



GIBRALTAR REGULATORY
AUTHORITY










GIBRALTAR REGULATORY AUTHORITY

Annual Report

2023/2024

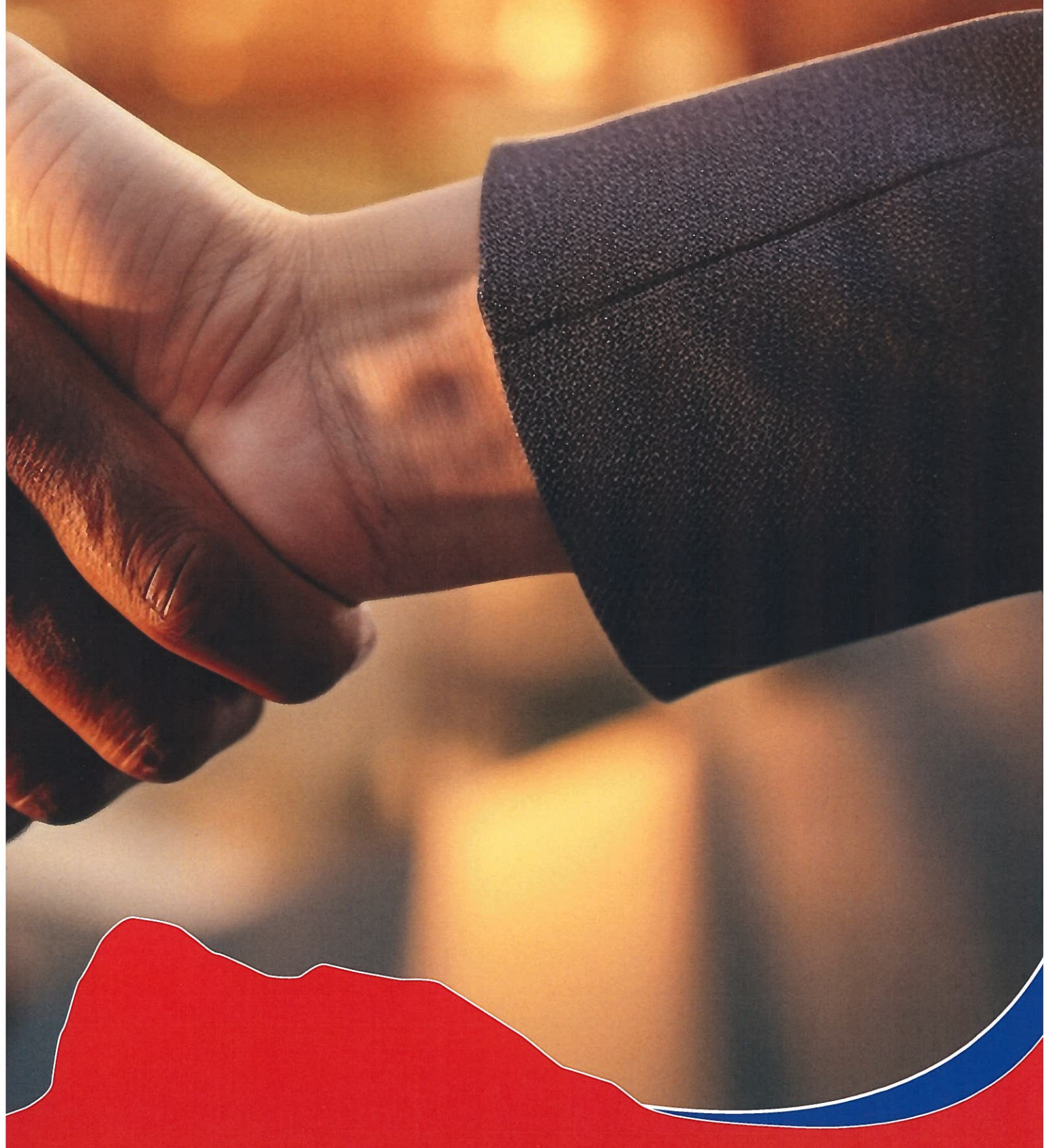
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CEO Statement



Introduction

This Annual Report of the Gibraltar Regulatory Authority (the "GRA") is prepared in accordance with section 19(1) of the Gibraltar Regulatory Authority Act 2000 and covers the period 1st April 2023 to 31st March 2024.

Gibraltar Regulatory Authority Act 2000

The GRA Board currently consists of the GRA's Chief Executive Officer, Mr John Paul Rodriguez, and two members appointed by the Chief Minister, namely, Mr Tony Provasoli and Mr Kieran Power.

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 GRA undertook an internal restructure. As the GRA's remit grows and evolves, GRA senior management decided that certain Divisions would undergo a restructure, namely the Electronic Communications and Postal Division (including its remit under the Competition Act 2020), and the Broadcasting, Higher Education and Cyber Security Division. These changes took effect on 1st August 2023 and electronic communications, postal services and broadcasting now fall under the same division.

The newly formed Broadcasting, Electronic Communications and Postal Services Division will be able to focus on media literacy, which whilst on-going at present under the GRA's Broadcasting remit, is likely to see a notable increase in workload as a result of the growing importance of media literacy and recent amendments to the CA, which impose on the GRA a new duty to promote media literacy, in particular as to the risk of harm presented by content on electronic media.

Radio Communications

The Spectrum and Operations Division deals with all matters relating to the electro-magnetic spectrum, radiocommunications, 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 ("SES-G") 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 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 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 also 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.

Information Rights

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

Gibraltar's data protection legislative regime is primarily comprised of the Data Protection Act 2004 (the "DPA") and the Gibraltar General Data Protection Regulation (the "Gibraltar GDPR"). Together, these instruments provide Gibraltar with a data protection system that is robust and modern, in turn providing individuals with an effective framework by which their personal data and their

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

Continuing to recognise the importance of collaboration with both regulatory counterparts and industry players, this year has seen the Information Rights Division (the "Division") participate in both international and local events. Of particular significance is the creation of a 'Gibraltar Regulators Forum', which brings together local regulatory bodies and the Gibraltar Financial Intelligence Unit to exchange ideas, consider best practice, and discuss industry trends. Supporting multi-authority campaigns, the Information Commissioner also participated in 'Safer Internet Day', which aims to encourage a safer and better internet for all, especially children and young people.

As in previous years, the Division also continues to provide guidance in response to data protection enquiries from individuals as well as the private, public and third sectors. Adopting a mixed-media approach to awareness raising and guidance, channels pursued by the Division continue to include publication of guidance notes, email communication, telecalls, social media posts that include videos, quarterly e-newsletters, and attendance at schools, amongst others. Targeted campaigns on social media have this year included topics such as 'the rights of individuals under the Gibraltar GDPR' and 'cookies'.

Furthermore, the Division continues, on behalf of the Information Commissioner, to work as the regulator of the

Freedom of Information Act 2018 (the "FIOA"), having attended an international workshop for freedom of information regulatory authorities.

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.

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.

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 (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, which is a fully liberalised market, whilst also securing the provision of a competitive

universal postal service at an affordable price for all users in Gibraltar. This is all achieved by facilitating market entry through a system of authorisations and licences.

The GRA's specific functions under the POA and Regulations include issuing guidance and directions to the Royal Gibraltar Post Office (the "RGPO"), as the designated Universal Service Provider. Other functions include monitoring operational developments, setting quality standards, monitoring performance against these standards and ensuring that the RGPO complies with its licence obligations.

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

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 first NIS Directive (EU) 2016/1148 was required to improve national cyber security capabilities of essential services throughout the European Union and focused on achieving a higher harmonised common level of cybersecurity. This Directive was transposed to Gibraltar legislation in 2018, as Part 7 of the Civil Contingencies Act 2007 (the "CCA").

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

Pursuant to the Competition Act 2020, the GRA is designated as the Gibraltar Competition and Markets Authority (the "GCMA"). Its primary responsibilities are to promote competition, protect consumers and safeguard the economy of Gibraltar. The GCMA is founded on the principle that competition provides the best incentive for businesses to become more efficient, innovative, and flexible in order to operate in the long-term interests of consumers.

Across developed and less developed economies, competition has been found to result in higher productivity growth, lower prices, and greater choice for consumers. The GCMA therefore works with Government, other regulators, industry and the public to oversee certain business transactions and enforce competition rules.

This year, the GCMA launched the competition section of the GRA's website, published its vision and strategic objectives, its prioritisation principles, commenced an extensive consultation into some of the guidelines and policy statements it intends to publish and undertook an investigation into its first merger case. GCMA staff were also invited to participate and contribute to Jersey's first ever symposium on their merger control regime. The GCMA looks forward to further develop its competition work by fulfilling its duties and obligations under the Competition Act 2020.

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. Mental Health First Aid Training

With a growing societal focus on mental health matters, the GRA offered a "first aid mental health course" ("MHFA") to its staff members, as offered by Clubhouse Gibraltar. MHFA is an internationally recognised training course, designed to teach people how to spot the signs and symptoms of mental illness and provide help on a first aid basis. With management having completed the MHFA course in the previous reporting year, the course was this year offered to all other staff.

iii. British Sign Language Training

The GRA strives to encourage and foster an atmosphere of diversity and inclusivity. As part of its initiatives in this regard, a British Sign Language ("BSL") introductory course was offered to staff. Several staff members of the GRA completed the course, which was offered by SigncodeUK, who are understood to work closely with the Gibraltar Hearing Issues and

Tinnitus Association (“GHITA”). The course allowed GRA staff to gain basic skills and confidence to interact using BSL, after which they were assessed on their knowledge gained.

iv. Social and Wellbeing Committee

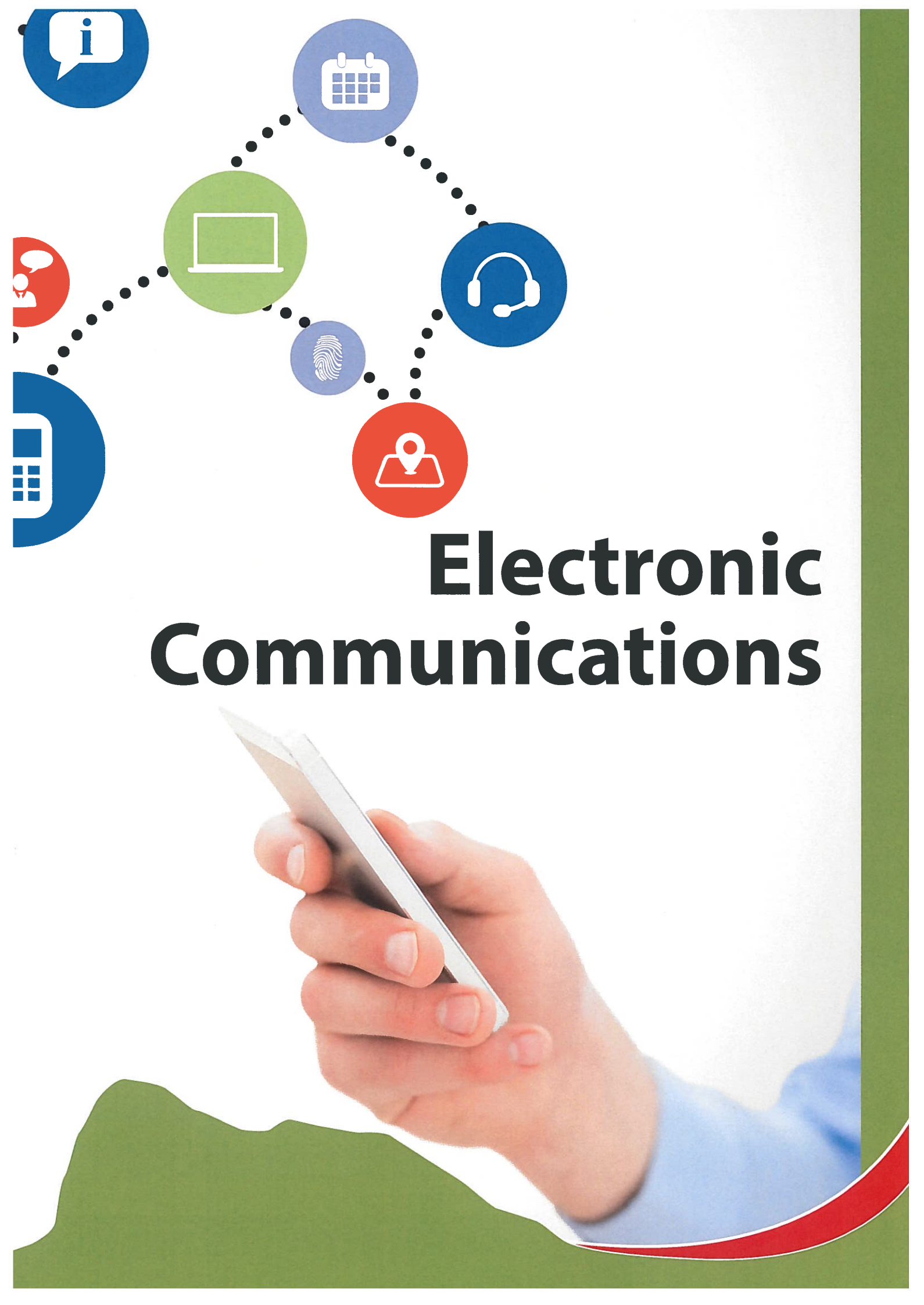
The GRA takes steps to ensure the wellbeing of their staff. The GRA’s Social and Wellbeing Committee (the “Committee”) plays a key role in this regard. Led by Human Resources, but with the involvement and contributions from staff members across GRA divisions, the Committee organises social, teambuilding, 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 dinners, Christmas activities, and mental health awareness and training.

Revenue and Expenditure

During the 2023/2024 financial year, the total collected was £783,219 which was paid into the Consolidated Fund. This compares to expenditure (calculated on a cash basis), for all the GRA’s divisions of £2,357,402.





Electronic Communications

Introduction

The Electronic Communications Division (the "Division") continues to regulate, oversee, and enforce compliance upon the electronic communications sector in Gibraltar. The provisions of the Communications Act 2006 (the "Act") provides the GRA with its objectives and functions to ensure that providers of electronic communications networks and/or services ("providers") comply with any conditions or obligations which have been imposed. The Act also sets out the promotion of competition and the interests of users in Gibraltar. The Division is also tasked with fulfilling its statutory objectives in every activity it undertakes.

During this reporting year, the GRA undertook an internal restructure. As the GRA's remit grows and evolves, GRA senior management decided that certain Divisions would undergo a restructure, namely the Electronic Communications and Postal Division (including its remit under the Competition Act 2020), and the Broadcasting, Higher Education and Cyber Security Division. These changes took effect on 1st August 2023 and electronic communications, postal services and broadcasting now fall under the same division.

The newly formed Broadcasting, Electronic Communications and Postal Services Division will be able to focus on media literacy, which whilst on-going at present under the GRA's Broadcasting remit, is likely to see a notable increase in workload as a result of the growing importance of media literacy and recent amendments to the Communications Act 2006, which impose on the GRA a new duty to promote media

literacy, in particular as to the risk of harm presented by content on electronic media.

As the Division navigated through a transitional period of change, the team has continued with its market review exercises, in particular a review of the potential removal and/or reduction of the current compliment of public pay telephones (or public payphones) located within Gibraltar.

Consequently, the GRA consulted with various organisations and interested parties to assist the GRA in making informed decisions about the future of these public amenities, whilst preserving needs of Gibraltar's residents. A public consultation is a crucial step in this decision-making process, and the GRA values the opinions and insights of all end-users and interested parties alike.

The increased reliance of Gibraltar's economy, society and critical national infrastructure on telecoms networks means that we need to ensure confidence in its security, especially given the speed and scale at which networks and services develop. Communications services play an ever more central role in the daily routine of citizens and consumers. Without network security, the disruptive impact of successful cyber-attacks and the consequences of connectivity disruptions and outages could be catastrophic. Providers have an obligation to uphold the integrity of their networks to ensure services are supplied without interruption and to notify the GRA of a security incident that has caused a significant impact on its network or service. In recognition of the security risks inherent with advanced and globalised

communication systems such as 5G and full fibre and the need to address these complexities, the Division initiated a review of the security protocols currently in place on authorised providers' networks.

The Division is also committed to continually improve its team member's professional development, including attending international seminars and conferences. On 19th October 2023, some Division members participated in an online meeting with delegates of the Jersey Competition Regulatory Authority (the "JCRA") in order to share information and discuss matters of mutual interest in respect of cyber security and network security and integrity. By participating in these events, GRA 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.

The Division continues in its commitment to making itself more accessible to the general public and encourages end-users to actively engage with the team so that it may consider any issues in future. The Division is contactable via its general email address communications@gra.gi.

International Participation

i. Meeting with JCRA for Cyber Security and Network Security and Integrity

Two members of the Division took part in an online meeting on 19th October 2023 with delegates of the Jersey Competition Regulatory Authority (the "JCRA"), in order to share information and discuss matters of mutual interest in respect of cyber security and network security and integrity.

During the online meeting, the GRA and JCRA touched upon how small nations need to strengthen networks against cyber-attacks and discussed its respective approaches to assessing compliance with the general security requirements of the Act, to ensure that operators meet their responsibilities in maintaining the resilience and security of their networks for the ultimate benefit of consumers and businesses.

In addition to identifying unique challenges due to the differing scope and structure of networks, the meeting explored various proactive measures that can be taken to strengthen network resilience as well as the importance of educating providers and users alike in matters of cyber security and network security.

After the meeting, the GRA was able to incorporate different ideas in respect of compliance and security and use these to strengthen the GRA's current protocols in so far as assessing compliance of providers with the network security requirements of the Act.

ii. Low Earth Orbit Satellite Services International Institute of Communications ("IIC"), Small Nations Regulators Forum ("SNRF"), online meeting, 2 August 2023

As satellite services become more mainstream it is important that relevant laws and licence conditions are developed that do not hinder investment but do protect consumers. Regulators need to ensure that they keep abreast of these technological developments so they understand the new opportunities that may assist developing communities or how these new services could offer effective alternative services for developed countries.

As device manufacturers implement embedded access to satellite services it will be essential consumers are aware that certain basic services such as Call Line Identification and emergency service calling may not be immediately available, and regulators should encourage manufacturers and service providers to ensure any limitations to traditional services are clearly explained at the point of purchase.

The SNRF resolved to work together to share knowledge and experience in order to embrace a common approach in how regulation can help encourage investment and competition while protecting all consumers.

iii. Fibre to the Home Challenges and opportunities for Small Nations - IIC SNRF online meeting, 24 January 2024

Fibre to the Home Challenges

and opportunities for Small Nations - The opportunities created by fibre to the home are clear. It offers higher speeds, long term reliability and resilience and, for operators, lower operating costs. There are wider economic benefits in enabling small businesses to operate from home and in promoting the jurisdiction as a good working environment.

In the discussion, the main challenges for small nations emerged as:

- Encouraging investment in small markets is a very difficult business case and may require government financial support due to tougher economic conditions;
- Regulators or government need to decide on a policy for network or retail competition – this will determine the regulatory requirements;
- If network competition is encouraged, then gaining access to ducts and poles will require regulatory or government intervention to allow fair competition;
- If wholesale competition is chosen, then regulators will have to determine wholesale charges for the incumbent operator;
- Consumers who have a choice between copper and fibre may not wish to move to fibre if the cost is much higher. Low take-up may impact on business cases;
- There will be numerous technical challenges to change from copper to a complete fibre network. These may affect consumers and businesses and necessitate regulatory involvement;
- Dealing with an ageing population who want a voice-only service will present a

particular challenge and may require regulatory involvement such as a universal service obligation (USO);

- The lack of power on fibre means that fixed services will fail in the event of a power outage; and
- New licence conditions will be needed.

