Division publish specific guidance based on the survey data. The GRA will publish its findings in full on the Media Literacy webpage.

iii. Revenue Collected

During the period 2022/23, and in accordance with the provisions of the Broadcasting (Licensing) Regulations 2019, the GRA collected a total of £12,100 in respect of the following Licences:

FM Radio Licence	£10,000.00
Audiovisual Media Service Licence	£2,100.00



Postal Services



Introduction

The Postal Services Division (the “Division”) of the Gibraltar Regulatory Authority (the “GRA”) has the responsibility of regulating the Postal Sector in Gibraltar in accordance with the Post Office Act 1961 (the “Act”) and the Postal Services (Authorisation) Regulations 2012 (the “Regulations”). This is done by facilitating market entry through general authorisations and granting licences to service providers, whilst securing the provision of a competitive universal postal service at an affordable price for all users.

The GRA’s statutory objective is to promote competition within the local postal services sector and ultimately improve the myriad of services currently available to consumers in Gibraltar. The GRA also has a legal duty to ensure that the Royal Gibraltar Post Office (the “RGPO”), as the designated Universal Service Provider (the “USP”), complies with the obligations arising from the Act as well as any regulatory measures relating to the provision of the universal service. The GRA issues general guidance and recommendations to all postal service providers and other functions include monitoring of operational developments, setting quality standards and more importantly monitoring performance against these standards with a view of improving quality of service for consumers in Gibraltar.

Regulatory Matters

The following is an outline of the regulatory matters carried out by the Division for the period 2022/23.

i. Universal Service

The RGPO’s current designation is valid until 6th August 2027 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 locally.

The RGPO, as the designated USP, is responsible for the delivery of incoming international mail to addresses within Gibraltar and collection and onward transmission of outgoing international mail. In addition to this, the RGPO must also provide a minimum range of services of a specified standard and affordable price for all users in Gibraltar.

The specific universal service obligations referred to above relate to the following:

- Quality of postal services;
- Affordability of postal services;
- Density of points of contact and access points;
- One clearance and one delivery to the home of every natural or legal person or appropriate installation;
- The clearance, sorting, transport, and distribution of postal items up to 2 kgs;
- The clearance, sorting, transport, and distribution of postal packages up to 20 kgs;
- Provision of services for

- registered and insured items;
- Provision of certain free services for blind and partially sighted persons;
- Redirection and return to sender services;
- Poste Restante;
- PO Box; and
- Local and cross-border mail.

Among other items, the RGPO’s individual licence ensures that the universal services listed above evolve to meet the needs of consumers and that they are made available without any form of discrimination and are not interrupted. The individual licence also ensures that a suitable level of information is made available to consumers in respect of universal services and that the RGPO’s complaints handling procedures are fair and conducted in a timely manner.

ii. Essential Requirements

In accordance with the Act, the GRA may impose what are described as “essential requirements” on the supply of postal services in Gibraltar. These requirements shall be based on the following non-economic reasons –

1. the confidentiality of correspondence; and
2. the security of the network as regards the transport of dangerous goods.

Notice No. P03/2020 imposes additional requirements on all postal service providers in Gibraltar and not solely upon the RGPO. The essential requirements ultimately ensure that all postal service providers in Gibraltar establish and apply adequate procedures that may be deemed necessary for the purpose of minimising the exposure of postal items to the risk of loss,

theft, damage, or interference and for the management of access and prevention of unauthorised access to mail. To this end, the Division regularly publishes guidance in relation to “protecting the integrity of mail” which includes information on best practice to assist local postal service providers in establishing the necessary mail integrity procedures.

The Division is also of the view that each individual postal service provider should have the freedom and flexibility to tailor their own procedures and policies to their own individual circumstances and size of their network when it comes to maintaining the confidentiality of correspondence.

The main areas covered in the Division’s guidelines and whereby operators may exercise an element of flexibility in terms of the standards imposed are:

- Recruitment;
- Disciplinary Procedures;
- Agents and Sub-contractors;
- Security of mail; and
- Information and Reporting Requirements.

Furthermore, all postal service providers are required to keep their procedures under regular review to ensure that these matters are sufficiently adequate and that the confidentiality of any correspondence or general mail sent is ultimately maintained.

iii. Quality of Service Requirements - Local Mail

In accordance with the provisions of Section 40(1) of the Act, the GRA has a duty to set quality standards for local mail services to ensure the provision

of a high quality universal postal service. In determining this local quality target and after consultation with the RGPO, the GRA must also consider Gibraltar’s unique geographical situation and relatively small size and consider how this would relate to a given operator in respect of the collection, sorting and subsequent delivery of 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.