Key considerations for regulators

- A clear policy for network or retail competition will enable jurisdictions to regulate operators more effectively;
- Any change to current technology poses a major challenge for the care community. This will require close engagement by the regulator with operators and the community;
- Protection of vulnerable consumers will require telecoms operators to provide battery backup or a prepaid mobile device and possibly a government subsidy. Regulators could require operators to provide this through a USO or via a licence condition, or make it clear to consumers that services will not work if power fails;
- Ensuring operators have a clear engagement plan with businesses is essential to providing sufficient notice for the termination of copper services that don't operate with fibre.

Regulatory Matters

i. Removal of the Public Pay Telephones

GRA's Decision Notice C06/21, designated Gibtelecom as Universal Service Provider ("USP") in respect of the provision of Public Pay Telephones and other Public Voice Telephony Access Points throughout Gibraltar. In this respect, Gibtelecom currently has a duty to ensure that public pay telephones (or public payphones) and other public voice telephony access points are provided to meet the reasonable needs of end-users in terms of geographical coverage; number of such telephones or other public voice telephony access points; accessibility of such telephones and other access public voice telephony points to disabled end-users; and quality of services. Gibtelecom must also guarantee that it is possible to make emergency calls from public pay telephones, free of charge.

Gibtelecom have regularly requested that the GRA reduce the number of public pay



telephones Gibtelecom is required to provide through its Universal Service Obligation designation.

A payphone rationalisation process began in 2008 in consultation with the GRA and went even further in June 2020 when the GRA agreed to a "revised payphones rationalisation programme" which would see a gradual and phased removal of superfluous payphones on the understanding that a reduced number would be retained in certain key geographical areas which the GRA considered to be of sufficient importance to retain, namely, New Mole House, Air Terminal, Cruise Liner Terminal, Casemates, Both Worlds and Referendum Gate.

Gibtelecom's latest request aims to remove them in their totality or to review the existing universal service obligation requirement. Currently, there are nine payphones around Gibraltar (7 minimum required by the GRA plus an additional two K6 booths).

ii. Market reviews

(a) Public Consultation C01/23 – Provision of Public Pay Telephones and Other Voice Telephony Access Points

The widespread proliferation of mobile phones, changes in telecommunications technology as well as shifts in usage habits amongst end-users have all raised questions about the continued need for public payphones as their usage has declined significantly. Furthermore, these have been the subject of increased and persistent vandalism which has had a direct impact on the maintenance costs involved. Therefore, it has become

essential for the GRA to consider the value and necessity of maintaining public pay phones in our community, whilst also ensuring that public resources are allocated efficiently.

On 13th November 2023, the GRA published a public consultation in respect of the potential removal and/or reduction of the current compliment of public pay phones located within Gibraltar. The review came about as a direct result of Gibtelecom's request regarding a further reduction in the compliment of payphones. As such, the GRA has consulted with various organisations and interested parties to assist the GRA in making informed decisions about the future of these public amenities, whilst preserving needs of Gibraltar's residents.

The ultimate objective of the consultation was as follows:

- To gather input from the community on the continued need for public payphones;
- To assess the potential impact of their removal on residents, business, and the community as a whole; and
- To explore alternatives that may serve the same purposes as traditional public payphones.

The public consultation is a crucial step in this decision-making process and by the close of the consultation period, the GRA received detailed responses from members of the general public as well as the numerous organisations listed below:

- Gibtelecom;
- Broadband Gibraltar Ltd;
- Royal Gibraltar Police;
- Gibraltar Fire & Rescue Service;
- Air Terminal Management;
- Gibraltar Health Authority;

- Gibraltar Port Authority;
- Childline Gibraltar; and
- GibSams.

When considering a reduction in the number of public payphones and/or their removal entirely, a number of factors were considered in order to make a thorough assessment of the implications of their potential removal, if the USO obligation currently in place on Gibtelecom was removed. The GRA also remained conscious of the fact that "revenue generated" and "reduced usage" are arguably immaterial in so far as the USO requirement to provide public payphones is concerned. The provision of public pay telephones is a matter of social safety and public service, irrespective of their decreased usage. In addition to this, the GRA also notes that in the last year there have still been numerous calls made to emergency numbers, from various public payphones, albeit very few in number. With this in mind, the GRA was unable to justify a further reduction in the current compliment of payphones as well as the removal of the USO currently in force in its entirety.

(b) Decision Notice C01/24 – Provision of Public Pay Telephones and Other Voice Telephony Access Points

After having carefully considered all responses from operators, stakeholders, and members of the public alike, the GRA published Decision Notice C01/24 on the 12th of March 2024. The GRA concluded that the obligation currently placed on Gibtelecom in its Decision Notice C06/21 in respect of the provision of Public Pay Telephones and other Public Voice Telephony Access Points throughout Gibraltar - shall remain in force. There will be no further reduction in the

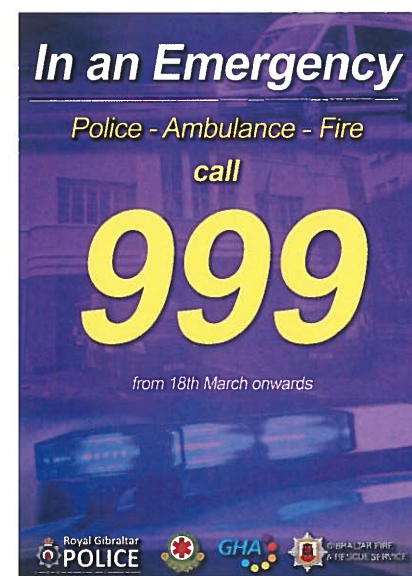
current compliment of public pay telephones throughout Gibraltar.

The GRA also clarified the fact that the universal service obligation currently in place on Gibtelecom relates solely to the provision of public pay telephones and other public voice telephony access points and does not extend to the type of phone box used as well as the cultural or historical significance that some of these may hold for Gibraltar's residents.

Following the Public Consultation and subsequent Decision Notice, it is important to note that the GRA will continue to monitor the current compliment of public pay telephones and reserves the right to consult on this matter again in response to public demand or business needs, should these arise.

iii. 999 Emergency Number

In the lead up to the announcement in March 2023 by emergency services, that Gibraltar would be changing to the single emergency number 999, the GRA entered into discussions with operators to ensure this would be technically feasible for them. It was found



that whilst some work would be required, no issue would arise.

As a result, the GRA amended the Communications (Conditions) Notice 2021 (the "Notice"), namely Condition 6 on Emergency Call Numbers, to include 999 as an emergency call number and at no charge to end-users. Operators must ensure that their systems are capable of properly routing emergency numbers in compliance with the Notice.

Consequently, the Gibraltar Numbering Plan was also updated to include 999.

iv. Network Security and Integrity

Communications services play an ever more central role in the daily routine of citizens and consumers. The increased reliance of Gibraltar's economy, society and critical national infrastructure on telecoms networks means that we need to ensure confidence in its security, especially given the speed and scale at which networks and services develop. Without network security, the disruptive impact of successful cyber-attacks and the consequences of connectivity disruptions and outages could be catastrophic.

While providers have a general obligation under Section 34A and 34B of the Act to ensure the security of their networks and services, there is no formal framework that establishes how this obligation is to be met, assessed, and indeed measured. The Act stipulates that a person providing electronic communications networks and/or services must take measures to appropriately manage security risks. Additionally, they must uphold the integrity

of their networks to ensure services are supplied without interruption and shall notify the GRA of a security incident that has caused a significant impact on its network or service.

In recognition of the security risks inherent with advanced and globalised communication systems such as 5G and full fibre and the need to address these complexities, the Division initiated a review of the security protocols currently in place on providers' networks by working closely with them and holding various meetings to assess their security measures in an effort to identify and address the risks facing Gibraltar today and in the future. To this end, the Division presented a security framework to address this, namely the Network Security Assessment Tool (the "NSAT"). This framework provided some context within which providers must take appropriate and proportionate technical and organisational security countermeasures to manage risks posed to the security of their networks and services and to prevent and minimise the impact of incidents. The NSAT contained principles covering matters such as:

- Governance;
- Risk Management;
- Asset Management;
- Supply Chain;
- Data Security and Encryption;
- Identity and Access Control;
- Staff Awareness and Training;
- Security Monitoring;
- Proactive Security Event Discovery; and
- Response and Recovery Planning.

The aim of the NSAT is to ensure that any measures in place are as robust as possible to counteract any possible security threats.

The NSAT guidance supports persons providing a public communications network and/or publicly available electronic communications service, in complying with the requirements of the Act and sets a process to help providers demonstrate they are managing security risks adequately. The framework is designed to be technology neutral and allow providers to adapt these measures to meet their own needs based on multiple factors such as the size of the network, services offered, level of risk and technology used. This is crucial as measures that may be appropriate for a larger provider may be different to those appropriate for a smaller provider, and will allow providers to evolve their sector specific response along with technological advances and unique business requirements to apply these best practices to improve security and resilience.

Whilst the GRA has carried out this initial compliance exercise, most providers already take security and integrity very seriously. In most cases there are clear commercial drivers for this, but corporate responsibility and reputation management also play a part. Many providers also have plans in place to ensure that their networks and services operate with an appropriate degree of resilience and security. In some cases, customers may have service level agreements in place with their providers, setting out the minimum level of service they expect, including availability and security measures. In practice this means that most providers, especially those serving customer groups with higher security or resilience demands, are already doing much of what is required under the revised security requirements already. For these

providers, the GRA does not expect the new provisions will require significant changes to their existing processes. Where existing security activity is more limited, and there is an objectively justifiable reason for this, the GRA will aim to take a proportionate and flexible approach.

The GRA has already made significant progress together with local providers in respect of network security and integrity and will continue to review the measures in place on a regular basis.

v. Statistical Data

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

The Division continues to work together with local providers to optimise the statistical data being requested as well as continually monitoring and reviewing the guidance available for providers to refer to. As the process of collating statistics proves to be a burdensome task, the Division has over the last few years realised that some statistics are no longer deemed necessary. As a result, in this reporting year, the Division decided to streamline some of the current statistics collected as part of the GRA's data gathering exercise.

Data fields such as network coverage, revenue, and call origination minutes, amongst others, have now been removed and are no longer necessary.

The Division is now working to revise its "Data Gathering Guidance Document" which will be published in due course.

The Division continues to maintain a constructive relationship with the providers, which in turn, has facilitated the GRA'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 thank all providers, who remain committed to work together with the Division for the provision of statistical information.

vi. Provider Monthly Engagement

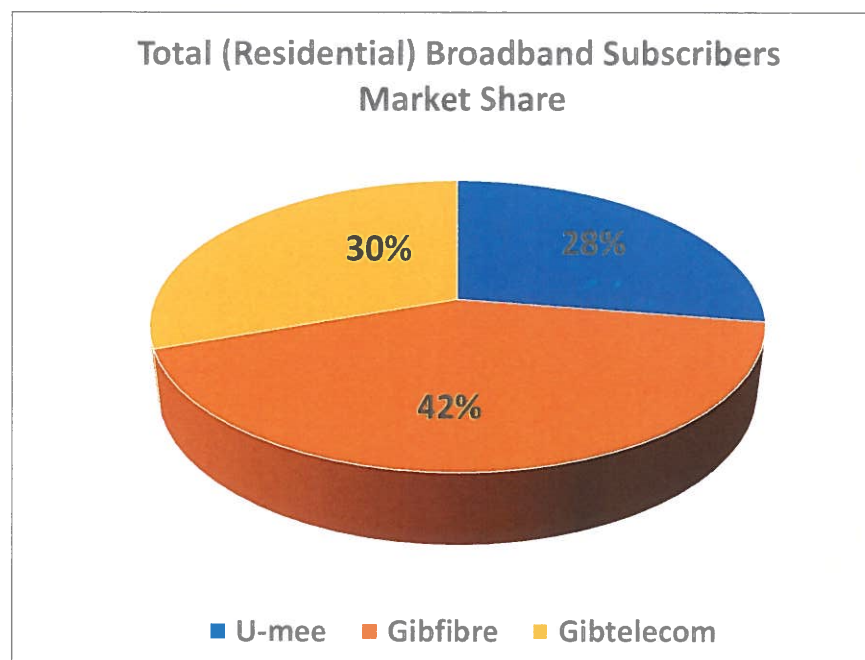
The Division remains committed to monthly meetings with providers, as they prove to be an invaluable and constructive endeavour for both providers and the Division. The increased face to face communication with providers, provides a good opportunity to discuss any issues and/or clarify matters at an early stage, potentially preventing

issues from escalating, as well as allowing the Division to offer advice and direction on matters that may arise during these meetings.

vii. Gibtelecom's Appeal Against the GRA's Decision in relation to an Access Dispute between GibFibre and Gibtelecom

In February 2019, the GRA (in its capacity as telecommunications regulator) was called upon to resolve a commercial dispute between GibFibre Limited ("GibFibre") and Gibtelecom, as it was required to do under the Act. It did so, on 16 July 2019, by determining that Gibtelecom should provide to GibFibre a leased line connection to computer servers of commercial entities housed in the data centre at Mount Pleasant owned by Gibtelecom's subsidiary Rockolo Limited, so that Gibfibre could compete with Gibtelecom in providing bandwidth services to those commercial entities.

Following Gibtelecom's appeal, the Supreme Court has ruled that the GRA's decision exceeded



its powers under the Act. The court's ruling is a matter of regret and disappointment to the GRA but, unless the GRA successfully appeals it, it is accepted that it represents the current state of the law in Gibraltar.

vii. Statistics and Trends

As of March 2024, the total number of fixed broadband subscribers in Gibraltar decreased from 22,933 in March 2023 to 22,192 with 741 fewer subscribers when compared to the previous reporting period.

Customers in Gibraltar have access to an array of ultra-fast broadband services from up to three service providers, all of whom offer at least some of their services via a fibre to the home ("FTTH") network, with speeds ranging between 100Mbps and 2Gbps (symmetric broadband packages).

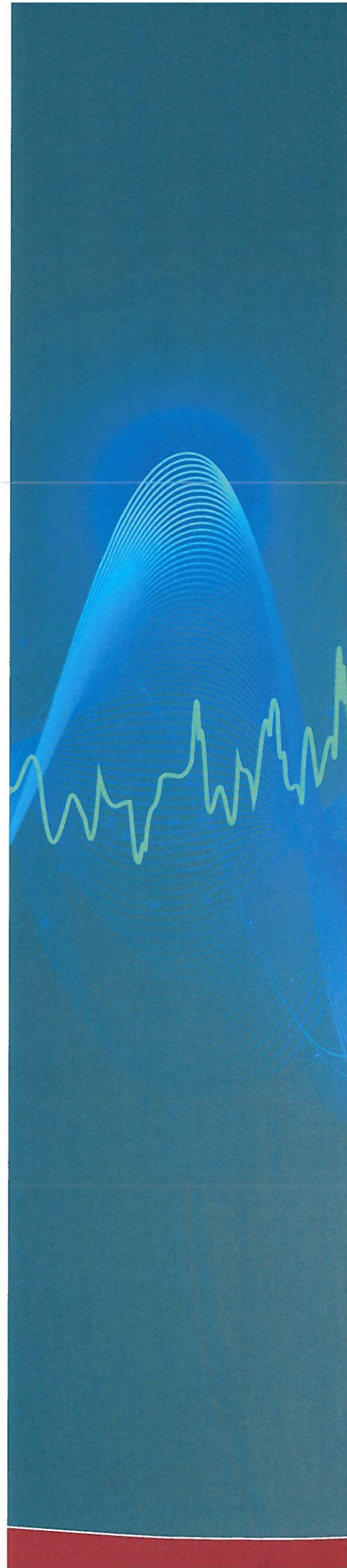
Figure 1 illustrates the strength of the residential fixed internet subscriber market in Gibraltar. Traditionally, this market has demonstrated the most significant changes with customers opting to purchase services from alternative providers in order to avail themselves of the increased availability of competitively priced residential broadband packages and bundles. However, in recent years, the market has appeared to stabilise to a certain extent with any changes in market shares being far more subtle.

As it currently stands, GibFibre have a 42% share of the market, once again cementing their position for the fifth consecutive year as the majority shareholder in the local residential broadband market. Gibtelecom and U-mee on the other hand, have a 30%

and 28% share of the market respectively.

viii. Revenue Collected

During the 2023/2024 period and in accordance with the provisions of the Act, the total amount collected by the GRA in respect of General Authorisations was £220,000. The total amount collected by the GRA in respect of Service Providers was £3,894. This has brought the total revenue for Service Providers and General Authorisations for the 2023/2024 period to £223,894.



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 also 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 is published in the bi-weekly International Frequency Information Circulars ("IFIC") to inform all other administrations of the new satellite filing.

This commences 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 ("MIFR") which grants it international rights and obligations. When a satellite is placed in the planned orbital slot, it can then bring into use its respective frequency bands.

To date, SES-G has registered 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 289 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 under the various articles/appendices of the Radio Regulations).

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. In-house developed software 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 also automates the process of notification to and from Ofcom, the UK regulator, and streamlines the back office associated activities.

iii. Satellite Coordination Meetings

The Division was invited to participate in three administration level bilateral satellite coordination meetings during the period of this report. The planned meetings were with the USA, Germany, and Indonesia. However, after liaising with SES-G, it was concluded on

each occasion that the current status of satellite coordination with operators from the respective administrations were satisfactory and it was decided that the Division and SES-G would not need to participate in these meetings.

iv. SES-G Development Plan Review Meeting

A meeting was held between the Division, Ofcom, and SES-G in July 2023 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. The meeting with Ofcom was successful, where all the points of the Plan were addressed.

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 2023-2024, a total of 3277 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 Radiocommunication Conference 2023 (WRC-23)

The Division attended the World Radiocommunication Conference 2023 (WRC-23/the "Conference") held in Dubai, United Arab Emirates, from the 20th November to 15th December 2023. The Conference was attended by almost 4000 delegates from 163 ITU Member States together with various international organisations and industry to consider proposals to modify the Radio Regulations to reflect technological developments and innovation in the satellite and terrestrial sectors.

The proposals to the Conference are based on extensive studies conducted by the membership of the ITU Radiocommunication (ITU-R) sector. These studies were conducted after the last WRC held in 2019 and the resulting material is made available in the Conference Preparatory Meeting Report to WRC-23.

During the four-year study period, Ofcom, the UK regulator, coordinated these study activities at a national level and had stakeholder groups that paralleled the European Conference of Postal and Telecommunications Administrations ("CEPT") preparatory structure. The UK contributions and draft briefing positions were agreed through the respective Ofcom stakeholder briefing groups and then fed into the CEPT process for discussion. The Division participated in several of the UK briefing groups including the International Frequency Planning Group and the Conference Preparatory

Group. CEPT consists of forty-six European members that coordinated the development of European Common Positions and associated briefs for each agenda item under consideration by the Conference.

Some of the key issues discussed at the Conference included:

- Identifying additional frequency bands for the continued development of International Mobile Telecommunications (“IMT”), including the use of high-altitude platform stations as IMT base stations for the universal deployment of wireless networks;
- Improvements to the international regulatory framework for geostationary orbit (“GSO”) and non-geostationary orbit (“non-GSO”) satellites while promoting equitable access for all countries;
- The regulatory framework for the use of earth stations in motion (“ESIMs”) on board aircraft and ships for communication with GSO and non-GSO satellites;
- Use of satellite technologies for broadband services to improve connectivity, particularly in remote areas;
- New spectrum to enhance radiocommunications in the aeronautical mobile service, including by satellite, and to facilitate the use of the space research and Earth exploration-satellite services for climate monitoring, weather prediction and other scientific missions;
- The modernisation of the Global Maritime Distress and Safety System; and
- The future of the ultra-high frequency broadcasting band which has implications for television broadcast, programme-making and special events, as well as public

protection and disaster relief.

A total of 151 ITU Member States signed the WRC-23 Final Acts. The Final Acts constitute a record of the decisions taken at the conference including both the new and revised provisions of the Radio Regulations, all Appendices, and the new and revised Resolutions and ITU-R Recommendations incorporated by reference into the treaty by the Conference.

The updated Radio Regulations will be published during 2024 and shall enter into force on 1 January 2025.

Regulatory Matters

Below is an overview of regulatory matters dealt by the Division during 2023/2024:

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.” This 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 our 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



fixed monitoring units (“FMU”), an indoor deployable unit (for use inside buildings), and a handheld portable unit 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.

The table below shows the peak and average levels recorded during the measurement programme which launched in April 2021 for this period (1st April 2023 to 31st March 2024). The results demonstrate that the recorded levels did not exceed the ICNIRP guidelines and on average are well below the maximum threshold.

University of Gibraltar

Peak: 11.55 V/m

Average: 1.14 V/m

Westside/Bayside School Complex

Peak: 11.46 V/m

Average: 1.83 V/m

St Anne’s School

Peak: 6.27 V/m

Average: 3.29 V/m

Kings Way House Alameda

Peak: 12.13 V/m

Average: 1.82 V/m

iii. Calibration and Maintenance

All monitoring equipment is regularly maintained and when required, sent off to be calibrated by the equipment manufacturer. Specifically, with respect to the

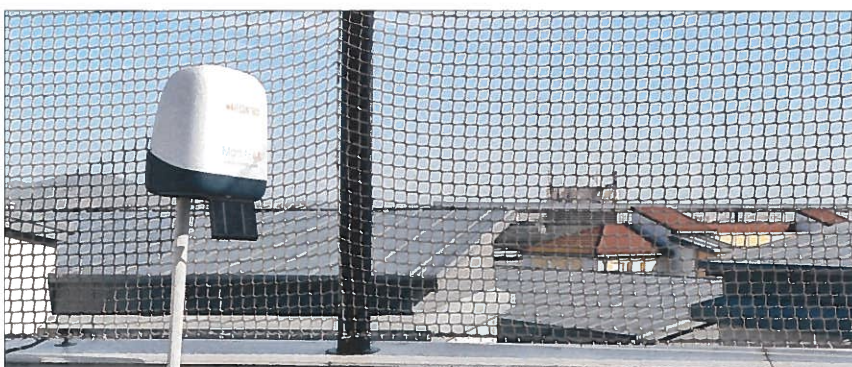
to electro-magnetic emissions. Therefore, the Division does not set emission safety levels and it has neither the expertise nor the remit to participate in matters concerning biological or health research. The Division has, however, been working closely with the Ministry for the Environment to ensure that concerns from the public regarding electromagnetic emissions from mobile base stations and other radio transmitters are addressed swiftly.

ii. 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 continuously monitors electromagnetic fields (“EMF”) levels throughout Gibraltar and emissions from mobile phone base stations, including all radio transmissions in the frequency band 20MHz to 40GHz.

The monitoring equipment consists of Wavecontrol equipment and includes four



FMU's calibration cycle, the site at the Gibraltar University has been taken offline in order to have 3 operational FMU's whilst one is out for calibration. Once the calibrated unit is received, it will be relocated to one of the active sites and another unit will be shipped for calibration.

In the period 2023/2024, the following matters were attended to:

(a) Air Traffic Control ("ATC") Interference VHF

Numerous interference reports have been investigated affecting the radio communications between ATC and commercial airplanes. In extreme cases, flights could be potentially diverted or cancelled for safety reasons if clear communications with the aircraft cannot be established. In one instance, the equipment from a Spanish FM radio station located in La Linea, Spain, was malfunctioning and spilling over to the adjacent band used for aeronautical services. The GRA identified the approximate location, power and radio station and forwarded its findings to the Jefatura Provincial de Inspección de Telecomunicaciones de Cádiz.

They conducted their own investigation, confirmed the GRA findings and took action to eliminate the source of interference by instructing the radio station to cease all operations. In general, reports of elevated noise levels, sporadic speech or even music breaking through are hard to identify as they may only affect ATC occasionally and more importantly, on a random basis, and in such instances, these are not always detectable.

The GRA is currently reviewing options to set up a continuous monitoring station which could be deployed to a specific site and

run remotely to aid in quickly identifying and correcting future interference issues of this nature.

(b) Mobile Telephony Interference

The GRA has been working in collaboration with Gibtelecom to identify sources of interference on the 700MHz band, which is used for the provision of 5G services. Such interference is able to affect the quality of the service being experienced by users of 5G services, in particular download and upload speeds of internet.

Generally, identifying such sources of interference entails rigorous monitoring of the spectrum in order to ascertain its origin. As a result, it has been established that a particular type of interference appears to originate from TV signal boosters, commonly used for the provision of cable TV networks. Such boosters have traditionally been used in Gibraltar over many years and as a result of faulty equipment, degradation of the associated cabling and poor maintenance and/or installations, this equipment has been found to have the potential to interfere with the 700MHz band.

The GRA is liaising with providers and users of such equipment with a view to identifying



the equipment causing the interference. This will entail investigating areas in Gibraltar where it is found that a high proliferation of TV boosters are in use, namely residential estates. The methodology being applied relies on reports generated by Gibtelecom's equipment which is able to provide details on the level and type of interference, and the area being affected. The GRA, using its portable monitoring receiver equipment, is able to narrow down the area with a view to identifying the individual boosters causing the interference.

Whilst in some cases this has been a relatively straightforward exercise, it has been found that in other cases, it proves harder to access locations which may be hosting the boosters. In addition, it has also been established that signals emitted by TV boosters can also "leak" and therefore cause interference, if the cables through which its signals are transmitted are damaged (e.g. if the cable housing is worn down or cracked). This finding has amplified the extent of the issue and so, the GRA continues to investigate the matter with a view to resolving the interference being caused.

iv. Advice and Cooperation with other Agencies and Associations

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 on existing or new installations. The GRA recently meet with representatives from the Gibraltar Amateur Radio Society to discuss changes

brought about in the UK and if similar changes to promote the use of amateur radio could be done in Gibraltar. The GRA is reviewing its policies with the possibility of bringing some changes to facilitate and promote amateur radio use in Gibraltar and to ultimately modernise the licensing approach.

v. Licensing of the Electro-Magnetic Spectrum

The GRA collects licence fees on behalf of the Government of Gibraltar and uses different licensing schemes to promote the use of technologies and maximise the use of the electromagnetic spectrum efficiently. The following table outlines the fees collected during the period 2023/2024 for each type of licence issued under Part VI of the Act:

Accounting Authorities	£9,500
AGRS	£459
CB Radio	£84
Fixed Links	£6,765
Mobile	£404,682
Radio Microphone	£153
Paging	£655
PMR	£11,375
Port Ops	£3,625
Radar	£326
Radio Amateur	£348

Ship Station Licence	£21,300
Wireless Dealers	£1,700
Spectrum Usage	£10,725
VSAT	£2,173

Furthermore, during the period 2023/2024, the GRA renewed six Outer Space Act licences for SES-G for each of the satellites operating in Space, and which are controlled from Gibraltar. The total revenue received as a result of issuing these licences was £6,000.

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.

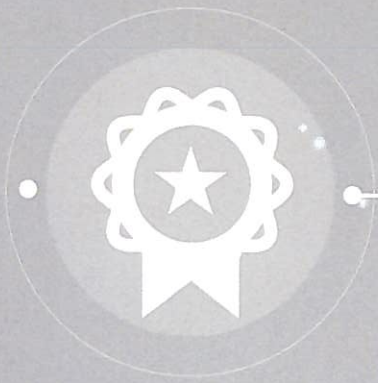
All the satellites licensed by the GRA are included in the UK’s Registry of Space Objects and the Division works closely with

the UK Space Agency (“UKSA”), to ensure that the satellites are operated in compliance with international treaties and principles covering the use of outer space. Since July 2021, the Civil Aviation Authority (“CAA”) became the UK space regulator and the powers previously under the UKSA for these purposes were transferred to the CAA.

In October 2023, SES-G informed the GRA that AMC-18, a satellite licensed under a Gibraltar OSA with a USA payload was imminently reaching its end of life and a formal request was made to deorbit the satellite. Deorbiting a satellite involves manoeuvring the satellite to what is commonly referred to a “graveyard” orbit whereby the satellite would eventually drift away of the earth’s magnetic pull and into space in a controlled manner to avoid any collisions with other satellites or hoarding a particular filing slot. This was accomplished in November 2023 and, as per the OSA licence conditions, the GRA revoked the licence 6 months after its initial notification. The GRA collaborated closely with the UK CAA during the manoeuvres to ensure everything went smoothly.

Currently, there are five Gibraltar-licensed satellites





Information Rights



Introduction

Gibraltar's data protection legislative regime is primarily comprised of the Data Protection Act 2004 (the "Act") and the Gibraltar General Data Protection Regulation (the "Gibraltar GDPR"). Together, these instruments provide Gibraltar with a data protection system that is robust and modern, in turn providing individuals with an effective framework by which their personal data and their privacy rights are protected. The Act designates the GRA, as Information Commissioner (the "Information Commissioner"), to be the supervisory authority in Gibraltar.

Continuing to recognise the importance of collaboration with both regulatory counterparts and industry players, this year has seen the Information Rights Division (the "Division") participate in both international and local events. Of particular significance is the creation of a 'Gibraltar Regulators Forum', which brings together local regulatory bodies and the Gibraltar Financial Intelligence Unit to exchange ideas, consider best practice, and discuss industry trends. Supporting multi-authority campaigns, the Information Commissioner also participated in 'Safer Internet Day', which aims to encourage a safer and better internet for all, especially children and young people.

May 2023 also saw a significant upscale to the Information Commissioner's Data Protection Officer ("DPO") Workshops, with the occasion this year extended to a 2-day event for the first time. The workshop, which saw local and international participation from both an audience and

presenter perspective, included overseas data protection regulators as well as private sector participants. The event gathered the Gibraltar Financial Intelligence Unit and Gibraltar's prominent regulators, namely the Gambling Commissioner, Gibraltar Financial Services Commission, and the Information Commissioner for a Q&A panel. The panel was a milestone in being the first time Gibraltar's regulators and intelligence unit all participated in a same event, sending a unified message to industry with an emphasis on collaboration and pragmatic-thinking in regulation. Following an increase in data protection concerns relating to personal data in the online environment, the workshop also for the first time included a day dedicated solely to data security with a focus on cyber matters.

As in previous years, the Division also continues to provide guidance in response to data protection enquiries from individuals as well as the private, public and third sectors. Adopting a mixed-media approach to awareness raising and guidance, channels pursued by the Division continue to include publication of guidance notes, email communication, telecalls, social media posts that include videos, quarterly e-newsletters, and attendance at schools, amongst others. Targeted campaigns on social media have this year included topics such as 'the rights of individuals under the Gibraltar GDPR' and 'cookies'.

The Division continues, on behalf of the Information Commissioner, to work as the regulator of the Freedom of Information Act 2018 ("FIOA"), having attended an international workshop for freedom

of information regulatory authorities.

International Participation

In carrying out relevant functions under the Gibraltar GDPR and the Act, the Information Commissioner collaborates with international data protection authorities and other relevant stakeholders. This not only involves the provision of mutual assistance and cooperation in the context of cross-border investigations, but further extends to the development of best practices and standards in the regulation and enforcement of data protection legislation.

The Information Commissioner's continued efforts to remain a recognised and reputable authority within international regulatory data protection circles, as well as keeping abreast of developments and current affairs in the regulatory sphere, has seen members of the Division participating in numerous international events throughout the reported year.

i. 19-20 April 2023 - CyberUK 2023

CYBERUK 2023 is the UK's flagship cyber security event run by the UK's National Cyber Security Centre (the "NCSC"). Held in Belfast, the conference hosted over 2,300 cyber security professionals. Themed 'securing an open and resilient digital future', the event looked to answer some of the most challenging questions facing

today's international cyber community. The wide array of topics covered allowed delegates to understand how, together, we can continue to secure the cyberspace so that it remains open and democratic. Tackling cyber challenges in partnership was one of the prevalent themes across many sessions, for both public and private sectors.

The role of the NCSC in an age of national security complexities was discussed, with reflection on recent cyber security challenges. The Department for Science, Innovation and Technology's ("DSIT") survey was highlighted. The survey discovered that 32% of all businesses and nearly a quarter of charities reported a cyber incident over the respective 12 months, many of these a result of poor cyber hygiene as opposed to sophisticated attacks.

The importance of integrating cyber security into future technology and supply chains from the outset was emphasised, with a particular focus on Artificial Intelligence ("AI"), quantum technologies and future telecoms, all of which are underpinned and enabled by data. AI was high on the agenda, referring to the use of Large Language Models, their increasing popularity, and the use of AI to protect against cyber threats. All these are reviewed within the DSIT's AI white paper. Looking into other areas, 'secure-by-design' and 'secure-by-default' practices were recognised as effective methods to alleviate the burden of cyber risk.

Other sessions attended over the conference included the future of holistic and evidence-based data-driven cyber security; adapting to change and the future of cyber security in the

supply chain; how do we want the cyber proliferation race to end?; new pathway to Cyber Essentials; and why creating cyber communities can make a difference.

ii. 21 April 2023 – Global Privacy Assembly ("GPA") Census 2023

The Information Commissioner submitted a response to the 3rd Census Edition circulated by the GPA, which is designed to provide a detailed 'snapshot' of privacy and data protection authorities across the globe. The Census provides a useful reference tool for those whose business and data crosses jurisdictions, and to national policy makers considering new legislative approaches. It also supports member authorities' capacity building and collaboration through dissemination of information on 'how it's done' in other jurisdictions.

iii. 9-11 May 2023 – European Conference of Data Protection Authorities ("EDPA") Closed Sessions

The ECDPA is commonly referred to as the 'Spring Conference'. The Division attends this annual event as an accredited member. It is a forum for privacy authorities across wider Europe to exchange views as well as best practices on privacy and data protection related matters.

During 2023, the Spring Conference saw the Hungarian data protection authority hosting 2 full-day closed-session events (i.e. member only participation), which included insights from key senior personnel from prominent European institutions

including the European Court of Human Rights ("ECHR") and the European Data Protection Board ("EDPB"). Amongst others, the closed sessions included discussions relating to:

New technologies and their social impact. The sessions included presentations on data, technology and behavioural addiction; developments in AI, its uses, opportunities and threats with a focus on psychology, highlighting the value of and need to combine technology with human intervention; the need to ensure that fundamental rights are protected when using AI, citing measures such as repeatedly testing for bias, increased access to data for evidence based oversight and conducting fundamental rights impact assessments; AI development, highlighting the need to drive innovation through accountability, collaboration in shaping AI with the involvement of individuals, communities, states and businesses and the development of a transparent and inclusive framework with a role for ethical and societal acceptability as well as compliance (avoiding a top-down approach).

Best practices in enforcement cooperation. The session outlined examples of international enforcement cooperation emphasising the value of bilateral relationships that can take the form of informal policy discussions as well as MOUs that can help build trust. The importance of relationship building was emphasised.

Competition law and data protection. The session, which included speakers from the European Commission, the European Data Protection Supervisor, and Competition Authorities, discussed the

growing overlap between data protection and competition law.

Prominent court decisions. The sessions included contributions from Dr Marko Bošnjak (Judge and VP of ECHR) who highlighted the 3-part test for any interference by public authorities in the context of Article 8 of the European Convention of Human Rights. Several prominent cases that show an overlap between human rights and data protection were discussed.

New Rules of Procedure. The conference adopted new Rules of Procedure to modernise and continue the Spring Conference's continuous progression as the European continent's flagship platform for collaboration between Data Protection Authorities and key stakeholders. The modernisation and adoption of new Rules of Procedure followed several years of work carried out by an international team composed of authorities from Cyprus, Georgia, Switzerland, the European Data Protection Supervisor ("EDPS"), Croatia, the United Kingdom, and Gibraltar. At the event and alongside the United Kingdom's Director

of International Regulatory Cooperation, the GRA's Director of Information Rights delivered a presentation to the Spring Conference's plenary on the new Rules of Procedure.

iv. 12 May 2023 – ECDPA open sessions

The 'Spring Conference' 2023 open session event involved participation from non-members, including private sector players. For the first time at the Spring Conference, data protection officers had the opportunity to take part in an open session either online or in-person. This initiative provides organisations that are subject to data protection regulatory requirements with a platform for cooperation, where they can discuss their perspectives, concerns, and constructive ideas with other data protection officers and European data protection regulators.

Panels focused on the DPO – Data Protection Authority ("DPA") relationship, DPO networks and training, and the DPO's role within the organisation. The first panel discussed the DPO and DPA relationship by sharing experiences and national practices. The DPO network and training panel explored the importance of well-developed DPO networks for keeping information, knowledge, know-how and best practices up to date, while the aim of the last panel was to explore the DPO's role within an organisation to understand how they can assist, inform, and advise their entities to enhance compliance.

The discussions provided insight into DPO certification and/or incentivisation schemes; the potential for the creation of DPO associations; and the possibility



of creating compliance tools for SMEs. The event saw speakers from large multi-national organisations including Mars and Nokia Tesla, as well as from the Maastricht European Centre on Privacy and Cyber security, amongst other prominent business players.

The GRA's Director of Information Rights moderated the DPO network and training panel which included Sarah Lea (Senior Lawyer at Ireland's Data Protection Authority), Anna Pouliou (Chief Privacy Officer at Mars Inc), Cosimo Monda (Director, European Centre on Data Privacy and Cyber Security) and Nils G. Indahl (Data Protection Officer at the Church of Norway).

**v. 6-7 June 2023 –
71st Meeting of the
International Working
Group on Data
Protection in Technology
("Berlin Group")**

The International Working Group on Data Protection in Technology is commonly known as the 'Berlin Group'. Comprised of participants from data protection supervisory authorities, government agencies, international organisations, and non-governmental organisations, as well as from research and science, the group's aim is to observe trends and developments in the technological sector (e.g., "big data", "the internet of things", AI etc.) and develop recommendations and guidelines to promote compliance with data protection legislation. Hosted in Rome by the Italian Data Protection Authority, this year's event, amongst other things focused on privacy concerns relating to AI and telemetry; the state of



play in respect of smart cities and facial recognition; technological safeguards and associated risks in evolving data sharing strategies; and digital currencies and finance.

It was recognised and accepted that data sharing is set to become the norm, however, crucially, the underlying challenges that come with data sharing, such as EU data flows, must be highlighted. Key areas were also highlighted in relation to data breaches and current threats including ransomware; malware; large volumes of data storage; phishing; DDoS attacks; disinformation and misinformation; and the proliferation of AI and deepfakes. Other threats discussed included the race to conquer quantum computing power and quantum information science. It was emphasised that regulatory responsibilities include ensuring that technological innovation as well as data sharing are balanced against the necessity to ensure adequate protection of personal data and individuals' rights in this regard.

The difficulties involved in regulating AI were highlighted with particular mention of

concerns relating to Chat GPT. Concerns about lack of transparency in AI were also noted as well as aspects concerning how to control AI bias. Threats were highlighted, making mention of threats such as: achieving a public-private equilibrium; monetary independence; power of big-tech companies; illegal activities; and of course, privacy. Variance in opinions regarding the degrees of anonymity required was particularly highlighted with regards privacy.

Several working papers were discussed during the session, with the papers going through a rigorous review process over various working group sessions. Once approved, the guidance documents are made publicly available by accessing the group's website (https://www.bfdi.bund.de/EN/Home/home_node.html) and searching for "working papers".

**vi. 22-23 June 2023
- British, Irish and
Islands' Data Protection
Authorities' Forum
("BIIDPA")**

BIIDPA is a network that links

privacy regulatory authorities from Bermuda, Cayman Islands, Cyprus, Gibraltar, Guernsey, Republic of Ireland, Isle of Man, Jersey, Malta, and the United Kingdom. The separate data protection regimes relating to BIIDPA members have close affinities, leading the BIIDPA members to gather annually to discuss matters of mutual concern.

The forum aims to ensure practical supervisory consistency amongst participants by providing a valuable platform to discuss convergent issues, share best practices, and develop common approaches and interpretations on key privacy matters. This year's two-day event saw sessions on topics such as: The structure and independence of privacy regulators; Data Protection procedures from a regulatory standpoint; Enforcement and the importance of choosing the right approach to ensure effective action across varying situations; Self-assessment privacy compliance tools for industry participants; Promoting and incentivising data protection and the importance of regulatory collaboration.