The standard for the next day delivery of local mail has been set as follows:

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

iv. Performance Monitoring - Gibraltar Public Services Ombudsman

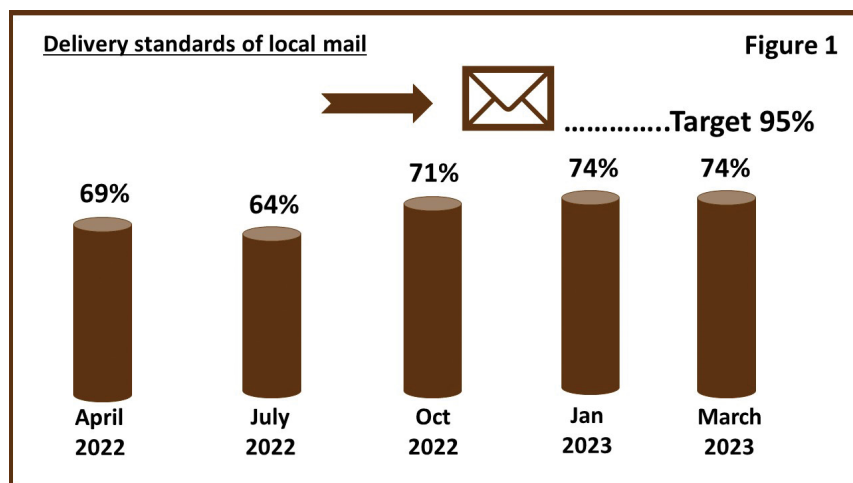
Section 4N(4) of the Act requires independent performance monitoring of the established quality standards to be carried out. Therefore, in accordance with the provisions of the Act, and with the approval of the

GRA, the Gibraltar Public Services Ombudsman (the “GPSO”) has acted as the independent body, tasked with monitoring the performance of the RGPO. The GPSO are currently monitoring the full local end-to-end network, which involves the collection of mail from various access points and subsequent processing and delivery within 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. The Division often uses the statistical information generated by the GPSO to assist the RGPO in making informed decisions and operational improvements that ultimately help them in meeting the required quality of service standard.

Figure 1 is an illustration of the full end to end delivery standards of local mail as monitored by the GPSO.

The RGPO has once again fallen short of meeting their delivery target of 95% for next day delivery within Gibraltar. A delivery standard of 74% was achieved for March 2023, therefore these performance results appear to have remained relatively steady when compared to the 75% achieved in March 2022. In light of this, the Division



will once again continue to work closely with the RGPO to make the necessary operational and regulatory improvements, with a view of meeting the required performance standards for next day delivery within Gibraltar.

v. International Inbound Delivery within Gibraltar

As the USP for Gibraltar, the RGPO has a duty to monitor its quality of service and in addition to the mail monitoring by the GPSO, the RGPO has also been part of the Global Monitoring System (“GMS”) since 2011. This is an independent performance measurement system managed by the Universal Postal Union (the “UPU”). The UPU coordinates postal policies among member nations and aims to streamline the global network with a view to maintaining adequate postal services and finding ways to improve quality of service for customers. Gibraltar is a member of the UPU as an overseas territory of the United Kingdom.

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 to determine the quality of service being provided. This information is also used to determine remuneration between postal administrations, according to their performance standards. Particularly, the performance results generated by the GMS are linked to the setting of terminal dues payments. This in turn determines the payment rates in mail exchanges between countries and subsequently affects remuneration between postal operators, based on their performance.

The primary focus in this case is on measurement of the performance of the destination country, in other words it is in essence, a “last-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.

Figure 2 illustrates the RGPO’s performance results in respect of next day delivery of international

inbound mail within Gibraltar during the period under review. The local delivery target established by the UPU for this purpose is 88% (D+1).

The RGPO has been unable to consistently meet the required performance target of 88%, with the exception of November 2022 where the RGPO was able to achieve a result of 95% for the delivery of international inbound mail within Gibraltar. These results, however, still provide encouraging signs that the RGPO has improved over the years and is able to meet the required performance targets when all operational procedures, including those of third parties are performing optimally.

The results achieved by the RGPO displayed in Figure 2 are also reassuring given the fact that the current reporting period has been especially difficult for the RGPO due to the prolonged Royal Mail strikes. Notwithstanding, the RGPO has made enormous efforts to deliver service despite the difficulties and delays due to factors out of their control. Particularly, RGPO operations have continued to benefit from new systems and management tools which serve to highlight opportunities to improve service consistency and efficiency. Process standardisation, especially in how mail is sorted, is helping to reduce variability, and provides more consistent and predictable end-to-end service performance.

vi. Access Points

In accordance with the provisions of section 4A of the Act, the GRA has a duty to ensure that every user has the right to a universal service involving the permanent provision of a postal service of specified quality at all points in