Following this year's forum event, discussions have

continued between members of the Division and several BIIDPA member authorities, with the aim of continuing to leverage off each other's knowledge and skills, and to instil efficiency and effectiveness into our regulatory approaches.

vii. 3-5 July 2023 – Privacy Laws & Business 36th International Conference

This year's Privacy Laws & Business 36th International Conference in Cambridge was themed 'Who's Watching Me?' The conference addressed topics such as: how monitoring and tracking are now at the core of the world's advertising economy; the role of AI; and to what extent the benefits are shared between the 'watchers' and those being watched.

The event included sessions from regulators, businesses, law firms and academics, together addressing the issues emerging within different countries, and different stakeholder perspectives. The aim of the discussions was to allow for a better understanding of how different international privacy initiatives and national laws are being applied to both existing

and new practices.

The event offered a wide variety of sessions including among others:

- Digital marketing - making privacy an essential global brand value;
- Data and privacy: balancing growth with ethics in a fast-growing industry;
- AI in the metaverse: the challenges with generative AI and other problems of the future with a focus on issues with errors, bias, language, and privacy implications relating to data integrity, 'explainability' and security. The session also explored how the data and AI regulatory landscape is evolving, highlighting the need to maximise opportunities, address risks, and adapt as necessary for the future;
- Consistent GDPR enforcement by aiding cooperation between DPAs;
- Privacy in the gaming industry;
- EU-US Data Privacy Framework and its implementation - Government access to personal data held by private sector entities;
- AI and privacy risks in the financial sector - consequences for companies and directors;
- The age-appropriate design code - keeping pace with kids' data regulation;
- The UK data protection reform and the UK's plans for the regulation of AI - an update on the UK's intention to regulate AI was provided, starting with the 'AI regulation' White Paper, which sets out initial proposals to develop a pro-innovation regulatory framework for AI.



viii. 5 October 2023 – Digital Education Working Group (“DEWG”)

The DEWG is a sub-group of the wider GPA. As the name suggests, the working group was set up with the aim of looking into data protection aspects as relate to education, and in particular digital education. The use of technology in education has seen substantial growth in recent years, with schools across Gibraltar increasingly making use of online platforms to support their educational strategies. The Division plays a key part in the working group, discussing common themes and trends relating to the matter, and providing input on recommendations and/or proposed action. Amongst other matters, the October meeting saw participants discuss matters relating to age assurance; supporting children, parents, and educators; and recapping on various ongoing projects as being conducted on a multi-jurisdictional level, including, by the Division, within Gibraltar.

ix. 15-20 October 2023 – 45th Global Privacy Assembly (“GPA”)

The annual GPA was this year held in Bermuda. A key event in the data protection calendar, the GPA brings together data protection and privacy authorities, academics, media, industry, and other key stakeholders from across the globe. The GPA was attended by the Information Commissioner and Director of Information Rights.

Amongst the topics addressed, the conference included multisectoral collaboration, AI, the metaverse, smart cities, risk management and cross-border

data transfers. The following summarises key points from the event:

Resolutions. The GPA adopted resolutions on AI in Employment; Health Data; Achieving Global DP Standards; a GPA Library; Generative AI Systems; Data Protection with a Gender Perspective; and a Privacy and Human Rights award.

AI is already effectively regulated. There is no regulatory vacuum - data protection and privacy law is very agile and adapts to evolving technology. The same data protection principles have existed for a long time. The key is evolving in how the law is applied to the corresponding context and technology.

Accountability. Accountability is widely recognised as a core component for the effective management of technology and compliance. Importantly, accountability is flexible and applicable to AI and other emerging technologies.

Risk management and harms. Risk-management allows organisations to prioritise and target high risk areas. There are various risk-management models such as the NIST privacy framework. At all times, when considering risk, potential harms to the individual and potential harms to society need to be in focus. Context is very important.

Proactive and engaging regulation. In a rapidly evolving technological environment, regulatory sandboxes, and other mechanisms for industry to access guidance and assistance is increasingly important and valuable.

Growing importance of interplay. As the importance of data rises across sectors, so does the importance of collaboration

between data protection authorities and other sectoral regulators. This is highlighted in legal developments (EU Law) that require cooperation as well as proactive and tangible initiatives that establish sectoral collaboration (e.g. UK DRCF).

Users + regulators + industry + others = solutions. As with other challenges relating to AI, such as the risks of job displacement and re-skilling, data protection challenges will require collaboration between industry, government, authorities, civil society, and other key stakeholders. Said engagement should encourage and contribute to a common aim/mission that highlights the value of data protection and privacy to innovation and technology and its benefits to individuals, society, and business.

Current and emerging risks. Data scraping and deceptive dark patterns were identified as two areas that will be the subject of greater regulatory scrutiny and focus. Following from this session, the GRA took the decision to focus on ‘dark patterns’ as its Data Protection Day initiative. Further information is available below.

Data transfers. To date, cross border transfer mechanisms have largely developed independently /bilaterally in jurisdictions and regions worldwide. Although developments are welcome, it is important to recognise the disadvantages of a fragmented approach to data transfers. The GPA, OECD, G7 and others have been working on data transfers and related mechanisms. The broad interest in the area suggests that there is strong momentum in the development of a global framework. A global approach could recognise and acknowledge that different

regimes may coexist, with mechanisms that promote interoperability and efficiency to support a practical and streamlined global system.

Enabling. In addition to the harms and risks that need to be managed, emphasis is needed on data protection as an engine and enabler of the digital economy.

Smart cities. More data + more connectivity = greater importance of data protection. The Berlin Technology Working Group published a document on smart cities.

Key developments. Quantum computing, digital transformation and the metaverse were identified as areas of interest for further discussion and progression.

A key part of the GPA are its side events, which are events that focus on a specific area of data protection law and/or are set up by regulator working groups that focus on a particular topic. In addition to the GPA's main conference, the Information Commissioner and Director of Information Rights attended the following side events:

Public Data, Free For All? Global Advances in Protecting Publicly Available Personal Data. The side event explored the approaches of key jurisdictions around the world to protecting publicly available personal data in the context of data protection and AI governance. The session

considered: what are the lawful grounds for collecting and processing personal data that is publicly available, considering these various competing interests? What is old and what is new in the legal issues around accessing and processing publicly available personal data, due to developments of AI? What are the lessons we can draw from decades of online search engines and access to public information? What role does Data Protection/Privacy by Design play in how personal data is made publicly available and in how it is subsequently collected and accessed?

AI and Society: Opportunities and Challenges for Responsible AI Development. From powering voice assistants to detecting fraud, AI is used in a wide variety of ways to improve how we live and work. In healthcare, AI is utilised to develop new drugs, diagnose diseases, and provide personalised care. In finance, AI is harnessed to detect fraud, manage risk, and make investment decisions. In education, AI is deployed to personalise learning, provide feedback, and grade assignments. In customer service, AI is in use to automate tasks, answer questions, and resolve issues. This session explored how state of the art AI technologies generate impact in their respective sectors factoring in ethical implications of AI and how to ensure that AI is developed in a responsible

manner.

Responsible AI in Practice: Risk Assessments, Responsibility of Different Parties, and Transparency. This event explored important questions associated with the responsible development and deployment of AI and considered concrete examples of current best practices and attempts to address the risks and challenges.

GPEN Meeting - Enforcing against Deceptive Design Patterns. The session gathered data protection authorities to discuss global coordinated action on deceptive design patterns for 2024.

Managing Breach Notifications and Investigations. This event consisted of a capacity building workshop organised by the International Enforcement Working Group ("IEWG"), which the GRA, as Information Commissioner, is a member of. The workshop focused on the exchanging of experiences and perspectives on "Managing Breach Notifications and Investigations". Breaches require mandatory notification in many jurisdictions, while other jurisdictions are contemplating whether to amend their laws to include this important privacy protection mechanism. Whether an authority regulates in a mandatory regime or otherwise, managing breaches has been identified as a global challenge shared by data protection



authorities.

The DPA Strat Project. The session focused on discussing the initial

findings of a self-funded research project into DPA strategies carried out by former industry leaders. The discussion offered participants an opportunity to discuss experiences and knowledge with senior leaders in DPAs who have led a strategy development process. Following the discussion, the DPA Strat Project invited the Director of Information Rights to contribute to the project by way of an interview.

x. Data Protection Authority Strategies – A Global Review of Current Practice October 2023

The Director of Information Rights was interviewed by Steve Wood (Consultant, formerly UK ICO Deputy Commissioner), Marie Charlotte Roques-Bonnet (Consultant, formerly CNIL, Microsoft & Amazon), and Sebastian Page (Consultant, formerly Deloitte) as a contributor/interviewee to the “Data Protection Authority Strategies - A Global Review of Current Practice” (An independent research report prepared by Steve Wood, Marie-Charlotte Roques-Bonnet & Sebastian Page).

The report was produced to assess the strategies developed by DPAs across the globe, and to consider how they adapt to future challenges, including the regulation of emerging technologies. The aim is to enable discussion within the data protection community about the strategic direction of regulation, based on the factual observation of current practices,

and analysis of upcoming challenges and opportunities. The report contains the following key findings:

- Strategies are often developed in a similar way but DPAs do not always use consultation as a mechanism to shape their strategy;
- Strategies usually begin with a vision and a mission;
- Objectives were a central component of the strategies examined but do not always reflect real choices or priorities;
- Not all DPAs are fully proficient in measuring performance and success but many recognise that effective use of Key Performance Indicators (KPIs) is critical;
- International cooperation is evolving from important to integral;
- Some DPA strategies have started to respond to the specific challenges of global and digital regulation; and
- New DPAs learn from experienced DPAs’ knowledge and practices – and experienced DPAs learn from new DPAs’ innovative tools and mechanisms.



xi. 8-10 November 2023 – European Case Handling Workshop (“ECHW”)

The Division attended the ECHW held in Berne Switzerland. Participants discussed national law criteria for assessing the appropriateness of action in relation to the initiation of investigations. This was coupled with discussion on best practice methods employed by DPAs when using discretionary powers for determining the scope and depth of investigations. There followed a debate as to whether a blanket approach or case-by-case analysis was best when dealing with complaints. The Division put forward its complaint procedure, highlighting an approach which involves placing the onus on data controllers to improve engagement and amicably achieve resolution with data subjects where possible. The complaint procedure is available on the GRA’s website.

Discussions about the prioritisation of investigations followed, with the criteria for determining the depth and scope of an investigation focussing on the gravity of the infringement(s) and the impact of the occurred on the data subject(s). Other areas of discussion included:

Deceptive Design Patterns. An overview of guidelines issued by the EDPB on deceptive design patterns was provided to highlight the influence social media platforms have on the daily life of people and nations. The categorisation of deceptive design patterns was discussed, with the subtypes provided including ‘overloading’, ‘skipping’, ‘steering’, ‘obstructing’, ‘fickle’ and ‘left in the dark’. Participants considered the applicable data protection principles at risk of being breached as a result of the

use of these deceptive design patterns. Notably, the Division followed this session with a focus on deceptive design patterns during its Data Protection Day 2024 campaign, further information in respect of which can be found within subsequent sections of this annual report as relate to the Division's work.

Managing Data Breaches. The aim of the workshop was to share best practices about managing data breaches. It provided a platform to openly discuss case studies and work experiences. It was agreed that the common causes of data breaches primarily included negligent IT management, lacking security measures, and human error. Participants discussed the importance of completeness of information in breach notifications as well as communication of personal data breaches to the affected data subjects where applicable. The merits of a blanket approach against a context-specific approach were debated.

Post-Workshop Plenary Sessions. The Division also attended several post-workshop plenary sessions which focused on the following topics -

- Manifestly unfounded or excessive requests;

- Handling cross-border complaints;
- Harms to data subjects; and
- EDPB cooperation toolbox.

xii. 15-17 November 2023 - Convention 108

The Division attended the 45th Meeting of the Consultative Committee of Convention 108 (the "Committee"), held in Strasbourg. The Convention, which first opened for signature on 28 January 1981, was the first legally binding international instrument in the data protection field. An amending protocol was thereafter adopted on 18 May 2018. Following the opening of the meeting with a statement by the Chair and the Secretariat, introductory information was provided with the agenda being adopted. There was subsequently discussion on various matters, including as follow:

Convention 108+ state of play. Information was provided by the secretariat on the signatures and ratifications of the Protocol amending Convention 108 (CETS No. 223, commonly referred to as Convention 108+).

Model contractual clauses for transborder data flows of

personal data. A draft second module of the Model Contractual Clauses targeting the transfer of personal data from controllers to processors was discussed and adopted. The secretariat was instructed to develop, together with the rapporteur, module three, which would target the transfer of personal data from processors to processors.

Cooperation with other Council of Europe bodies and entities. The Committee of Experts on the Evaluation of Anti Money Laundering and the Steering Committee for Human Rights in the fields of Biomedicine and Health, explained their on-going work. The secretary of the Convention on AI also spoke on the on-going drafting process of the future Framework Convention on AI.

Developments and activities in the field of data protection. The delegation from the European Commission, EDPS, Germany, France, and the Republic of Moldova, as well as the secretariat, provided information on developments and activities in various parts of the world relating to data protection.

Data Protection Commissioner. The Data Protection Commissioner of the Council of Europe provided a report on data protection at the Council of Europe.

xiii. 29 January – 2 February 2024 Global Privacy Enforcement Network ("GPEN") Sweep

The GPEN was established to foster cross border cooperation among privacy authorities. Along with other privacy enforcement authorities from around the world, the Division participated in an exercise referred to by the



GPEN as a “Sweep”. The theme for this year’s Sweep was deceptive design patterns in online platform interfaces. The exercise involved DPAs from numerous jurisdictions reviewing websites and mobile applications to identify any such patterns.

The results of the Sweep will be made available during 2024, and the Division will consider the same when deciding whether to initiate any projects relating to the subject-matter in future and/or whether to take any other action. In this regard, the Division has already recognised the growing concern posed by dark patterns, through its Data Protection Day 2024 audio-visual on the topic.

xiv. 26-29 February 2024 – International Association of Privacy Professionals (“IAPP”)

Founded in 2000, the IAPP is a not-for-profit organisation that helps define, promote, and improve the privacy profession globally. Amongst the extensive list of keynote speakers were John Edwards (the UK Information Commissioner) and his predecessor Elizabeth Denham CBE. The event included speakers and breakout sessions covering topics including AI governance; generative AI; intersections of UK legislative updates with EU and global legislative updates; technology in privacy; and a range of operational topics relating to data protection.

John Edwards opened the conference discussing the continued evolution of data protection professionals in the face of a dynamic, ever-changing environment. Priorities surrounding the UK’s data protection strategy for the

future were discussed, including the Data Protection Act and Reform Bill; Age-Appropriate Assurance Design Code; AI; and Technology. Main areas of focus were confirmed to include child privacy and online technology, including targeted advertising, and recognising the benefits and growth of AI innovation. Other areas of focus included joint coordination work to keep children safe.

Amongst other topics, sessions focussed on:

AI Governance. AI was the topical area across most of the sessions, with an overarching message that AI regulation will not fall on one regulator but will need to be regulated by all. It was noted that the EU GDPR principles apply to AI. Focus was on the need for AI transparency and building a responsible AI culture. The frameworks required to allow an international guide to AI governance and building responsible innovation were also discussed.

EU-US Transatlantic Data Privacy Framework (“TADPF”) and its impact on the UK. This session covered the adequacy determination between the United States and the EU and how it impacts US and UK relations on adequacy and data privacy. The panellists highlighted the convergence and divergence in privacy laws across the United States and the UK; how the new TADPF will have important implications for global trade policy; and the impacts on how the US and UK seek to regulate privacy and AI. Also covered was the key role of self-regulation and third-party accountability programs as a soft law enforcement mechanism to support global privacy policy. Benefits of the TADPF included providing a mechanism for data

transfers.

Navigating Regulatory Fragmentation – Cyber and Data Privacy Compliance. Practical insights into streamlining compliance, by implementing robust cyber security and data frameworks were discussed. Enforcement and guidance were also noted. Considering enforcement fragmentation, it was noted that differences of opinion and approach continue in respect of the EU GDPR, with the EDPB working towards further consistency and harmonisation.

The Silver Lining – How to Navigate Privacy and the Cloud. The panel expressed their views on Cloud computing, and its advantages, including scalability, cost efficiency and state-of-the-art data security. Despite these clear benefits an inclination towards data localisation has gained prominence in discussions around Cloud computing, especially with respect to special categories of data. These developments have the potential to undermine the core benefits of Cloud computing rendering it less accessible, and potentially more expensive, while limiting the possibilities of privacy and cyber security safeguards. The panel aimed to unravel the complex question: how do we navigate these legal and regulatory barriers and enable access to the potential of Cloud computing?

Building Trust with Codes of Conduct (“Codes”) as Privacy Seals. Codes can greatly help in providing clarity on sector specific compliance requirements and industry best practices, while also serving as a compliance reassurance tool both for consumers and businesses. Codes were however noted as being voluntary

measure tools that offer the opportunity to establish a set of rules, and it was further acknowledged that monitoring and oversight are required for Codes to be effective, which in turn can be a strain on resource, particularly from a regulatory perspective.

UK Data Protection Post-Brexit: Analysing the New Direction. The panel discussed the UK's Data Protection and Digital Information Bill which followed the UK Government consultation and amends the UK's data protection regime in ways that builds on the EU GDPR. Forming part of a UK National Data Strategy focused on growth and innovation, it was observed that the Bill strives to balance regulatory reform while retaining sufficient alignment with the EU. The panel shared insights on the key changes introduced by the Bill and how it will impact operations across the world caught by its territorial scope. Its main themes are facilitating data, reduction in administration burden, review of governance enforcement, and regulatory oversight.



collaboration between the authorities. It aims to facilitate communication and the exchange of information between both regulators as appropriate in the exercise of their functions. There is confidence that this formalisation of the pre-existing relationship will serve not only to reinforce existing ties, but to also build upon knowledge sharing and understanding of each other's regulatory roles and responsibilities. Through this, the Division aims to become all the more efficient, adaptable and resilient in fulfilling its functions, and ultimately in protecting the rights of individuals when it comes to their personal data.

xv. 20 April 2023 - Memorandum of Understanding ("MoU") with the Dubai International Financial Centre Office of the Commissioner of Data Protection ("DIFC")

The DIFC and the Information Commissioner signed an MoU to establish a working relationship with intentions to expand their common goal of personal data protection. The full text of the MoU is available on the GRA's website.

The MoU aims to serve as a platform to share best practices; support each other's supervisory and enforcement efforts; collaborate on specific projects in areas such as data flows, AI, regulatory sandboxes, and other areas of importance relating to issues faced by both privacy professionals and regulators, and especially, data subjects.

This MoU is a further demonstration of Gibraltar's collaborative efforts to support the development of a digital world with high standards for the benefit of citizens and businesses.



xvii. 23 June 2023 – MoU with the Isle of Man Information Commissioner's Office

On 23 June 2023, the Isle of Man ("IOM") Information Commissioner and the Information Commissioner signed an MoU. The full text of the MOU is available on the GRA's website.

The MoU reflects the already cemented and close relationship between the authorities and aims to continue to foster an atmosphere of co-operation and collaboration by facilitating the exchange of information and relevant communication.

xvi. 25 May 2023 - MoU with the Data Protection Authority of the Bailiwick of Guernsey ("OPDA")

The ODPa and the Information Commissioner signed an MoU on 25 May 2023. The full text of the MoU is available on the GRA's website.

The MoU was signed in the ongoing spirit of co-operation and



Given the size and business environment both within the respective jurisdictions as well as regarding the relevant regulatory resource available, entering into MoUs with authorities such as the IOM Information Commissioner is of great value to the Division. Not only is the Division able to augment its practices and increase efficiencies by discussing areas of common concern, but it is also able to positively assist others to achieve the shared aim of ensuring adequate data protection practices are adopted within business sectors cross-industry.

**xviii. 11-13 March 2024 –
Centre for Information
Policy Leadership
("CIPL") Executive
Retreat**

The Director of Information Rights was invited to attend CIPL's 2024 Executive Retreat in Madrid, which gathered senior executives from big tech and other multinationals. The following summarises some of the key areas discussed:

Rule of law, unity and balance. The rule of law in Europe evolved from the idea of unity in people and markets – data and the economy need to flow, with appropriate safeguards and the

right balance.

Innovation. Established principles are essential - where fairness is important for product quality, transparency, honesty and accountability is a necessity; unclear legal texts/notices are just bad customer service; and, security is essential to build trust.

EU GDPR (achievements). The EU GDPR has increased overall awareness of data protection and privacy facilitating a deeper understanding of risks and opportunities; elevated data protection and privacy to become a board level issue; established a benchmark to facilitate the development of global standardisation; and promoted demonstrable accountability, which facilitates business/engagement with customers and business partners.

EU GDPR (challenges). Challenges relating to the EU GDPR were highlighted such as - further harmonisation being possible; complex intersection with other legislation; unrealised potential of Certification, Binding Corporate Rules and Codes of Practice; and the complexity of the international transfers regime.

EU GDPR (recommendations). Recommendations on how to evolve and strengthen data

protection regimes included – incentivising best practice and accountability; promoting outcome-based regulation and developing practical solutions to international data transfers.

Data protection intersection with other laws/regimes. The growing importance and need for collaboration between data protection authorities and other sectoral regulators was highlighted, to facilitate the development of more efficient and effective compliance. The UK's Digital Regulation Cooperation Forum was recognised as a leading example. Other initiatives such as the Global Privacy Assembly's Digital Citizen and Consumer Working Group and Gibraltar's Regulators Forum were also mentioned.

AI Regulation. As well as the EU's AI Act, other developments including the Council of Europe's initiatives for an AI Treaty and the G7's Principles on AI were mentioned. Discussions acknowledged risks as well as the need to support innovation, highlighting the importance of accountability measures that are already practiced in data protection frameworks e.g. assessments, transparency, governance, etc. Novel developments such as "Content Credentials" and the banning of specific activities (such as deep fake impersonation) were also addressed. The regulation of AI under regulatory frameworks such as the EU GDPR was recognised.

AI – The 'Big Picture'. Interventions from James Arroyo OBE (Ditchley Foundation) and Jennifer Beroshi (Google), highlighted opportunities and threats relating to the development of AI in the wider context including the geopolitical dimension.

Local Collaboration

i.1 8 and 19 September 2023 - Managing New Technologies Talk

The Division was invited by the University of Gibraltar to speak about data protection to students completing the 'Managing New Technologies' module of the MBA and MA courses. As the volume of personal data processed increases exponentially and the services we use and consume are ever more digital, the importance of data protection continues to grow – both to protect citizens from harm and to support and boost the development of digital services and innovation. The inclusion of data protection in an education programme is a fantastic example of developments/initiatives 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.



functions. This formal agreement underlines the mutual commitment to further strengthen cooperations and enhance regulatory standards within Gibraltar. The MoU between the GFSC and the Information Commissioner can be found on the GRA's website.

ii. 9 November 2023 – Gibraltar Financial Services Commission ("GFSC") MoU

The Information Commissioner signed an MoU with the GFSC as Gibraltar's financial services regulator. The MoU establishes principles of cooperation between both regulators. It provides scope and authority in the exchange of information and intelligence between the GFSC and the Information Commissioner, increasing investigative assistance between the two organisations when performing their respective

iii. 7 December 2023 – Gibraltar Regulators Forum

Local regulators and key stakeholders agreed to build on existing collaborative efforts and further cooperation in the form of a "Gibraltar Regulators Forum". As recognition of the value arising from previous collaborative work, the forum aims to facilitate the sharing of knowledge and experiences for participants to leverage on each other's strengths and create synergies that will enhance the capabilities of each participant, for the

benefit of citizens, organisations, and the jurisdiction. The first meetings have involved the GFSC; Gibraltar Financial Intelligence Unit (GFIU); Gibraltar Gambling Commissioner (GCC); and the Division in its capacity as Information Commissioner. Two rounds of meetings have taken place, which have covered a variety of topics including: cyberthreats (e.g. ransomware); dark patterns; training and development; legislative/sectoral trends; breach reporting requirements; and sectoral events/workshops.

In each area, opportunities for collaborative projects were discussed with some identified for 2024.



iv. 8 March 2024 – GFSC – Insurance Industry Event

Members of the Division attended an insurance industry event organised by the GFSC. The Division was invited to attend following discussions towards the end of 2023 within the “Gibraltar Regulators Forum”, which recognised opportunities for forum members to join/participate in each other’s events and its benefits to the forum members as well as the regulated entities.

The regulators gain a deeper insight into sectoral issues, perspectives and developments that will facilitate more effective

and efficient regulation, which is of particular importance in areas of overlapping interest/remit. The regulated entities benefit from regulatory regimes that are likely to be more aligned and efficient as a result of greater engagement, collaboration and understanding. Within the scope



of the events, the participation of multiple regulators also facilitates prompt engagement, discussion and collaboration in any matters that arise, which will facilitate and support the efforts of regulated entities to ensure compliance in multiple regulatory frameworks.

Amongst other topics, the sessions included discussions relating to:

Conduct of business risks and associated thematic reviews carried out by the GFSC; regulation from a technological perspective, including systems and security, resilience, change management, system recovery, data backup strategies etc.; and policy and operational resilience, including scenario testing, impact tolerance, outsourcing, cyber security etc.

These areas are also relevant to the Division’s work and the event therefore provided a useful third-party perspective.

v. 17 January 2024 – Gambling Commissioner Seminar on Data transfers

The Information Commissioner’s office and the office of the Gambling Commissioner maintain a close working relationship. This is particularly important given the size and value of the online gambling industry in Gibraltar and the

volume and risk-level of personal data processing pertaining to the same. Following from the MoU signed between both offices, and in the spirit of ongoing cooperation, the Division and the office of the Gambling Commissioner held a workshop on international data flows, during which the Division presented on the topic. By working together, the Division and the office of the Gambling Commissioner aim to leverage on each other’s capabilities, facilitate learning and development, and create synergies to promote best practice and facilitate compliance.

Regulatory Matters

The following is an outline of the regulatory matters which the Division has been involved in for the period 2023/24.

i. Measured Activity

The Division’s regulatory responsibilities include dealing with inbound enquiries, investigations, data protection audits, and data breach notifications.

ii. Inbound Enquiries

The Division received 163 enquiries this year. Approximately half the overall tally received (83) were enquiries from individuals, followed by enquiries from the private sector (64) and lastly by the public sector (16).

Whilst the Division explores various avenues when seeking to gain an insight into the data protection issues affecting organisations and individuals in Gibraltar, one of the primary sources for such intelligence is through enquiries received. When grouping these by subject-matter, the Division is able to identify trends and tailor its work, including arranging focused workshops and drafting targeted guidance notes.

For a third consecutive year, enquiries relating to subject access requests (“SARs”) and CCTV remain as the top 2 most popular topics. However, in comparison to last year, the third most popular area of enquiry relates to data security, as opposed to ‘lawful basis’ considerations.

Recognising the continued interest in data protection guidance for CCTV matters, the Division this year published a five-week campaign on its social media sites aimed at raising awareness on CCTV related matters. Further information on

this is subsequently provided.

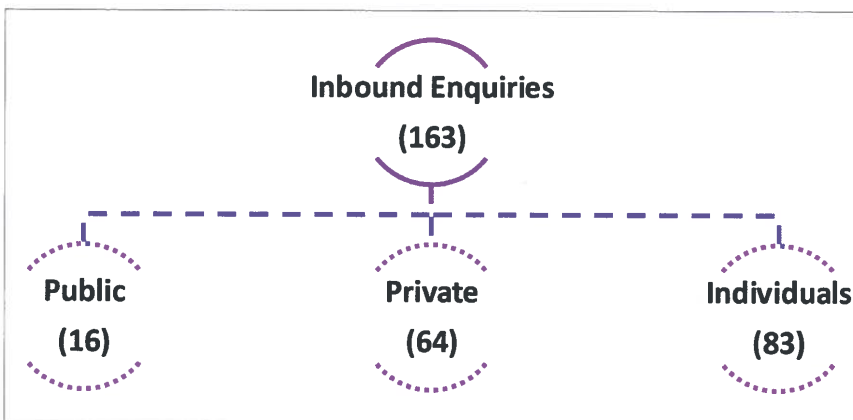
Importantly, the Division has seen an exponential increase in the technicality and complexity of enquiries received. Whilst it cannot be determined with sufficient certainty, the Division believes the increased complexity may be attributed to, or is at least encouraged by, a growth in technological innovation, which not only finds new ways of processing personal data, but also allows for increased ease of practicality in the processing of such data by wider societal and business sectors.

iii. Complaints, Investigations and Enforcement

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

As part of its investigatory remit, the Division is responsible for handling complaints received from data subjects in relation to data protection matters. Complaints are investigated to the extent considered reasonable and appropriate, depending on the circumstances. The output of complaints and the level of involvement and resource required from the Division therefore differ depending on the matter.

The Division generally encourages parties to amicably resolve disputes, in line with the Division’s complaint procedure as available on the GRA website. Where this is not possible, the



Division engages further. This may result in the drafting of formal Proposed Determinations and Decisions that may include remedial action to be taken by the relevant organisation, as imposed by the Information Commissioner. Alternatively, a matter may fall short of requiring such an approach but may nevertheless require lengthy communications that assess the matter, and, where considered relevant, provide detailed determinations, recommendations and/or guidance to the organisation. The latter approach is in line with the Division’s aim to operate as a pragmatic and proportionate regulator, whilst in tandem being

firm in relation to the necessity of protecting personal data, and consequently individuals.

In addition to 19 cases that remained ongoing from previous years, the reporting period saw 36 new cases opened by the Division. Within the totality of these 55 cases, 35 were closed. 33 of these were either amicably resolved between the parties or were investigated typically through several rounds of lengthy communication, culminating in detailed recommendations to relevant organisations, but without the need for a concrete Proposed Determination and Decision. The reporting period saw the

conclusion of 2 investigations requiring concrete Proposed Determinations and Decisions, as detailed below.

The investigations carried out during the reporting period for which Decisions were required are summarised in the table below.

iv. Data Breach Notifications and Enforcement

Local data protection legislation dictates that organisations need to notify the Information Commissioner about certain incidents, in particular relating

Cases	Q2 2023	Q3 2023	Q4 2023	Q1 2024	Total
New	9	13	9	5	36
Closed	12	6	13	4	35
Active at end of quarter (19 ongoing from previous year)	16	23	19	20	

Reference Number Data Controller Date of Closure	Investigation Summary
C15/22 Gibraltar Electrical Authority ("GEA")	<p>This investigation concerned the unlawful disclosure of CCTV footage originating from a CCTV system operated by the GEA.</p> <p>Articles breached: 5(1)(f), 5(2), 24(1), 24(2), 32(1)(b) and 32(1)(d) of the Gibraltar GDPR.</p> <p>The GEA were required to review their technical and organisational security measures to ensure appropriate security of personal data processed by the CCTV system, including ensuring that appropriate policies and procedures were in place for the processing of personal data 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>
C09/21 William WHG (International) Limited ("WHG")	<p>This investigation concerned a response to a SAR and the Right to Object, as well as WHG’s data protection arrangements in respect of their use of Facebook’s Custom Audience Targeted Social Media Marketing to provide advertising to existing WHG customers. It is noted that Facebook rebranded as Meta on 28 October 2021.</p> <p>Articles breached: 5(2) and 24(1) of the EU GDPR and Gibraltar GDPR, 24(1) and 25(1) of the EU GDPR and Gibraltar GDPR, 12(1), 13(1)(c), 13(1)(d), 13(1)(e), 13(2)(d) and 5(1)(a) of the EU GDPR, 12(1), 13(1)(d) and 5(1)(a) of the Gibraltar GDPR, and 12(1) and 12(3) of the EU GDPR.</p> <p>WHG were required to review their arrangements to ensure that appropriate notices, policies, and procedures were in place for the processing of personal data. WHG were also required to demonstrate the implementation of the same.</p> <p>Taking into account the circumstances of the investigation and corrective action taken, the case was closed and WHG were reminded of their obligations to ensure compliance with the Gibraltar GDPR and/or Act.</p>

to non-compliance with the data protection legislation. This is known as a 'breach notification'. Such reporting obligations can be found under Article 33 of the Gibraltar GDPR (or section 76 of the Act in respect of applicable law enforcement processing).

Upon receiving a breach notification, the Division assesses the notification. It reviews the action that the organisation has taken and the continued risks to privacy that may exist. Should this be appropriate, the Division may recommend that further action be taken to mitigate the risk of the breach for data subjects, as well as mitigate the risk of the same or similar breach re-occurring. On occasion, and when considered necessary, the Division may take enforcement action.

During the reporting period, the Division received 35 data breach notifications that required investigation. This is in addition to 19 breach notifications that remained ongoing from the previous year. Of all data breach notifications, 46 were closed in this reporting period, and 8 remain ongoing.

Further, it is noted that most breach notifications stemmed from matters relating to unauthorised disclosure as a

result of human error. Whilst the Information Commissioner notes that human error can play a part in data breaches and may sometimes be inevitable, whilst it may not always be possible to eliminate risk, organisations that process personal data should have measures in place to at least reduce the risk of human error occurring when personal data processing is involved. The Information Commissioner hopes that ongoing awareness-raising initiatives, such as the Division's Social Media Posts ("SMP") campaigns and DPO workshops outlined below, continue to provide relevant guidance to DPOs, who can in turn raise awareness on the importance of data protection within their respective organisations and put relevant measures in place.

The breach notifications in respect of which enforcement action has been taken in the reporting year 2023/24, are summarised in the table below.

v. Data Protection Audits

Audits aim to ensure compliance with data protection laws and help organisations improve their data processing practices. While enforcement may be used when needed, it is not the primary

focus of consensual audits.

As stated in last year's report, 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. The Division has now begun work to begin such audits and hopes to commence work in due course.

Whilst not full-blown audits, the Division has conducted in depth reviews of various organisations' data protection practices, including data protection impact assessments and privacy documentation. Such tasks can be considered tantamount to consensual audits and have at times involved on-site visits. As a result of such exercises, the Division have provided guidance and recommendations to the relevant organisations. Importantly however, the Information Commissioner does not approve or certify documentation, and it is for organisations to ensure their processing activities are in line with relevant legislation. The Information Commissioner may however provide guidance in this regard.

BNs	Q2 2023	Q3 2023	Q4 2023	Q1 2024	Total
New	4	13	12	6	35
Closed	8	9	20	9	46
Active at end of quarter (19 ongoing from previous year)	15	19	11	8	

Reference Number and Data Controller	Investigation Summary
Enforcement Information BN22/22 Bayside Secondary School (the "School")	The investigation concerned a data breach by the School as submitted on 14 December 2023 regarding (a) the unlawful disclosure of personal data by email. Articles breached: Article 5(1)(a), 5(1)(f), 5(2), 6(1), 9, 24(1), 24(2), 32, 35(1) and 35(3)(b) of the Gibraltar GDPR. The Information Commissioner issued the School with a Reprimand on 17 January 2024.

vi. Data Protection Guidance

During the reporting period, the Division continued to offer some direction on data protection matters through publishing guidance notes and hosting data protection workshops. Particularly with workshops, the aim is to encourage collaboration and debate, providing a platform for organisations to discuss data protection law and best practices. These are listed as follows:

(a) Cookies Guidance Note (published May 2023)

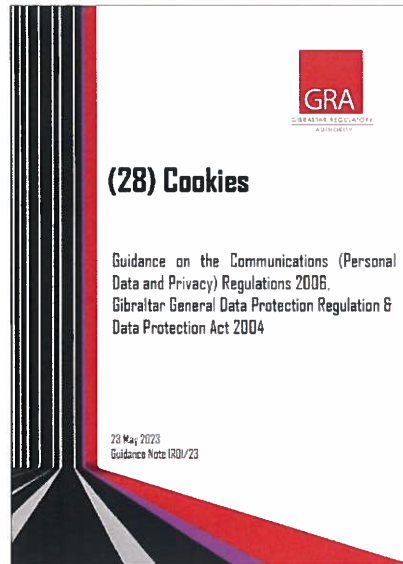
In a Guidance Note published on 23 May 2023, the Division provides guidance on the use of cookies, including the rules for setting cookies, and how to ensure compliance with these rules.

Cookies are small alphanumeric text files that are processed, stored, and later retrieved by a web browser. Whilst they are essential for providing some necessary website functions, cookies are also a tool used by advertisers to provide insight into online behaviour and track user activity to deliver highly personalised adverts to users.

To supplement this guidance, members of the Division also presented on the topic during the May 2023 DPO Workshop organised by the Division, thereby allowing data protection professionals the opportunity to directly engage with the Division, as well as other regulatory authorities present, on the topic.

(b) UK – US Data Bridge: Guidance for Gibraltar Businesses (published October 2023)

With an increase in globalisation and business networks, as well as a growing reliance on data in professional settings,



international data transfers continue to be a matter of relevance. Particularly with regards transfers of personal data to the United States (“US”), there has been growing interest, catalysed by relevant court decisions such as ‘Schrems II’.

Notable developments include the development of the ‘UK-US Data Bridge’, which also includes Gibraltar.

The Division published guidance to highlight that, as from 12 October 2023, businesses in Gibraltar can transfer personal data to US organisations certified to the “UK Extension to the EU-US Data Privacy Framework” without the need for further safeguards such as those set out in Articles 46 and 49 of the Gibraltar GDPR.

For more information, please find the Guidance Note within the Guidance on International Transfers (11) section on the GRA website.

Throughout the corresponding developments the Division has engaged and worked closely with relevant stakeholders including the UK’s Information Commissioner’s Office and the UK’s Department of Science Innovation and Technology.

(c) International Transfer Guidance – Risk Assessment (published February 2024)

During 2022, the Division issued updated Standard Contractual Clauses’ (“SCC’s”), which those wishing to share personal data internationally (and specifically to countries that do not benefit from a positive data protection ‘adequacy’ decision) 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”).

However, before relying on the IDTA and/or Addendum as an appropriate safeguard to make a ‘restricted transfer’, senders must undertake a risk assessment. To assist organisations in undertaking such an assessment, during this reporting period the Division published a transfer risk assessment (the “Risk Assessment”) document, which provides relevant guidance and considerations.

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

vii. Local Workshops/ Organisational Awareness

The Division also assists organisations in their knowledge building through the hosting and participation in data protection workshops. Particularly with workshops, the aim is to encourage collaboration and debate, providing a platform for organisations to discuss data protection law and best

practices.

(a) Information Commissioner's Workshop (R5) – 24 and 25 May 2023

Workshops offered by the Division serve as an opportunity for organisations to receive data protection assistance and guidance. Collaboration among organisations is facilitated through these workshops, promoting synergies, and allowing like-minded professionals to engage with the regulator and experts on compliance issues, as well as with each other.

The Division focuses on providing guidance and support during these workshops, to enhance compliance, manage risks, and foster innovative practices in a responsible manner. The workshops also provide the Information Commissioner the opportunity, as regulator, to learn about, and obtain a better understanding of, practical considerations relating to data protection implementation.

The Information Commissioner's office was delighted at the return of its in-person DPO workshop, during May 2023. The occasion also served to commemorate the EU GDPR's 5th anniversary. Whilst the EU GDPR was superseded in Gibraltar's legal regime by the Gibraltar GDPR, the Gibraltar GDPR largely mirrors the EU GDPR.

Recognising the ever-growing digital world in which we operate, for the first time the workshops included a second day dedicated to data protection and cyber related matters. The sessions were aimed at helping organisations to navigate internal and external threats and challenges faced in the digital environment, as well as to recognise opportunities arising

from digital innovation.