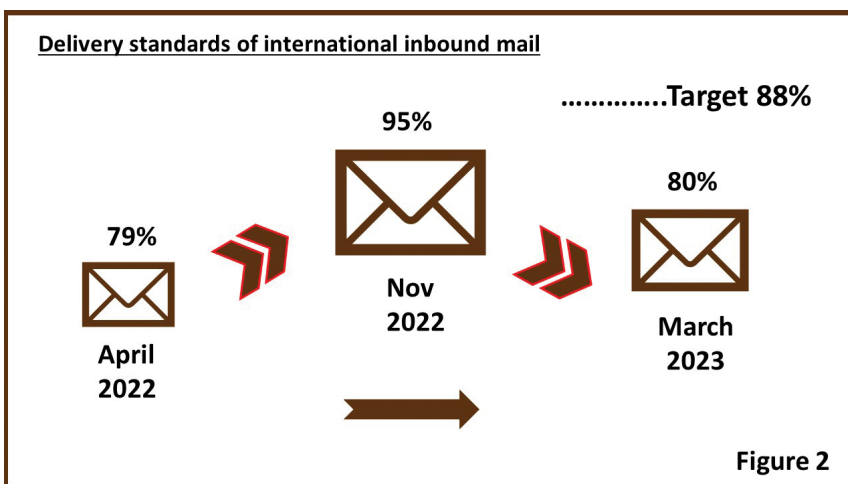


Figure 2

Gibraltar. The GRA shall, to this end, ensure that the density of the points of contact and of the access points takes account the needs of users. In this regard an access point essentially means physical facilities, including letter boxes and/or pillar boxes which are provided for the public either on the public highway or at the premises of the postal service provider, in this case the RGPO.

In view of this, the RGPO, in consultation with the Division, actively monitors and reviews the location of all access points considering new building developments to ensure that the universal service remains accessible to the community. To this end, for the last five years, the RGPO has embarked on a restoration and maintenance programme making sure that every pillar-box is repainted and restored, as a minimum, every two years.

Furthermore, Gibraltar's iconic red post boxes provide an easy and convenient way for customers to post letters. In accordance with their universal service obligations, the RGPO have added five more pillar-boxes strategically placed around Gibraltar to cater for the increased population in areas such as Eastern Beach as well as the South District.

vii. RGPO Operational Updates

During this reporting year, delivery walks of local mail have increased from 13 to 17 due to new developments and housing estates and this will likely continue to grow as further developments are completed in the coming years.

The RGPO's new Parcel Post System (EPOST) was launched in

2021 and this service continues to grow in popularity. To date, 10,529 Gibraltar residents have registered on the RGPO's parcel post system and receive all postal notifications electronically, thus allowing a saving in costs by reducing the number of printed notification cards for the RGPO. Additionally, all registered customers are informed electronically when their parcels have arrived and are ready for collection, making the receiving and delivery process much quicker and more reliable. 10,529 Gibraltar residential registrations represents an increase of 1,029 since the last reporting year, which goes to show the popularity of this service.

The EPOST service also forms part of the RGPO's green policy, reducing the number of printed notifications. The RGPO also continues to lead in environmental policies by investing in an entire fleet of electric vehicles. These electric cars aid the RGPO in delivering an emission-free service to the community. Furthermore, the RGPO's postal workers complete many of their deliveries within the town area on foot showing a willingness in contributing to the RGPO's green mission of becoming a fully environmentally friendly organisation.

viii. Complaints and Dispute Resolution

All postal service providers in Gibraltar are required to have procedures in place for dealing with complaints and handling disputes. 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 GRA. However, the GRA can only consider genuine and reasonable complaints regarding postal services offered in Gibraltar by authorised service providers.

During the 2022/23 period, the Division dealt with numerous postal related enquires and complaints. However, the Division was able to offer advice, as well as provide guidance and information to members of the public. The queries were eventually resolved, without the Division needing to launch formal investigations.

ix. RGPO – Complaints and Enquiries

In accordance with the provisions of Section 4P(8) of the Act, the RGPO as the designated USP is required to publish information on the number of complaints received and the manner in which they have been dealt with.

Figure 3 is an illustration of the total number of complaints and enquiries handled by the RGPO during the current reporting period. This figure has reduced considerably, from 2206 during the last reporting period, to 1534 in the current reporting period. This represents a 30% decrease in the number of complaints and enquiries handled by the RGPO. Whilst many of the new customer services (EPOST) and operational developments introduced by the RGPO have likely contributed to this drop in the number of complaints and enquiries, it is important to note that the number of complaints handled during the previous 2021/22 reporting year were

much higher than usual given the inevitable delays caused by the COVID-19 pandemic and this drop in the number of complaints indicates that the RGPO may have finally emerged from the negative effects of the pandemic.

Figure 4 is an illustration of the number of complaints and enquiries handled by the RGPO and more specifically, how these relate to tracking information and postage rates. During the current reporting year, the largest number of complaints and enquiries received by the RGPO were in relation to tracking of various postal items which represented 46% of the total number of complaints received. This figure is arguably significant as it is in stark contrast to the previous two reporting periods when the largest number of complaints were in relation to

lost or delayed mail.