The workshop covered a broad array of areas and provided a cross-section and wealth of experience from both local and international participants and speakers. Alongside members of the Division, the events featured expert speakers from the public and private sectors, including Gibraltar's Gambling Commissioner, the GFSC, the GFIU, the UK Information Commissioner's Office ("ICO"), Isle of Man's Information Commissioner, Guernsey's Data Protection Commissioner, Jersey's Information Commissioner, the Dubai International Financial Centre Data Protection Commissioner's Office and the Islands Data Governance Forum.

Particularly noteworthy is the Gibraltar regulator discussion panel, which witnessed, for the first time in Gibraltar, a panel comprised of the GFSC, GFIU, Gambling Commissioner and Information Commissioner's office. The panel openly welcomed questions from Gibraltar's business industry and discussed relevant data protection considerations from each of their perspectives.

Preparations have started for various DPO workshops to take place throughout 2024, which have included, amongst other promotional activities, an interview by the local television and radio broadcaster, GBC. DPOs who wish to attend the Information Commissioner's workshops can sign up to receive updates by emailing dpoworkshops@gra.gi.

viii. Registers

(a) Register of DPOs

The Information Commissioner continues to maintain a public Register of DPOs, in accordance with responsibilities provided for under section 138 of the Act. To include their DPO on the register, organisations must complete and return the DPO Notification Form that is available on the GRA's website.

(b) The Opt-Out Register

The Division launched the Opt-Out Register for fax and telephone in 2013. It is based on provisions found in the Communications (Personal Data and Privacy) Regulations 2006 which empowers the Information Commissioner to regulate and maintain this Register. It is a free service that is available to fixed line and mobile subscribers who do not want to receive unsolicited direct marketing calls and/or faxes.

ix. Public Awareness

The Division has continued its 'Control Your Privacy' campaign this year, to raise awareness of data protection and privacy amongst the public.

Social Media

Utilising social media is a key component of the Division's public engagement plan. Ad hoc posts along with broader campaigns, share valuable privacy-related content with the public, often directing them to more detailed resources like infographics and guidance notes. All published social media campaigns are available in PDF format on the GRA's website.

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

Data Protection & CCTV Systems
Social Media Campaign

This 5-week campaign focused on CCTV systems. Data protection law provides a means of regulatory control over the use of CCTV systems where these capture identifiable individuals. Ensuring this element of oversight allows individuals to enjoy security and safety without compromising the privacy and data protection rights of others. This area has grown in prominence with the increased use of CCTV systems throughout Gibraltar.

Cookies Social Media Campaign

This 8-week campaign provided information and guidance regarding cookies and compliance with data protection legislation. The cookies social media campaign formed part of a wider cookies 'project' which included a guidance note and a presentation at the Division's DPO workshop. Cookies have emerged as a prominent topic in recent years, and the Division will continue to keep abreast of developments in this regard.

Ad-hoc Social Media Posts

The Division's Ad-hoc posts may vary from detailing activities carried out by the Division to providing guidance on certain topics that may be of interest. The posts may therefore cover topic areas such as the publishing of guidance notes, public and organisational awareness raising events, and participation in international events. For example, in the reporting year, there were individual posts on, amongst other things, recently published guidance on the UK-US Data Bridge (see below), as well as participation at the ECHW.

Audio Visuals

Always looking for ways to re-vamp and improve its awareness-

raising outreach strategies, the Division continues to internally produce audio-visual content. Through short, eye-catching videos, the Division is able to circulate guidance and explain sometimes complex concepts, in a concise and intelligible manner. This year's audio visuals, which are available on the GRA website and the Division's YouTube channel, have included:

Audio Visuals: The Rights of Individuals under the Gibraltar GDPR

This consisted of an 8-week campaign highlighting each of the rights provided by the Gibraltar GDPR. Each week a new video was published explaining one of the individual rights, including content on:

- the right to be informed;
- the right of access;
- the right to rectification;
- the right to erasure;
- the right to restrict processing;
- the right to data portability;
- the right to object; and
- rights related to automated decision-making.

Audio visuals: Summer Top Tips

The Division re-published a video in which top tips are provided regarding the sharing of images online over the summer holidays.

Audio visuals: The Digital Economy

The Division re-published a video that raises awareness of the growing 'digital economy'. It highlights that, whilst a growing digital economy can in many instances be considered a positive evolution to business practices, such evolution must be accompanied by appropriate mechanisms that safeguard personal data and uphold individuals' rights in relation to

the same.

Audio visuals: Data Protection in a World of Sharenting

Sharenting is the practice of parents and/or guardians publicising content about their children on social networking sites. The increased use of social networking sites means that, what were once private photos, videos, and funny stories, now often become publicly available, for a greater audience to appreciate. Given the significance of the message, the Division re-published this video to provide tips on how parents can protect children's privacy online.

Audio visuals: Privacy and Christmas Top Tips

The Division re-published a video which provides top tips to safeguard privacy in today's social media culture. The video was first published during the last reporting year but posted online again this year due to the significance of its message.

Audio visuals: Data Protection Day

Data Protection Day is an annual event celebrated internationally on 28 January. Its aim is to raise awareness of the importance of privacy and data protection, particularly in light of the ever-increasing challenges faced in our increasingly globalized and digitized world. This year, the Division released an awareness-raising audio-visual, highlighting key information relating to deceptive design patterns in online platform interfaces. The video included guidance on how to identify such patterns, and how to avoid being caught out by them. This follows wider international regulatory focus on the matter.

Safer Internet Day

Safer Internet Day takes place in February of each year to raise awareness of a safer and better internet for all, and especially for children and young people. This year, the Division issued a social media post encouraging individuals to think before sharing personal data online.

Awareness Through Education

As has been the case in previous years, the Division published a report and infographic that relates to the results of a survey carried out in schools in Gibraltar between October and April of the 2022/23 academic year (the "Survey"). The Survey examined the relationship between the use of digital technology and privacy matters amongst students aged largely between 9 and 17 years. A total of 1426 students completed the Survey. Key findings of the Survey, as identified in the report, are summarised below:

- Social Networking Sites ("SNS") is prevalent across all age groups;
- The daily use of SNS for private messaging prevails;
- The use of SNS to post comments has decreased for most age groups;
- Posting photos/videos on SNS is most popular amongst Year 5 students;
- General downward trend in the use of privacy controls amongst older students and younger students remain least likely to use privacy controls altogether;
- New SNS are gaining popularity, but the use of YouTube and WhatsApp remains prevalent;
- Majority of students use YouTube only to watch videos and listen to music;
- More students are seeking consent before posting on SNS in comparison to last year;

- Approximately a third of all students are aware of but do not use the privacy controls available to them in online gaming platforms; and

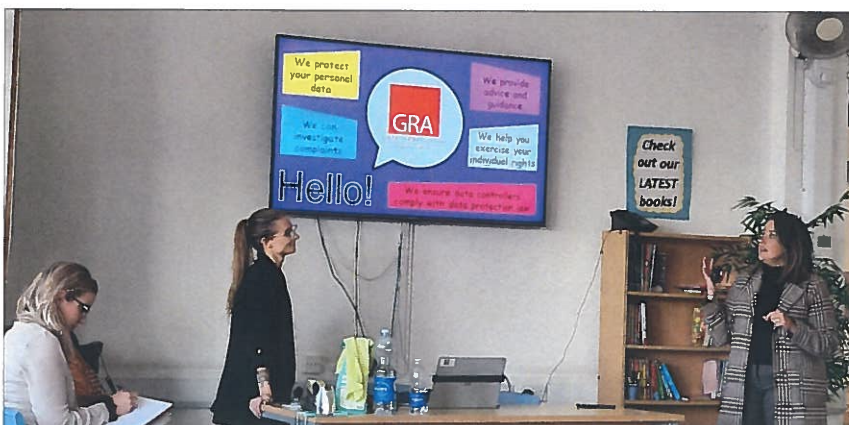
- Year 5 students more likely to refuse access when installing a new app on a mobile device.

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

E-Newsletters

E-newsletters continue to be released every quarter, offering subscribers information, updates, and the latest news regarding data protection and freedom of information as relate to Gibraltar and the Division's work. Prepared in-house, the Division's e-newsletters are circulated amongst subscribers on a quarterly basis and are also accessible on the GRA's website.

Subscription Service



The Division offers a subscription service for people and groups wanting updates on data protection issues. This service includes updates on ongoing work, such as the release of Guidance Notes and new content on the GRA website. Those wishing to subscribe can do so on the GRA website.

Data Protection Day

Data Protection Day is an annual event celebrated internationally on 28 January. Its aim is to raise awareness of the importance of privacy and data protection, particularly in light of the ever-increasing challenges faced in our increasingly globalized and digitised world.

This year, as stated above, the Division published an awareness-raising audio-visual, highlighting key information relating to deceptive design patterns in online platform interfaces.

Conniving interfaces and user journeys implemented by online platforms are considered to be 'deceptive design patterns'. They may for example show up as tricky colour schemes, frustrating mazes, sneaky designs, and confusing language. Online platforms use these techniques to influence individuals into making unintended, unwilling, and potentially harmful decisions, often into a direction that benefits them more than it benefits the user.

DATA PROTECTION DAY 2024

To celebrate this event, the information Commissioner will be publishing an awareness-raising audio-visual on **DECEPTIVE DESIGN PATTERNS**

Keep your eyes peeled for its release on Monday 29 January 2024

2 DAYS TO GO!

NEW

You may subscribe to the GRA's YouTube channel or watch the video on the GRA's website: www.gra.gi/data-protection/privacy-awareness/data-protection-day

privacy@gra.gi

#FORGIBALTI IN RIGHTS DIVISION

Further to this awareness raising initiative, the Division is reviewing the practices of local entities as part of the previously mentioned GPEN Sweep, focusing on deceptive design patterns.

x. Freedom of Information

Freedom of Information ("FOI") legislation in Gibraltar 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 is therefore designed to provide public access to information held by public authorities.

Recognising the significance of freedom of information and access to information, the Division continues to be active in relation to participation at international events, this year attending the Freedom of Information Case Handling Workshop.

Taking place in Berlin from 17-19 May 2023, the event, which was last hosted in Gibraltar, brought together Information Commissioners and Ombudspersons responsible for the protection and promotion of freedom of information laws from over fifteen jurisdictions.

The practical sessions focused on sharing expertise and discussing, amongst other things, the challenges faced when dealing with public authorities, access to environmental information and balancing transparency and empathy in request handling.

xi. Professional Development initiatives

As part of its eagerness to ensure a knowledgeable and capable workforce with the necessary skills to allow the Division to diligently carry out its regulatory function, and thereby assist in the protection of individuals as relates to their personal data, the Division is continually seeking on ways to improve and enhance its professional development. The Division considers this a valuable investment in its staff.

(a) Webinars

By way of continued professional development, the Division's members regularly take part in webinars organised by international counterparts and/or wider data protection organisations. This year, webinars attended have included:

1. October 2023 – AI in education to support teaching and learning

This educational talk, organised

by the Council of Europe, was delivered by experts in the field of education. Amongst topics discussed were the need to educate teachers on AI, and the importance of adapting to new technologies, whilst also understanding the capabilities and restraints of such technologies.

It was noted that AI should be considered a catalyst for creativity and innovation in education, although the argument was also put forward that AI should be used for competence building to improve on the education setting and not so much to mirror what has already been established.

Importantly from a data protection standpoint, the ethics behind AI in the educational setting were also considered, with an enlightening message that AI can be used to strengthen ethical positions rather than work against them.

2. November 2023 - International Age Assurance

Age assurance in data protection is of growing concern. With access to the online environment, and online services used from an increasingly younger age, there is a push towards the development of international standards in this regard. The webinar consisted of a meeting of regulatory bodies, to discuss progress and a way forward in this regard.

3. March 2024 - Pay or consent models and EU regulatory developments

The webinar, which was organised by 'Privacy Laws & Business', discussed matters at the core of initiatives by organisations that are requesting users to either pay to not receive online advertisements or consent to receive online advertising. There

are contrasting standpoints with regards the legality of such initiatives in terms of data protection considerations. European authorities, including the EDPB, are considering the matter. The outcome of their deliberations is likely to have a profound effect on digital markets not only in Europe, but potentially also wider spanning.

(b) Structured accredited learning

Various members of the Division have now successfully completed an LLM in Information Rights Law and Practice. The LLM, which is typically completed over 3 years, touches upon areas such as: Legal Research and Study Skills; Foundations of Information Rights; Freedom of Information; Data Protection; Access to Environmental Information; and Information Rights and Employment Law. The LLM culminates in a dissertation on a data protection related topic, which members of the Division research and draft largely out of office hours.

Acknowledging the value of relevant qualifications, the Division continues to encourage staff members to build their knowledge and skills in relevant subject-matters. This year has seen a member of the Division successfully completing a programme in AI, provided by the University of Oxford SAID Business School. Amongst other topics, the course delved into the history and mechanics of AI as well as ethical considerations, including data protection concerns.

Focussing on aspects other than technical knowledge, several members of the Division also completed a short course on graphic design. The Division's strategic aim is to focus on

being as proactive as possible and concentrate efforts on mitigating the risk of data breaches occurring, rather than being purely reactive to incidents that have already compromised personal data. It was therefore considered appropriate to train relevant staff in how to create impactful and attention-drawing awareness-raising campaigns.

(c) In-house Training

Alongside externally sourced training, the Division has this year embarked upon an internal-training programme. Whilst this was already loosely in place from previous years, the aim is to have a structured approach towards staff training and knowledge-building. In conducting internal training sessions, both the audience and the presenters are able to build on their skills, whether by growing their confidence in presenting, visually improving their deliverables, and/or learning a new topic. Topics have included data protection fundamentals such as the lawful basis, data protection principles, domestic exemption considerations, and breach notifications, amongst others.

Broadcasting



Introduction

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

- Grant licenses to broadcasters;
- Enforce the conditions set on licensees;
- Regulate matters on broadcasting standards;
- Issuing 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:

1. 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;
2. The British Forces Broadcasting Service, provided by the Services Sound and Vision Corporation, is a radio broadcasting service;
3. Music Box Gibraltar, is an audiovisual media service that offers international and local music videos 24/7 and transmits via the cable networks;
4. 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

5. Gibfibre VOD, is a subscription-based video-on-demand service that offers adult content to Gibfibre customers only.

The second plenary session dealt with the future of content delivery and the implications of this for regulatory authorities. The emphasis was that regulatory framework should focus on the most impactful harms while preserving a level of flexibility to allow new opportunities to thrive.

ii. Small Nations Forum

Prior to attending the 57th EPRA, the GRA was approached by the conference's secretariat and asked to take the reins in instituting a small nations forum within the conference. As a result, prior to attending and during the conference as well as afterwards, the GRA has been instrumental in setting up a small members' networking group (the "Small Nations Forum") within EPRA.

The aim of this forum is to gain valuable insights and share how best to implement a media literacy strategies. The members that currently make up the network are Cyprus, Estonia, Iceland, Liechtenstein, Luxembourg, Malta, and Montenegro. During a working lunch at the 57th EPRA, the Small Nations Forum met for the first time, and this proved to be a very successful meeting.

The Small Nations Forum remains under development and will act and serve as a platform for the sharing of information amongst the members. Whilst geographical and cultural differences do exist, the commonality of having a relatively small population means that there are great similarities as regards the strategies adopted to develop national media literacy strategies and campaigns.

- iii. 22nd Plenary Assembly of

International Participation

i. 57th Meeting of the European Platform for Regulatory Authorities ("EPRA"), Oslo, 31st to 2nd June 2023

The 57th meeting of EPRA took place in Oslo, Norway, on 31st May to 2nd June 2023. A total of 153 participants from 52 regulatory authorities attended the meeting.

The first plenary session focused on public service media for the public good. The session highlighted the importance of taking policy measures to actively support public interest content.



the Mediterranean Network of Regulatory Authorities

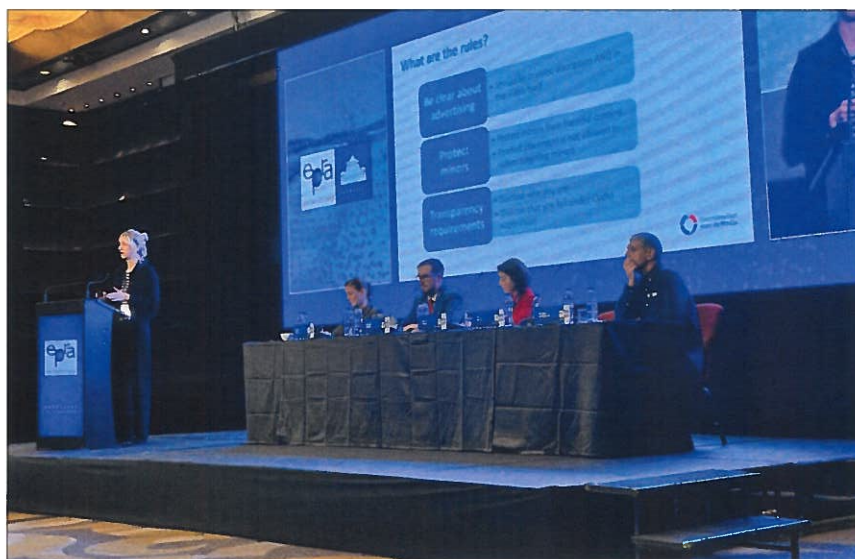
A member of the Broadcasting Division attended the 22nd Plenary Assembly of the Mediterranean Network of Regulatory Authorities hosted by

the Audiovisual Media Authority in Tirana, Albania from 27th to 30th September.

The first day of the Assembly commenced with a keynote address on the European Media Freedom Act quality journalism

and fact-checking followed by a discussion on video sharing platforms.

The second day, ventured into the UNESCO Guidelines and established working groups on gender and media as well as media literacy, followed by a Q&A session.



iv. GRA Familiarisation Visit to the Consell de L'Audiovisual de Catalunya, Barcelona, 6th-8th February 2024.

Two members of the Division visited the Consell de L'Audiovisual de Catalunya ("CAC"), the Catalan broadcasting regulator in Barcelona, on a familiarisation visit.

During the three-day visit, the Division collaborated closely with the team at the CAC learning about the Catalan media landscape and gaining a better understanding of the CAC's Media Literacy campaign. This experience was hugely beneficial to the Division as it further developed its own 'Media Literacy Matters' Campaign. The Division Members met with the following organisations:

- CAC
- Presentation on EduCAC in collaboration with Catalan Department of Education;
- Presentation on CAC's platform for Media Literacy in Schools; and
- How the CAC collaborates with the Catalan Department of Education.
- Catalan Department of Education
- Presentation on their media literacy projects.
- Verificat
- Project SUM; Desfake and Junior Report.

- Nextus
- Presentation on their initiatives and documentaries for schools.
- Learn to Check
- Presentation about their new initiatives, including Escape Rooms educational games.

The Division learnt about new initiatives, concepts, and experiences relevant to its remit and duties, in particular as regards the new media literacy landscape. The Division expects to continue to work closely with CAC, and potentially explore the possibility of implementing some of the new concepts learnt as it develops its own working direction in media literacy.

v. 58th Meeting of EPRA, 18th October 2023.

The 58th EPRA meeting was held in Bucharest from 18th – 20th October. Two members of the Broadcasting Division attended this event which involved sessions on media and information for the public good, the future of content delivery as well as the Romanian media landscape.

On the second day, there was an open floor for short interventions from EPRA members concerning media regulators, media and regulation, regulators and cooperation, regulators

and society. An update on cooperation with EPRA's partners/projects was provided as well as a discussion on EPRA's ongoing strategy from 2024-2026.

vi. The European Digital and Media Literacy Conference, Brussels, 27th February 2024 – 1st March 2024

Two members of the Broadcasting Division attended the conference which was organised under the auspices of the Belgian presidency of the Council of the European Union 2024 as part of the European Digital and Media Literacy Conference week.

The conference provided a vital platform for fostering dialogue, sharing insights, and catalysing action towards advancing digital and media literacy across diverse sectors and contexts. The knowledge gained from range of topics discussed during the parallel sessions is extremely beneficial for the work being carried out by the Division as part of the Media Literacy Matters campaign.