It is important to note that only 4% of the total number of complaints and enquiries handled by the RGPO were in relation to the postage rates of letters and parcels. These figures are a promising indication that the RGPO is complying with its universal service obligations to offer a service at competitive prices for all users. In effect, the RGPO's current pricing for parcels and delivery of mail, puts it at one of the lowest in Europe. By way of comparison, a 100g large letter from the UK to Gibraltar costs £3.60, whilst from Gibraltar to the UK will only cost £1.68.

x. Social Media

The Division uses social media platforms to ensure that consumers are provided up to

date information or appropriate guidance where applicable on numerous topics of interest which are relevant at the time and relate to postal services.

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

- RGPO operational developments;
- Sale of stamps & pricing;
- Addressing properly;
- Articles for the Blind;
- Redirection of Mail;
- Access Point locations and changes;
- Changes to opening times throughout the year; and
- Latest recommended posting dates for Christmas etc.

xi. The Register

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

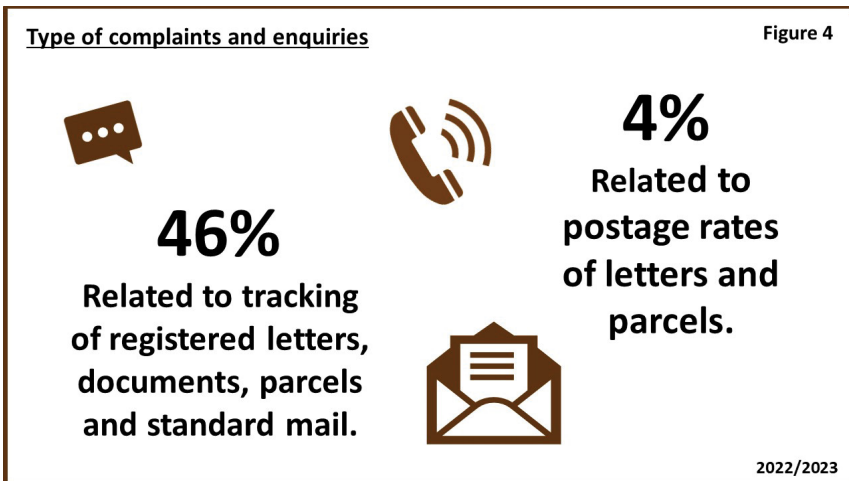
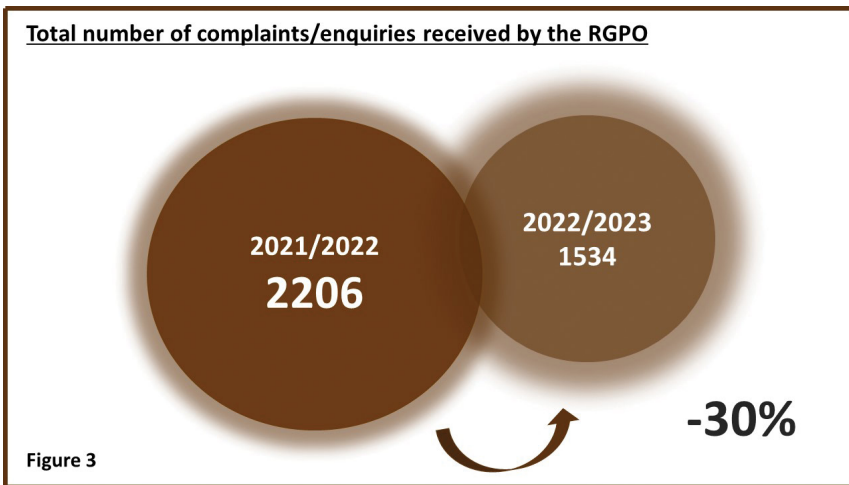
The Register can be inspected at the GRA's office and is also accessible on the GRA's website.

xii. Revenue Collected

During the 2022/23 period, and in accordance with the provisions of the Act, the total amount collected by the GRA in respect of General Authorisations was £1,000.

The total amount collected by the GRA in respect of the Individual Licences issued to the RGPO was £5,000.

This has brought the total revenue for Individual Licences and General Authorisations for 2022/23 period to £6,000.



Higher Education Regulation



Introduction

On 31st May 2018, the University of Gibraltar (Regulation and Accountability) Regulations 2018 (the “Regulations”) were commenced. The GRA was designated as both the Gibraltar Higher Education Commission, and the Gibraltar Authority for Standards in Higher Education, whose functions are carried out by the Higher Education Regulation Division (the “Division”) in accordance with Part 11 of the University of Gibraltar Act 2015 (the “Act”).

Regulatory Matters

i. Role and responsibilities of the Higher Education Regulation Division

In accordance with the Act, the Gibraltar Authority for Standards in Higher Education is required to:-

- Establish criteria for the recognition of qualifications awarded by the University of Gibraltar (the “University”);
- Keep and maintain a register of the University’s qualifications; and
- Promote the quality and standards of University education and training through a system of quality assurance of courses, academic programmes, and awards.

As required under the Regulations, on the 1st June 2018, the Gibraltar Higher Education Commission issued a Memorandum of Regulation

(the “MoR”) to the University. Since then, the MoR has formed the cornerstone of the regulatory framework. On the 1st November 2022, a revised MoR was developed in consultation with the University and it set out how the Gibraltar Higher Education Commission:-

- Monitors the quality and standards of education in the University;
- Monitors compliance by the University with its functions, duties and obligations under the Act;
- Monitors the use by the University of its funds including any public funds provided to it;
- Monitors other aspects of University performance;
- Expects the University to demonstrate effective governance and accountability; and
- How University autonomy and academic freedom are maintained.

ii. Memorandum of Regulation

The original MoR set out the process by which the University would provide annual documentation to support their developments and improvements in all aspects including governance, facilities, quality of courses and financial sustainability. The revised MoR recognised the achievements of the University to date and provides more detail on the annual documentation and assurances the University must continue to provide.

As part of its responsibilities as the Gibraltar Higher Education Commission, the Division continues to carry out a desktop analysis of the documentation and assurances provided by

the University. Furthermore, the Division as the Gibraltar Authority for Standards in Higher Education, continues 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.

On 14th March 2023, the Division, met with the University to discuss the results of the desktop analysis and the annual risk assessment. The Division was pleased to note that there were no major concerns. Overall, the GRA liaises closely with the University and maintains a good working relationship. This year has seen an increase in updates meetings, which provide valuable insight, and serve as a platform to discuss regulatory matters.

iii. University Advisory Board

This was the final year for the University Advisory Board (“the UAB”), which was set up in June 2018, as provided for under section 48 of the Act. The aim of the UAB was to provide advice and support to the CEO of the GRA in his role as the head of the Gibraltar Higher Education Commission and the Gibraltar Authority for Standards in Higher Education.

The UAB met twice during this reporting year. The first meeting took place on 6th April 2022 at the University. During the meeting, the UAB reviewed the University’s documents as submitted in December 2021, in compliance with the requirements of the MoR. Subsequently, the UAB provided the GRA with an analysis of the Division’s annual risk assessment of the University.



The last UAB meeting was held on 29th November 2022 at the GRA offices. This meeting praised the work the UAB had done throughout the years in advising the GRA and offering guidance. Additionally, the UAB was extremely satisfied with the excellent work the University had achieved since its inception, culminating in the University acquiring QAA accreditation.

iv. Graduations

The University held its third graduation ceremony on 3rd December 2022, during which 75 students received their awards after successfully completing their studies. This was attended by the Chancellor

of the University, Rt Hon Sir Lindsay Hoyle MP. The ceremony was held for the first time at the Europa Point Sports Complex in order to accommodate all the graduates, their families, and other guests.

The following is a breakdown of the number of graduates per course:

Courses	Graduates
Bachelor of Business Administration (Hons)	9
Executive MBA in Healthcare Management	4
Master of Business Administration (MBA)	7
MA Leadership and Management	3
Postgraduate Certificate in Education (PGCE)	21

MSc Marine Science and Climate Change	28
PhD	3

The Vice Chancellor of the University, Professor Catherine Bachleda, stated, “We truly believe that what makes the University of Gibraltar special, are its people, its sense of community. We take pride in providing a personal learning experience in which every person is recognized and for doing so in a way that encourages a thirst for new knowledge.”

v. Quality Assurance

The Regulations and the MoR require the University to undergo a quality review, and this was successfully completed during the last reporting year. The International Quality Review (IQR) was the culmination of three years of preparatory work which successfully resulted in being fully accredited by the Quality Assurance Agency for Higher Education (QAA).

The QAA is the independent expert quality body for higher education across the UK and the IQR offers institutions outside the UK the opportunity to have



a review benchmarked against international quality assurance standards.

The successful IQR review means that the University is fully accredited by the QAA, and it can use and display the IQR Accreditation Badge on its website and marketing material as a mark of excellence.

The University has also published on its website the Action Plan of improvements based on the recommendations made by the QAA, and to date most of the recommendations have been implemented.



vi. University of Gibraltar Higher Education Courses 2022 -2023

Undergraduate

Bachelor of Business Administration

BSc Computing and Entrepreneurship

BSc Adult Nursing (including Diploma in Adult Nursing)