In difference to the types of conferences normally attended by the Division, which generally consist of other regulatory authorities, the conference was

also attended by a generous cross-section of journalists, educators, fact-checkers, and teachers.

Of particular interests were topics relevant to the Division's work on media literacy namely:

- Disinformation to critical trust - when digital and media literacy works;
- Fostering digital and media literacy amongst vulnerable youth;
- Very large online platforms on digital and media literacy;
- Media literacy campaigns - promoting critical thinking;
- Developing an effective national media literacy strategy;
- From schools and children to digital and media Literacy for all; and
- Future technology challenges to the future of digital and media literacy.

Due to the nature of the conference, namely the parallel sessions, the Division was able to attend a number of parallel sessions. These were mostly interactive sessions meaning that the GRA was called upon to participate by way of discussion.

vii. EPRA - Media Literacy and Information Working Group

The Division has been actively involved in EPRA's media and information literacy working group ("EMIL").

EMIL gathers a large number of EPRA members, as well as external organisations active in the field media literacy networks and holds its regular meetings and support the preparation of the EPRA plenary sessions.





This working group is very active and focuses on the promotion of media literacy in Europe. The Division has gained valuable experience in the development of its own 'Media Literacy Matters' campaign.

Throughout this reporting year, the Division has participated in four meetings of EMIL.

viii. EPRA - Artificial Intelligence and Regulators Roundtable

The Artificial Intelligence ("AI") Roundtables is a closed group of EPRA members willing to share and learn on all things AI and regulation-related, and notably on the use and development of AI-based tools by and for regulators.

Although the GRA does not at present use any AI-based tools for the regulation of broadcasting content, the GRA is nevertheless interested to learn about the use of AI-based tools by regulators. The roundtable sessions provide an insight into the opportunities and challenges presented by these AI tools. Throughout this reporting year, the Division has participated in three meetings of the AI roundtable.

ix. Memorandum of Understanding with the Consell de L'Audiovisual de Catalunya

The GRA and the Consell de L'Audiovisual de Catalunya ("CAC"), the independent regulatory authority that regulates audiovisual communication in Barcelona, signed a Memorandum of Understanding ("MoU") on 20th December 2023, with the aim of fostering cooperation and the exchange of information between both regulators.

The MoU encourages and supports the regulation of media literacy, paying special attention to the protection of minors and other vulnerable groups. The planned cooperation between both regulators is aimed at developing and strengthening the understanding of their respective media landscapes, as well as exploring and exchanging information on common areas of interest.

The following is an outline of the regulatory matters which the Division has been involved with during the reporting period 2023/2024.

x. 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 purchased monitoring equipment capable of recording multiple channels simultaneously in the beginning of March 2023, 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.

The GRA's compliance recorder is designed to record multiple licensed channels simultaneously from both cable TV and off-air transmissions. The GRA follows a set process in order to ensure that all broadcasts remain compliant with the relevant codes of practice.

The compliance recorder is located on a dedicated system and allows for the scheduling of broadcast recordings in advance as well as enabling real-time viewing. The GRA utilises GBC's Programme Guide to identify and select programmes across different genres and enters this into a compliance recording database. This database logs details such as: channel data, date and time of broadcast, the type of programme, and duration, and this ensures that an accurate record of every programme is kept. Once a programme is recorded, the Division reviews the content to

ensure it meets the compliance requirements of the relevant Codes of Practice.

Each recording reviewed is logged in the database which allows for a detailed report that summarises the findings. In order to ensure that a structured approach to recording, reviewing, and ensuring compliance of television programmes of all licensed broadcasts in Gibraltar is maintained, the GRA records a week's worth of programmes every month of different genres.

Throughout this reporting year, 118 programmes that were broadcast by GBC were recorded and monitored for compliance. The programmes were varied and covered different genres i.e. news, current affairs, community, and magazine.

The GRA is pleased to note that all the programmes recorded were compliant with all the relevant Codes of Practice.

(c) Elections 2023 – Monitoring

During the election period, the Division, carried out a methodical and systematic monitoring exercise which would see the logging of all broadcast content to ensure that media services providers were complying with all the relevant codes of practice, especially those relating to the Code on Objectivity, Impartiality, Accuracy and Undue Prominence.

Media monitoring provides benchmarks for judging the fairness of the election process and allows the GRA to assess the behaviour of the public service broadcaster, GBC, during various phases of the election process and evaluate their compliance with the relevant codes of practices pertaining to election coverage. During this time, numerous queries

and complaints were received, however, no substantial breaches were identified, and the majority of queries were satisfactorily resolved without the need to open a formal investigation.

(d) Complaints

The GRA received four formal complaints during this reporting year.

- Complaint regarding GBC's Coverage of the Arrest of Stipendiary Magistrate Charles Pitto

This complaint concerned GBC's news coverage of the arrest of Stipendiary Magistrate Charles Pitto and whether it infringed any of the GRA Codes of Practice. In total, 4 complaints about the same matter were received.

After having considered the requirements of section 11.2 of the Programme Standards Code regarding 'The Public Interest' and GBC's own editorial guidelines, the GRA ruled that it was within GBC's editorial responsibilities to report on such events especially when they involved individuals in positions of authority or public prominence.

- Complaint in respect of the use of British Sign Language ("BSL") use on GBC services

A complaint was received concerning the level of qualification required for British Sign Language ("BSL") use on GBC services, and whether there had been a breach of the Provision of Access Services Code. The complainant argued that the person providing BSL was unqualified.

The GRA determined that GBC had not breached the Access Services Code on the grounds that the BSL interpreter was sufficiently qualified and was

natively competent in BSL.

- Alleged Breach of the Programme Standards Code and Code on Objectivity, Impartiality, Accuracy and Undue Prominence by GBC

The complainant alleged that GBC had breached the Programme Standards Code and Code on Objectivity, Impartiality, Accuracy and Undue Prominence on several programmes. The Division met with the complainant and explained the GRA's regulatory remit and what matters fall under a code and when other matters are editorial responsibilities for broadcasters. The GRA found that there were no potentially substantive issues related to any of the codes which would warrant an independent investigation.

- Alleged Breach of the Programme Standards Code and Code on Objectivity, Impartiality, Accuracy and Undue Prominence by GBC

The fourth complaint, brought about by HM Government Press Office, was referred to the GRA by GBC in accordance with section 62 of the Act. The nature of the complaint was whether GBC had breached the rules concerning "due accuracy" as set out under the Code on Objectivity, Impartiality, Accuracy and Undue Prominence (the "Code") in its news report regarding the emergency landing of British Airways flight BA493 in France. The GRA carried out its assessment and found that there were potentially substantive issues related to the Code which warrant an independent investigation.

The GRA issued its initial preliminary view stating that GBC had not adhered strictly to the "due accuracy" standard in the Code stemming from

a video interview with one of the passengers where their view was not challenged by the GBC reporter. Subsequently, in keeping with the GRA's 'Procedures for the handling of complaints', representations from both parties were requested with GBC being the only one to do so. GBC submitted, as part of its arguments, additional material which the GRA considered, and this led to the complaint being re-evaluated with the newly submitted material. As a result of this, the GRA amended its initial preliminary view and concluded that there are no potentially substantive issues related to the Code and so no further action was taken.

xi. Media Literacy Matters Campaign

The Division launched its Media Literacy Matters Campaign (the "Campaign") on 6th November 2023.

The GRA has a duty, under the Communications Act 2006, to promote media literacy and better public awareness and understanding of any material published on electronic media. The responsibilities assigned to the GRA commenced on 27th July 2023, and allows for a better public understanding of the associated risks of electronic media content, and how material is selected and made available for publication via electronic media.

As part of the Campaign, the GRA conducted a media literacy survey online as well as door-to-door questionnaires throughout Gibraltar. The aim of the survey was to assess media literacy levels, identify knowledge gaps as well as gauge the proficiency of individuals using digital tools and platforms effectively and



safely in our community.

The survey consisted of two sets of questionnaires comprised of ten questions each. One set of questions was sent to all schools in Gibraltar for children aged 10-17. The other set of questions was sent to the general public. In total, 473 valid survey forms were collated from the schools, and 5767 from the general public, this means that GRA have sampled 16% of the population of Gibraltar. The division are in the process of finalising the report which will be published on the GRA website in due course.



xii. Gibraltar Today – Radio Gibraltar Interview

On the 9th November 2023, two members of the Division appeared on "Radio Gibraltar" in order to promote the GRA's Campaign and generate a greater public understanding of the potential for online harm, fake news and misinformation as a result of material published on electronic media.

During the interview, the GRA discussed its revised duty under the Communications Act 2006 to promote media literacy and in addition to this, the following matters were also discussed:

- What is Media Literacy?
- Examples of online harm
- GRA - Media Literacy Survey
- Artificial Intelligence
- GRA's Powers and Regulatory Remit
- Future guidance and workshops

xiii. Media Literacy Awareness Day

On the 11th December 2023, as part of the Division's current Campaign, the Division held an Awareness Day in town to promote and increase our exposure in relation to media

literacy and our ongoing survey.

The Division managed to engage with members of the public and discuss the importance of media literacy in our community as well as assist in carrying out questionnaires.

Throughout the day, the Division managed to complete over 100 surveys with participating members of the public.

xiv. Revenue Collected

During the period 2023/2024, and in accordance with the provisions of the Broadcasting (Licensing) Regulations 2019, the GRA collected a total of £13,000 in respect of the following Licences:

FM Radio Licence £10,000

Audiovisual Media Service
Licence £3,000



The image features a stack of brown paper envelopes tied together with a red and white striped string, resting on a dark, textured wooden surface. In the foreground, a white envelope is partially visible, showing a postage meter stamp area with four small boxes. The text "Postal Services" is overlaid in the center in a bold, white, sans-serif font. The bottom of the image has a decorative, wavy border in shades of brown and red.

Postal Services

Introduction

The Postal Services Division (the "Division") has the responsibility of regulating the Postal Services Sector in Gibraltar in accordance with the Post Office Act 1961 (the "Act") and the Postal Services (Authorisation) Regulations 2012 (the "Regulations").

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

The GRA's specific functions under the Act and Regulations include issuing guidance and directions to the Royal Gibraltar Post Office (the "RGPO"), as the designated Universal Service Provider (the "USP"). Other functions include monitoring operational developments, setting quality standards, monitoring performance against these standards and ensuring that the RGPO complies with its licence obligations.

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

Regulatory Matters

The following is an outline of the regulatory matters carried out by the Division for the period 2023/24.

i. RGPO - Universal Service Obligations

The RGPO's current designation applies throughout Gibraltar and ends on 6th August 2027. It 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 and internationally.

The RGPO is also responsible for the delivery of incoming international mail to addresses within Gibraltar and collection and onward transmission of outgoing international mail. In addition to this, the RGPO must 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;
- Local and cross-border Mail.

The RGPO's individual licence ensures that, among other things, 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 –

- (a) the confidentiality of correspondence; and
- (b) the security of the network as regards the transport of dangerous goods.

Notice No. P03/2020 on "Essential Requirements" 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 GRA also considers 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 GRA's "Guidelines for Protecting the Integrity of Mail" 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. EU Intra-Community Cross-Border Mail

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



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

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

v. Performance Monitoring – Gibraltar Public Services Ombudsman

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

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

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

The GPSO and RGPO, in

consultation with the GRA, are in the process of revising the manual performance monitoring procedures currently in place. During a meeting held between the RGPO and GPSO in November 2023, the GPSO outlined the current mail monitoring process and highlighted the fact that the data was not being measured correctly due to a misunderstanding of mail collection times and delivery schedules. In light of this, the RGPO and the GPSO evaluated the information provided by the RGPO and have since reviewed their methodology. Moving forward, the GRA is confident that the statistical information being provided by the GPSO as the independent body tasked with monitoring the performance of the RGPO is now accurate and a true reflection of the delivery standards of local mail.

vi. Performance Monitoring - International Inbound Delivery within Gibraltar

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

The GMS consists of external, independent, panellists who exchange test items between the participating countries. The test items contain a radio frequency identification "RFID" tag, which is read by an antenna installed at the RGPO sorting office where the international mail is received and processed. The test items are identified and

logged automatically and once delivered, this information is immediately sent to the UPU to determine the quality of service being provided.

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

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

Therefore, the GRA will continue to work closely with the RGPO in order to make the necessary operational improvements with a view of satisfying the required performance targets.

vii. Access Points

The GRA has a duty under the Act to ensure that every user has the right to and can access a universal service of specified quality at all points in Gibraltar. More specifically, the GRA must ensure that the density of the points of contact take account of the needs of users.

The RGPO, as the designated USP and in consultation with the GRA, actively monitors and reviews the location of all access points taking into account new buildings and developments

to ensure that the universal service remains accessible to the community. The RGPO also ensures that the pillar boxes are maintained regularly, as they also form an integral part of Gibraltar's heritage and British identity.

viii. RGPO Operational Updates

In line with global trends, the huge increase in online shopping, e-commerce as well as the increased reliance on email, has meant that the amount of traditional letter mail being sent has declined significantly. The growth in on-line shopping has also seen the volume of cross-border parcels and packets increase rapidly in the last ten-years.

The RGPO have a new senior management team who have been in post for six months, with an overall focus on improvement of service levels, technology and value for money. The increase in volume has created additional demands on RGPO resources. As a result, the RGPO is considering innovative ways to keep on providing an efficient and reliable service to customers.

The RGPO have also announced the construction of a new Mail Centre to be constructed at Bishop Caruana Road. The new purpose built three-storey building will replace the existing temporary facility at the Rooke Site. The new facility will include all customer areas on the ground floor as well as parking and charging points for the RGPO's electric vehicle fleet. The first and second floors are designated to the sorting areas, customs office, stores, administration and staff canteen. In keeping with the RGPO's green policy, the building will also incorporate a green

roof as well as the introduction of e-motorbikes which will be used on selected delivery routes, demonstrating the RGPO's continued commitment to sustainability.

ix. Dispute Resolution

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

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

During the period under review, the GRA dealt with numerous enquiries, regarding complaints about the RGPO's service. However, these were satisfactorily resolved without the GRA having to open a full investigation.

x. Social Media

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

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

- Addressing Properly;
- Articles for the for the Blind;

- Sale of Stamps;
- Christmas 2023 - Latest Recommended Posting Dates; and
- Redirection of Mail.

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 our website at the following address:

- <http://www.gra.gi/postal-services/the-register>

xii. Revenue Collected

During the 2023/2024 period and in accordance with the provisions of the Act, the total amount collected by the GRA in respect of General Authorisations was £1,750. 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 2023/2024 period to £6,750.



Higher Education Regulation



Introduction

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

The Higher Education Regulation Division (the "Division") was setup by the GRA in accordance with Part 11 of the University of Gibraltar Act 2015 (the "Act") to perform the roles of both the Commission, and the Authority.

Regulatory Matters

i. Role and responsibilities of the Higher Education Regulation Division

The Act, requires, the GRA to:-

- (a) establish criteria for the recognition of qualifications awarded by the Gibraltar University (the "University");
- (b) keep and maintain a register of the University's qualifications; and
- (c) promote the quality and standards of University education and training through a system of quality assurance of courses, academic programmes, and awards.

The Commission issued, on 1st June 2018, the Memorandum of Regulation ("MoR") to the

University. Since then, the MoR has formed the cornerstone of our regulatory framework. On the 1st November 2022, a revised MoR was developed in consultation with the University and sets out how:-

- The Commission monitors the quality and standards of education in the University;
- The Commission monitors compliance by the University with its functions, duties and obligations under the Act;
- The Commission monitors the use by the University of its funds including any public funds provided to it;
- Other aspects of University performance are monitored;
- The University is expected to demonstrate effective governance and accountability; and
- 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, the Division continues to carry out a desktop analysis of the documentation and assurances as provided by the University.

On 9th March 2024, 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 and will endeavour to meet regularly for updates on the University's progress through the next academic year. Overall, the Division liaises closely with the University and maintains a good working relationship.

iii. Graduations

The University held its third graduation ceremony on 2nd December 2023, during which 100 students received their awards after successfully completing their studies. The ceremony was held for the second time at the Europa Point Sports Complex in order to accommodate all the graduates, families and guests.

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

Courses	Graduates
Bachelor of Business Administration (Hons)	11
BSc Adult Nursing	16
Bachelor of Science Adult Nursing Top-up	3
HE Diploma Nursing	1
Master of Business Administration (MBA)	10
MA Leadership and Management	12
Postgraduate Certificate in Education (PGCE)	20
MSc Marine Science and Climate Change	21
MSc Clinical Psychology	6
PhD	0

The Vice Chancellor addressed the 100 graduates by congratulating them stating how proud all the University team



were of their achievements. She also outlined how the University ensured all its programmes were industry relevant and of the highest quality, and how, for every graduating cohort to date, this had supported an employment rate of between 92 to 97% within 6 months of graduating.

The University's Chancellor, Sir Lindsay Hoyle, spoke to the graduating students about the hard work and resilience required to complete their studies saying,

"You are a credit to the University, to Gibraltar, and to yourselves, and I would like to wish you all the very best of luck. Take the experiences that you have gained and use them to inform new ones. Take the knowledge that you have attained – and use it to transform your life and the lives of those around you. Today is your day – but it is also your tomorrow".



iv. Quality Assurance

The Regulations and the MoR require the University to undergo a quality review, and this was successfully completed on 14th March 2022. The International Quality Review (the "IQR") was conducted by the Quality Assurance Agency for Higher Education (the "QAA").

The QAA is the independent expert quality body for higher education across the UK and the IRQ offers institutions outside the UK the opportunity to have a review benchmarked against international quality assurance standards.

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

The University, following the review, published on their website the Action Plan of improvements based on the recommendations made by the QAA. All the recommendations have now been implemented. This year, as part of the accreditation, the University will

have to undergo the QAA's mid-cycle review.

v. New Fire Simulator Training Facility

In early March 2024, with the help of local maritime partners, the University unveiled a new fire simulator highlighting the significance of providing focused maritime education and training that is increasingly in demand in Gibraltar. The simulator, which is located on the University campus, will allow for the delivery of compulsory practical courses that teach seafarers to operate in real-life scenarios that may take place while at sea.

Initially, the simulator will provide state-of-the-art training for cadets studying the BSc (Hons) Maritime Science programme, as well as domestic and regional maritime seafarers, highlighting the significance of the simulator in attracting business to Gibraltar's maritime industry.

vi. University of Gibraltar Higher Education Courses 2023 -2024**Undergraduate**

Bachelor of Business Administration (Hons)

BSc (Hons) Computing and Entrepreneurship

BSc (Hons) Adult Nursing (we also have students on the Diploma in Adult Nursing which is a variation of the BSc (Hons) Adult Nursing Programme)

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

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

Postgraduate

MA Leadership and Management

Masters of Business Administration

Masters of Business Administration (Gaming)

Postgraduate Certificate in Education

Masters in Education (MEd.)

MSc in Marine Science and Climate Change

MSc in Environmental Science and Climate Change

MSc Contemporary Healthcare

MSc Applied Clinical Psychology

PhD



Cyber Security Compliance



Introduction

The first NIS Directive (EU) 2016/1148 was required to improve national cyber security capabilities of essential services throughout the European Union and focused on achieving a higher harmonised common level of cyber security. This Directive was transposed to Gibraltar legislation in 2018, as Part 7 of the Civil Contingencies Act 2007 (the “Act”).

On 16th January 2023 the NIS 2 Directive (EU) 2022/2555, entered into force for Member States, broadening its coverage with more sectors being required to enhance their cyber security measures. It standardises the reporting obligations and establishes a structure for handling cyber crises. All Member States are required to transpose the NIS 2 Directive into their national legislative frameworks by 17th October 2024.