BSc (Hons) Maritime Science (Engineering) with Engineer Cadetship Programme

BSc (Hons) Maritime Science (Nautical) with Deck Cadetship programme

Postgraduate

MA in Leadership and Management

Master of Business Administration

MSc Marine Science and Climate Change

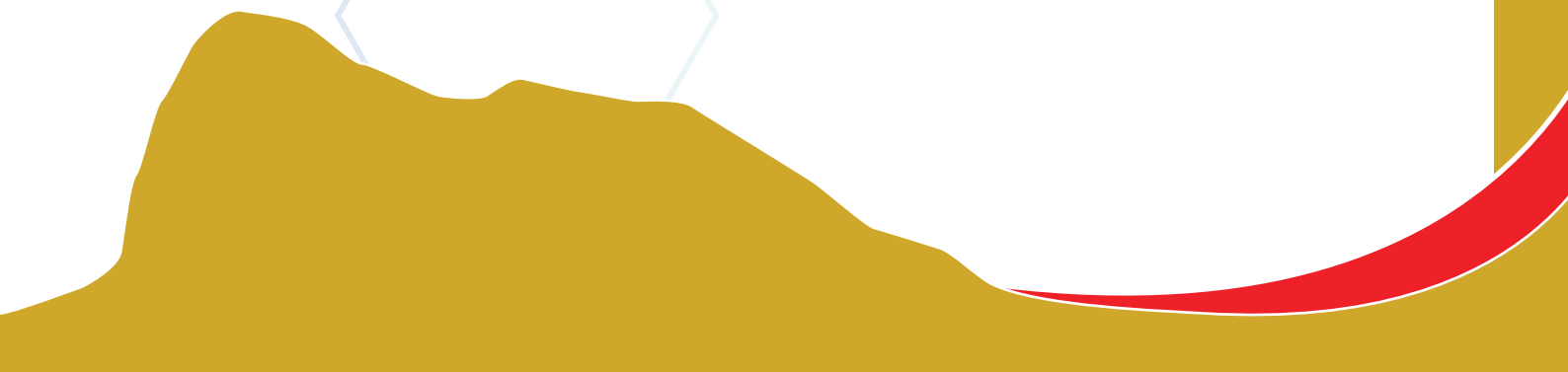
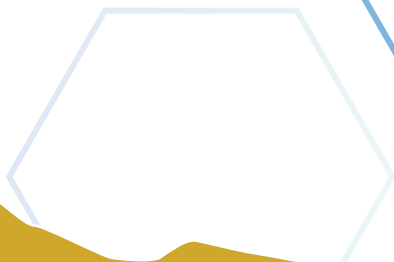
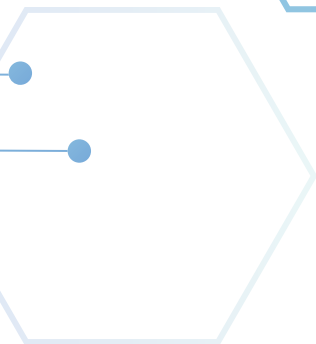
MSc Applied Clinical Psychology - online

Postgraduate Certificate in Education

PhD



Cyber Security Compliance



Introduction

The Civil Contingencies Act 2007 (the “Act”) was amended in 2018, and Part 7 of Act transposed EU Directive 2016/1148 on security of network and information systems (the “NIS Directive”).

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

Section 38 of the Act designated the GRA as the competent authority for the security of network and information systems in respect of operators of essential services (“OESs”) and Digital Service Providers (“DSPs”). The Cyber Security Compliance Division (the “Division”) was created with the following roles and responsibilities:

- Regulating, supervising and enforcing compliance;
- Establishing a list of operators of essential services;
- Establishing a list of digital service providers;
- Investigating breaches;
- Issuing guidance to OESs or DSPs;
- Drawing up codes of practice;
- Recording and reporting incident notifications; and
- Conducting or organising inspections.

Furthermore, the GRA was designated as the single point of contact (the “SPOC”) for Gibraltar, under section 38(4) of the Act. The SPOC’s role largely concerns cross-border co-operation where incidents affect more than one Member State. Even though the obligations to report to the EU are

no longer applicable due to the UK’s departure from the EU, the UK continues to participate and collaborate with the European Network and Information Security Agency (the “ENISA”) and with EU Member States.

International Participation

i. CYBERUK Conference 2022

Last year, the UK Government’s flagship cyber security event took place online as “CYBERUK 21 ONLINE” and was delivered via YouTube. This reporting year, the National Cyber Security Centre (the “NCSC”) was able to organise an in-person event which was hosted in Cardiff on 10th - 11th May 2022. The event allowed participants to access world-class expertise on the cyber landscape and discuss how the UK should continue to defend itself from cyber threats. The GRA followed the open access content closely via the dedicated YouTube channel.

ii. UK Cyber Regulators’ Forum

The GRA regularly attends the Cyber Regulators’ Forum organised by the NCSC.

These meetings allow for the regulators of the different NIS sectors to discuss matters they have learnt and share industry specific nuances and threats that have been identified. Additionally, the meetings provide the GRA with crucial updates on how

the UK’s framework is being developed, and on how the UK National Cyber Strategy is being implemented across all the different NIS sectors.

During this reporting year, the GRA has participated in 4 virtual meetings. In September 2022, the GRA attended the first in-person meeting hosted by NCSC in their headquarters in London.

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 OESs and DSPs 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’s website and must be submitted as soon as possible, but no later than 72 hours after becoming aware of the incident.