In the UK following a consultation in 2022 the government announced its intention to update the NIS regulations to improve the UK’s cyber resilience. The updates to the NIS regulations will be made as soon as parliamentary time allows. The GRA is closely monitoring all these updates and changes to international legislation on cyber security.

i. The Role of the Competent Authority

Section 38 of the Act designates 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”) has the following roles and responsibilities:

- a) Regulating, supervising and enforcing compliance with the Act;
- b) Establishing a list of operators of essential services;
- c) Establishing a list of digital service providers;
- d) Investigating breaches;
- e) Issuing guidance to OESs or DSPs;
- f) Drawing up Codes of Practice;
- g) Recording and reporting incident notifications; and
- h) 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 2023

CYBERUK is the UK Government’s flagship cyber security event.

In April 2023, Belfast hosted CYBERUK for the first time. The National Cyber Security Centre (the “NCSC”), organised the conference around the theme “Securing an Open and Resilient Digital Future”. Over 2,300 cyber security leaders and professionals participated, including UK Deputy Prime Minister the Rt Hon Oliver Dowden, and National Cyber Director to the White House Kemba Walden. The event successfully served as a platform for sharing insights and best practices.

The conference explored a wide range of topics, including:

- Emerging Threats: Discussions on new cyber threats and attack vectors.
- Resilience Strategies: Insights into building resilient systems and organisations.
- Technology Trends: Exploration of cutting-edge developments in cyber security.



The Division attended the conference and found time during their busy schedule to interact with many of the exhibitors and meet with representatives from the Northern Ireland government who explained how they were offering a range of free accredited courses that includes cyber security in colleges and universities, through their flexible skills programme "SKILL UP" to help over 18s to "re-train" and "re-skill".

ii. UK Cyber Regulators' Forum

The GRA regularly attends the Cyber Regulators' Forum (the "Forum") organised by the NCSC. These meetings allow for the oversight bodies and regulators of the different NIS sectors to discuss lessons learnt and to share industry specific nuances and threats that have been identified.

In 2023, two members of staff participated in the Forum, hosted online, on both 26th September and 28th November 2023, where speakers from the NCSC, the Civil Aviation Authority, the Bank of England, among others, gave updates on the various cyber challenges their respective organisations had encountered, as well as discussing the changes to the CAF. On 23rd January 2024 a member of staff attended an in-person Forum in London. The Forum discussed how the UK security of essential services is improving and how this improvement could be measured and quantified. However, the main topic of discussion was the UK's white paper on AI regulation and regulators in various sectors provided updates on how they were addressing AI issues, including regulatory sandboxing

of AI applications in order to carry out extensive testing before being approved.

Further to the work being carried out by the Forum, additional working groups have been created to address specific issues. The GRA participates in the Cyber Resilience Audit Working Group which is developing a new industry assurance scheme in which UK commercial providers are being encouraged to get accredited to carry out cyber resilience assessments on behalf of the oversight bodies and regulators.

Regulatory Matters

The following is an outline of the regulatory matters which the Division has been working on.

i. 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

In accordance with section 35(9) of the Act, the GRA concluded at the end of 2023 the biennial review of the different sectors and identified and designated an additional operator to bring the overall total to 6 designated OESs in Gibraltar.

Additionally, the Division is currently undertaking a thorough review of potential OES designations in the health sector and is subsequently liaising with a wide array of providers of health care services in Gibraltar, including hospitals, general health clinics, pharmacies, mental health service providers and dental clinics among others. The goal of this exercise is to identify which health services, if any, should be deemed as essential services as stipulated in the Act and where that is the case, determine if the provider(s) of those services, should be designated as an OES in the health sector. Work is still ongoing.

ii. 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 continues to assess the current thresholds for the different DSP services.

iii. Reporting of Incidents

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.

iv. Voluntary Reporting of Incidents

A separate online voluntary reporting form is also available on the GRA's website. Organisations can notify the GRA of cyber incidents that may have impacted on the continuity of their services. The GRA does 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 appropriate. All incident information received is collated and included with intelligence received from other sources and used to update the cyber security threat landscape for Gibraltar. This in turn assists in the developing of appropriate guidance and alerts.

v. 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") guides OESs through fourteen NIS cyber security principles which have been written in terms of outcomes. The CAF is primarily an assessment tool that specifies what needs to be achieved rather than what needs to be done.

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.

Prior to the CAF being completed, the Division requires all OESs to complete risk assessments in order to gain an overview of the levels of cyber security in each sector.

During this reporting year, the GRA has received updated CAF self-assessments based on the scoping reports prepared and submitted by the OESs last year. Work has also commenced on improving OESs recovery plans.

vi. Inspections

OES's have been informed that several inspections on specific cyber security areas will be carried out during 2024, to identify the measures they have in place and improve their overall resilience.

vii. 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. As part of the Division's requirements and in accordance with sections 38 and 40 of the Act, the Division is cooperating closely with the Gibraltar Computer Security Incident Response Team and with Gibraltar law enforcement authorities. Internationally, as the designated SPOC, the Division continues to liaise with the UK's Government Communications Headquarters and the 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.

NIS Objectives

A Managing Security Risk	B Protecting Against Cyber Attacks	C Detecting Cyber Security Incidents	D Minimising Impact of Security Incidents
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NIS Principles

Governance	Risk Management	Service Protection & Policies	Identity & Access control	Security Monitoring	Response & Recovery Planning
Asset Management	SupplyChain	Data Security	System Security	Proactive Security & Event Discovery	Lessons Learned
		Resilient Networks & Systems	Staff Awareness & Training		

Competition



Introduction

The GRA is designated as the competent authority for the promotion and enforcement of competition law in Gibraltar. Pursuant to such designation, the GRA must discharge all the functions, duties, and obligations in accordance with the Competition Act 2020 (the "Act"), acting in its capacity as the Gibraltar Competition and Markets Authority (the "GCMA").

The mission of the GCMA is to make markets work well in the interests of consumers, businesses, and the economy. Competition provides firms with incentives to deliver what consumers want, provide value for money, produce efficiently, and innovate. Accordingly, well-informed, active consumers can play a key role in driving competition between businesses.

The GCMA aims to work with Government, other regulators, industry and the public to oversee certain business transactions and enforce competition rules. Its mandate includes assessing agreements between firms, regulating abuses of a dominant position, conducting market studies and market investigations, reviewing mergers, dealing with specific types of complaints, and investigating cartels. The GCMA also has the function of publishing guidance on all competition matters, making proposals and providing advice to Government Ministers and making the public aware of ways in which competition may benefit consumers and the economy of Gibraltar.

During this reporting year, the GCMA has concentrated on the

administrative set-up of the GCMA. This has included the publication of certain documents on its website, conducting its first set of public consultations and assessing its first merger case.

International Participation

i. Competition Policy for Economists – 4th to 5th October 2023

One member of the GCMA attended a competition policy for economists' course in London. The 2-day training programme was organised by the Centre for Competition Policy, the UK's leading inter-disciplinary centre focused on competition, regulation, and consumer policy, and consisted of speakers representing the Competition and Markets Authority of the UK, Frontier Economics and NERA Economic Consulting amongst others.

The session topics provided for an in-depth introduction to the economic analysis involved in competition law and included a

discussion on a range of issues such as market definition and market power, mergers, abuse of dominance, agreements, and predatory pricing. Each session consisted of a presentation and interactive work which enabled the participants to obtain practical analytical tools to use in the workplace.

ii. Merger Control Symposium – 21st February 2024

Two members of the GCMA were invited by the Jersey Competition Regulatory Authority (the "JCRA"), to participate in their first ever symposium on merger controls. It was a closed, invite only event which brought together a range of knowledge and experienced professionals to consider the important subject of future merger control in Jersey.

The symposium consisted of a series of presentations made by JCRA staff, representatives from Jersey's Department of the Economy, the Competition and Markets Authority of the UK and the GCMA, followed by round table discussions on how Jersey's merger control regime could be improved.

The following questions were



discussed by all participants in their working groups:

1. How do we ensure that the JCRA is focused on assessing mergers and acquisitions that carry the risk of a significant impact on competition in Jersey?
2. Should there be a mandatory test whereby all transactions meeting that threshold would require the approval of the JCRA? If so, how should this test be set?
3. Instead of, or in addition to, a mandatory test, should there be a discretionary test? If so, how should this test be set?

The interactions and feedback from the symposium will help form a recommendation from the JCRA to the Minister for Sustainable Economic Development on what merger control thresholds may best work for Jersey and its unique economy.

Regulatory Matters

i. Launch of the Competition Section on the GRA's Website

During the reporting period, the GCMA launched the competition section on the GRA's website. The website explains who the GCMA are and what they do. It also includes information on competition legislation, the GCMA's vision, published guidelines, public consultations, and merger cases. As the GCMA continues its work, it will expand its portfolio and include further

information and material on other areas of its responsibilities.

ii. Prioritisation Principles

In order to make the best use of its resources in terms of real outcomes for Gibraltar consumers, the GCMA needs to ensure that it makes appropriate decisions about which programmes of work it undertakes across all areas of its responsibility. The GCMA therefore focuses its efforts on deterring and influencing behaviour that poses the greatest threat to consumer welfare and in the process, drive higher productivity growth.

When deciding which new projects to take on, the GCMA will consider the timing and resource requirements of these tasks and other work going on at that time. As part of this, the resources required over the life of the projects will be taken into account as well as their potential impact.

At particular points in the life cycle of a project, the GCMA may consider whether it warrants the continued commitment of resources, especially when weighed against other potential work that it could take on.

In seeking to target both its resources and enforcement strategy, the GCMA published its 'Prioritisation Principles' which considers a range of factors including impact on consumers, strategic significance, risks, and resources. The document is available on the GRA's website.

iii. Vision – Values – Strategy

In January 2024, the GCMA published its vision, values,

and strategy on its website. The document outlines the GCMA's purpose, its statutory functions, and strategic objectives of its work in shaping and sustaining Gibraltar's economic future. In doing so, the GCMA will take into account Gibraltar's specific circumstances while applying competition rules in a pragmatic and proportional manner.

Enhanced welfare of Gibraltarians through enforcing laws that promote competition and protect consumers, as well as discharging other regulatory responsibilities outline the key activities, capabilities, collaboration, and risk management that the GCMA uses to achieve its goals through strategic planning and execution.

In developing its operational mandate, the GCMA will:

1. Take account of consumer behaviour particularly in markets where there are information problems and asymmetries;
2. Be willing to consider potential competition concerns in business-to-business markets;
3. Assess specific sectors where enhanced competition could contribute to faster growth, working with the responsible regulator where appropriate; and
4. Address emerging competition problems early and increase the number and speed of cases, to the benefit of consumers and the wider economy while ensuring fairness and avoiding undue burdens on business.

The GCMA therefore looks forward to establishing close connections with industry and informing and educating

the public in a positive and constructive manner. The challenges of leading competition policy in a small jurisdiction can be considerable and the opportunities available to make a difference reinforce the need for a forward-looking strategy to fulfil these benefits.

iv. Public Consultation – Chapter 1 and 2 Prohibitions, Mergers and Market Investigations

In accordance with the Act, the GCMA has a duty to provide public awareness on the ways in which competition may benefit consumers and the economy of Gibraltar. Issuing information and advice to the relevant Government Minister or any public authority, also forms part of its role. Furthermore, the GCMA has a legal obligation to prepare and publish guidance material and statements of policy (the “Guidelines”) on its responsibilities and use of its powers regarding agreements between undertakings, the assessment of dominance, mergers, and market investigations amongst others. Before publication or revision of the Guidelines, the GCMA is required to consult with any such persons it considers appropriate. These persons may include, but are not limited to, other regulatory authorities, legal practitioners, business associations, individual businesses and their customers, and the public.

On 22nd January 2024, the GCMA launched a public consultation regarding a series of Guidelines in relation to the Chapter 1 Prohibition (agreements between undertakings), the Chapter 2 Prohibition (abuse

of dominance), mergers and market investigations.

The seven draft Guidelines are listed below.

These are:

(a) The Chapter 1 Prohibition;

The Chapter 1 prohibition (section 3 of the Act) concerns agreements between undertakings, decisions by associations of undertakings or concerted practices (“agreements”) which may affect trade within Gibraltar and have as their object or effect the prevention, restriction, or distortion of competition within Gibraltar.

(b) The Chapter 2 Prohibition;

The Chapter 2 prohibition (section 10 of the Act) explains that any conduct on the part of one or more undertakings which amounts to the abuse of a dominant position in a market is prohibited if it may affect trade within Gibraltar.

(c) Merger Assessment Guidelines;

This document provides advice and information about the making and consideration of merger references under section 74 (completed mergers) and 85 (anticipated mergers) of the Act and the way in which relevant customer benefits may affect the taking of enforcement action by the GCMA.

(d) Merger Remedies Notice;

The Merger Remedies Notice specifies the information and documents to be submitted by the merger parties for the purpose of offering undertakings in lieu of reference (“UIL”), pursuant to section 128 of the Act.

(e) Market Investigation

References;

Under section 191 of the Act, the GCMA may make a market investigation reference to its Chair for the constitution of a group where it has reasonable grounds for suspecting that any feature, or combination of features, of a market in Gibraltar for goods or services prevents, restricts, or distorts competition in connection with the supply or acquisition of any goods or services in Gibraltar.

(f) Merger and Market Remedies – Reporting, Investigation and Enforcement of potential breaches;

This policy statement covers the GCMA’s approach to actual or potential breaches of final undertakings and orders put in place to address concerns identified in merger and market investigations under the Act.

(g) Merger and Market Remedies – Variation and Termination of Merger and Market final undertakings and orders.

This policy statement covers the GCMA’s approach to the variation and termination of merger and market final undertakings and orders.

The GCMA invited all interested parties to provide comments on the questions set out in the public consultation and the closing date for submission of comments was 29th March 2024. The GCMA will be taking the utmost account of all comments received and will publish the Guidelines accordingly. Public Consultation CP02/24 can be found on the GRA’s website.

v. Mergers

Pursuant to section 74 of the Act, the GCMA has a duty to refer

completed mergers to its Chair for the constitution of a group under Schedule 11 of the Act if it believes that it is, or may be the case that –

(a) a relevant merger situation has been created or arrangements are in progress or in contemplation which, if carried into effect, will result in the creation of a relevant merger situation; and

(b) the creation of that situation has resulted, or may be expected to result, in a substantial lessening of competition within any market or markets in Gibraltar for goods or services.

A relevant merger situation is created if all three of the following criteria are met:

1.

(a) Either

(i) two or more enterprises must cease to be distinct; or

(ii) there must be arrangements in progress or in contemplation which, if carried into effect, will lead to enterprises ceasing to be distinct.

2.

(a) and either

(i) the Gibraltar turnover of the enterprise which is being acquired exceeds £25 million (or £1 million for relevant enterprises) (the “Turnover Test”) or

(ii) the enterprises which cease to be distinct supply or acquire goods or services of any description and, after the merger, together supply or acquire at least two-thirds of all the goods of that description which are supplied in Gibraltar. The merger must also result in an increment to the share of supply or acquisition (the “Share

of Supply Test”).

3.

(a) and either

(i) the merger must not yet have taken place; or

(ii) the date of the merger must be no more than four months before the day the reference is made, unless the merger took place without having been made public and without the GCMA being informed of it (in which case the four-month period starts from the earlier of the time the merger was made public or the time the GCMA was told about it).

The GCMA may, however, decide not to make a reference if it believes that –

(a) the market concerned is not, or the markets concerned are not, of sufficient importance to justify the making of a reference;

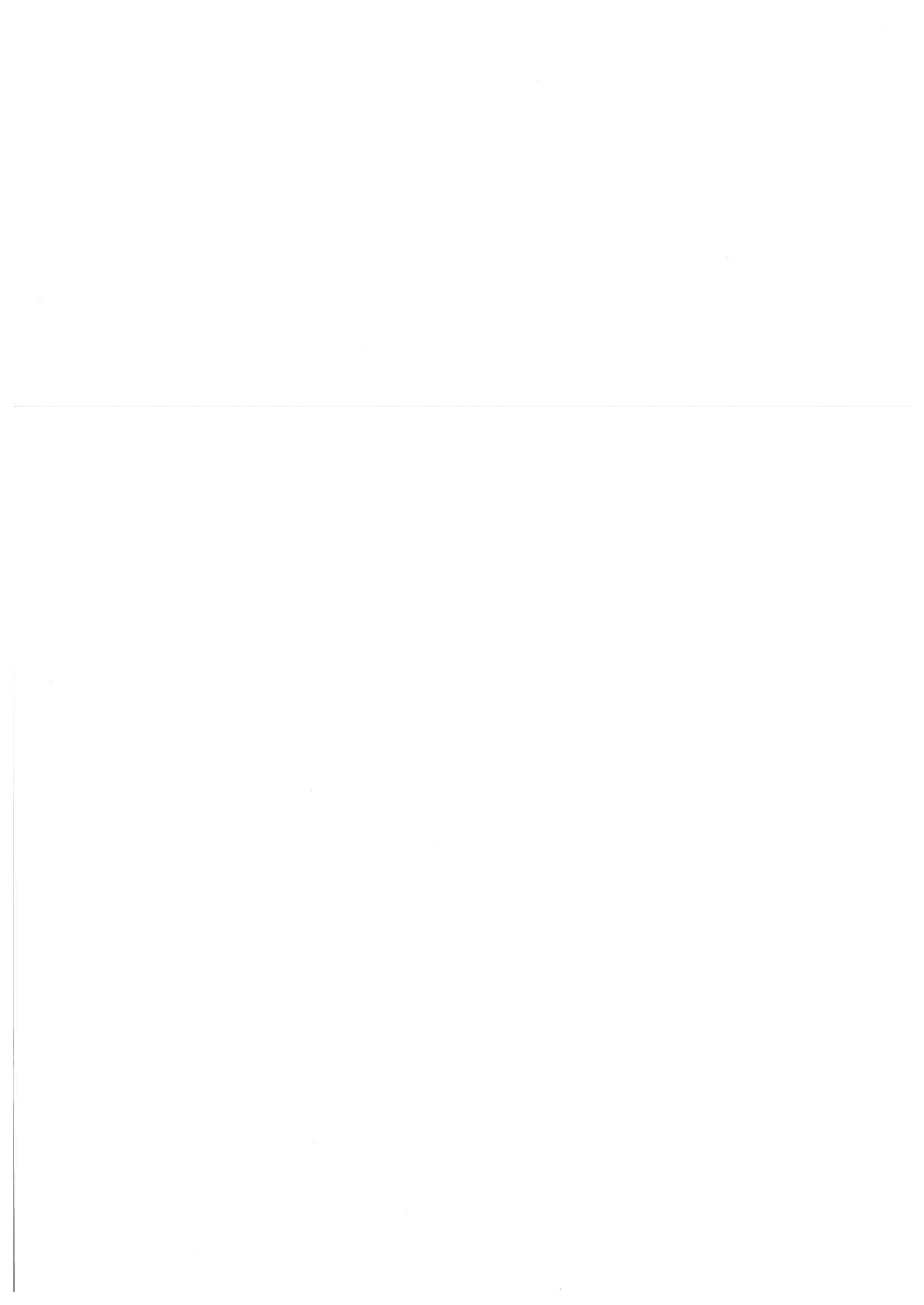
(b) any relevant customer benefits in relation to the creation of the relevant merger situation concerned outweigh the substantial lessening of competition concerned and any adverse effects of the substantial lessening of competition concerned; or

(c) in the case of an anticipated merger, the arrangements concerned are not sufficiently far advanced, or are not sufficiently likely to proceed, to justify the making of a reference.

On 5th February 2024 the GCMA formally began an investigation into the completed acquisition of Promoters of Entertainment (Gibraltar) Ltd. by Machine Services (Gibraltar) Ltd. As part of its assessment, the GCMA considered the business activity of both parties, the transaction which took place, the relevant product, and

geographic markets, whether a relevant merger situation had been created and if the merger had resulted in a substantial lessening of competition within the relevant market.

The merger did not pass the “Turnover Test” or the “Share of Supply Test” and therefore the GCMA determined that a relevant merger situation had not been created. Consequently, the merger did not result in a substantial lessening of competition and the GCMA did not refer the merger to its Chair for the constitution of a group pursuant to section 74(1) of the Act.





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