A separate online voluntary reporting form is also available on the GRA’s website. Any organisation may notify the GRA of cyber incidents that may have impacted on the continuity of their services. It must be stressed that the GRA will not provide direct feedback on how to resolve or mitigate

the effects of a cyber incident, but encourages organisations to submit any information they feel is appropriate. All incident information received will be collated and will be included with intelligence from other sources and used to update the cybersecurity threat landscape for Gibraltar. This, in turn, will assist in developing appropriate guidance and alerts.

ii. Report on Designation of Operators of Essential Services

The GRA is responsible for designating OESs insofar as their network and information systems are essential for the maintenance of critical societal or economic activities in Gibraltar.

The Act requires the GRA to assess the following sectors:

- Energy;
- Transport;
- Banking;
- Financial Market Infrastructures;
- Health Sector;
- Drinking Water Supply and Distribution; and
- Digital Infrastructure.

The Division has identified and designated five OESs by way of a Notice under section 35(2) of the Act, as providers of one or more essential services in Gibraltar. In accordance with section 35(9) of the Act, the biennial review of the different sectors will be conducted by the end of 2023.

iii. Designation of Digital Service Providers

DSPs, just like OESs, must ensure the level of security of their systems are appropriate to the risks identified and as far as possible minimise the impact of any cyber incident. DSPs must also notify the GRA of any incident which has a significant impact on the provision of their digital service. The Division is currently reviewing the current thresholds for the different DSP services being provided locally.

iv. Assessment Framework

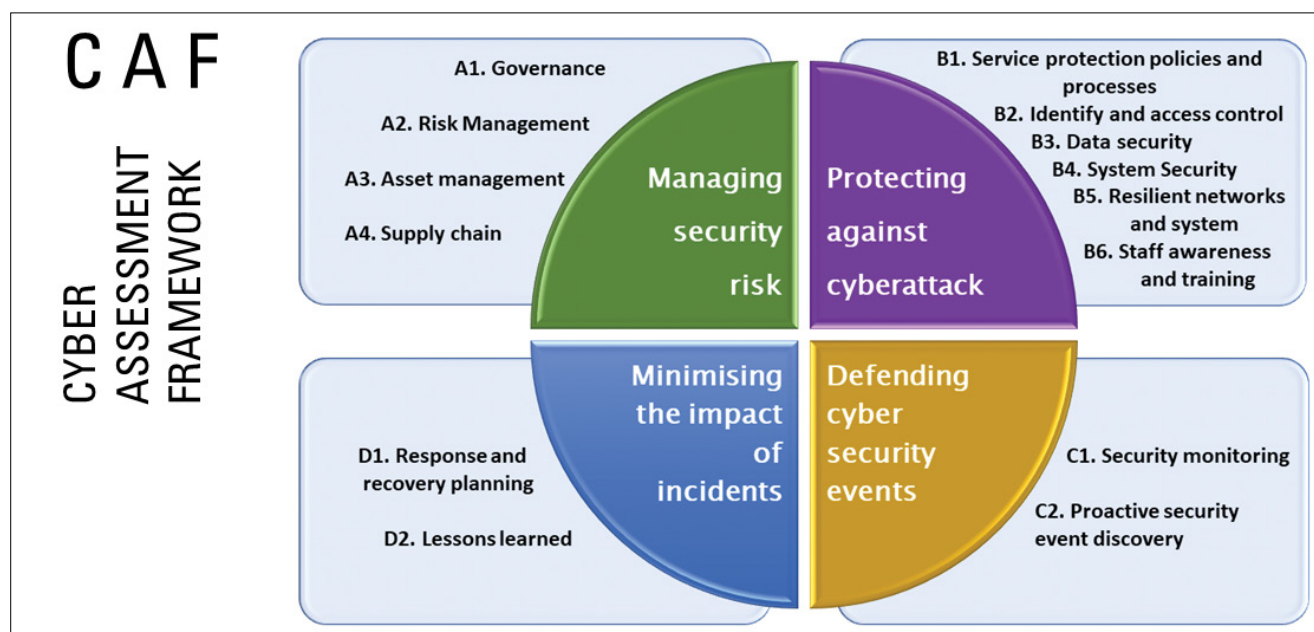
The Act requires OESs to take appropriate and proportionate technical and organisational measures to manage the risks to the security of network and information systems

which support the delivery of essential services. The Cyber Assessment Framework (the “CAF”) encourages OESs to meet a set of fourteen NIS cyber security principles written in terms of outcomes. The CAF is an assessment tool that specifies what needs to be achieved rather than what needs to be done. The Division required all OESs to complete preliminary risk assessments in order to gain an overview of the levels of cybersecurity in each sector. During this reporting year, the GRA has received scoping reports from the OESs and these reports will assist in tailoring future CAF assessments and the thresholds for incident reporting.

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 Cyber Security Compliance section on the GRA’s website.

v. Cyber Essentials

Cyber Essentials is a simple but effective UK Government backed scheme that will help to





protect organisations, whatever their size, against a full range of the most common cyberattacks.

Cyber Essentials Certification shall be accepted by the Division as part of the supporting documentation required from OESs and DSPs to demonstrate the level of security in place 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://iasme.co.uk/cyber-essentials/>. Organisations considering the Cyber Essentials Certification are encouraged to start by completing the Cyber Essentials readiness toolkit which will provide some initial online guidance based on your response to general cyber security questions about your network. The toolkit can be found on <https://www.ncsc.gov.uk/cyberessentials/resources>.

vi. Liaison with other Bodies

The Division is liaising with the designated OESs to identify the possible cyber security risks that need to be addressed in each sector. In accordance with sections 38 and 40 of the Act, the Division is cooperating closely with the Gibraltar Computer Security Incident Response Team and with Gibraltar law enforcement authorities. Internationally, as the designated

SPOC, the Division will continue to liaise with the UK's Government Communications Headquarters and NCSC for any cross-border issues.

The Division is currently also working with His Majesty's Government of Gibraltar, the Civil Contingencies Coordinator, and industry experts to ensure that all guidance and measures taken will lead to better standards of cyber security.

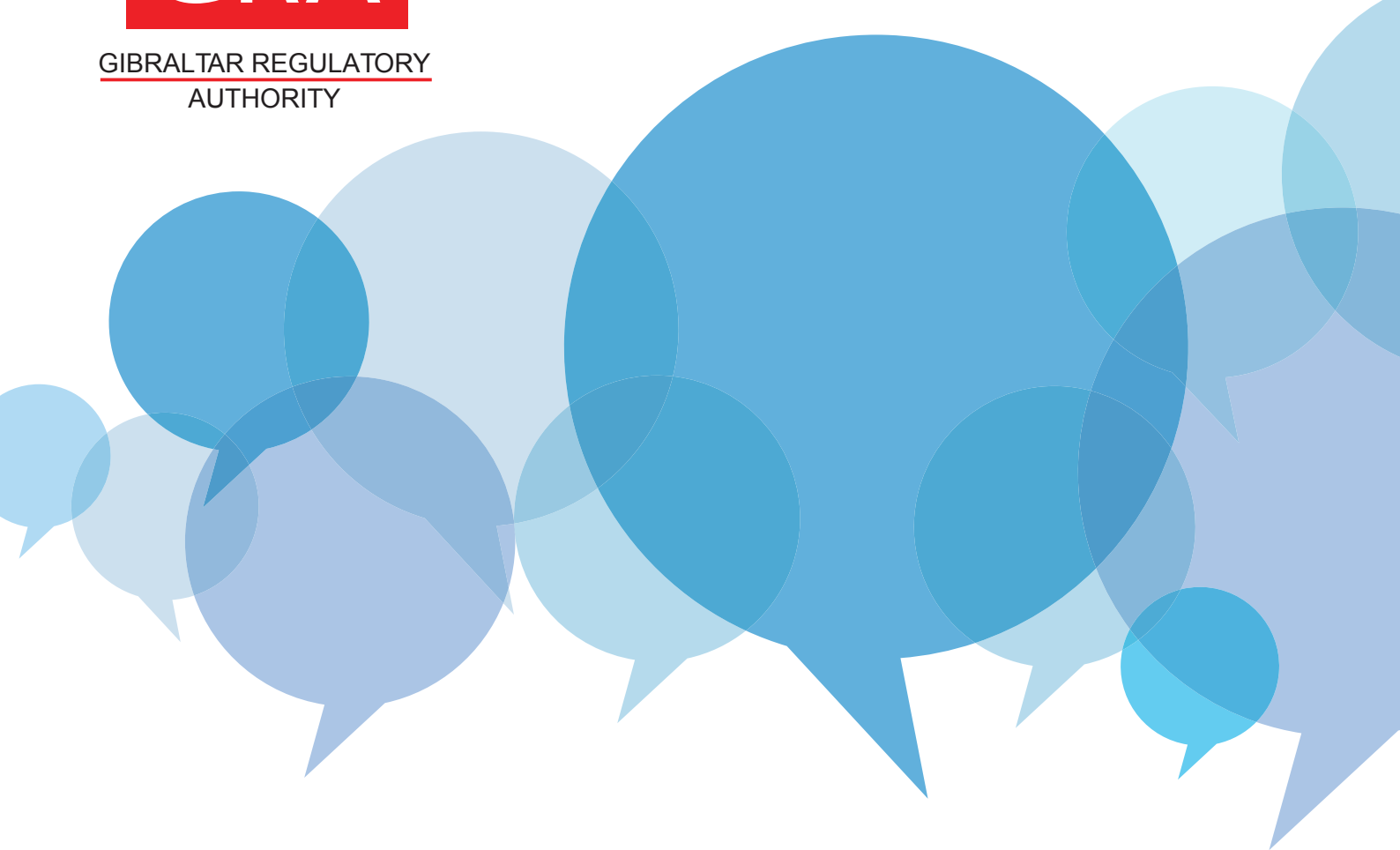


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