GRA

GIBRALTAR REGULATORY AUTHORITY

Gibraltar Regulatory Authority

Annual Report 2018 / 2019

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CEO STATEMENT

Introduction

This Annual Report of the Gibraltar Regulatory Authority (the 'GRA' or 'Authority') is prepared in accordance with section 19(1) of the Gibraltar Regulatory Authority Act 2000 and covers the period 1st April 2018 to 31st March 2019.

Gibraltar Regulatory Authority Act 2000

In accordance with section 3 of the Gibraltar Regulatory Authority Act 2000, the Board consists of the Authority's Chief Executive Officer and the Deputy Chief Executive Officer, and three appointed members, namely Mr Anthony Provasoli, Mr Kieran Power and Mr Francis Lopez. The three members were reappointed by the Chief Minister for a further two years.

Organisation and Staffing

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

Electronic Communications and Postal Services

The Electronic Communications and Postal Services Division divides its resources between regulating a competitive telecoms industry and a highly monopolistic postal services sector. On the one hand, the Authority engages with electronic communications providers and ensures they meet the necessary regulatory and legal standards while continually assessing the levels of competition in each electronic communications market and on the other, the Authority works with the Royal Gibraltar Post Office (RGPO), and the various courier companies, in collecting statistical information and renewing annual licences amongst other things.

In 2019, end-users are enjoying a large range of electronic communications services from a number of providers and at a variety of price points ranging from high value, multi-service bundles, to premium ultra-high-speed offerings. From a technological standpoint, the local electronic communications sector continues to develop and I believe that with these advances, so too should the end-user experience.

We continue to make efforts to engage with service providers on a regular basis, as it is essential to work closely towards improving the service delivered to their customers. On the electronic communications front, we strive to improve the quality of its communications with all parties in order to gain a better understanding of the expectations which, both providers and consumers, may have, regarding our functions. It is vital for consumers to receive helpful information with which to make informed and educated choices with regards to the electronic communications services they purchase.

The electronic communications markets continue to change, albeit at a slower rate than when the two alternative service and network providers first began offering their many services to customers.

The Division has, in relation to events which have occurred over the last few years, embarked upon providing the public with specific guidance on, among other things, how to avoid high costs when roaming on foreign networks and, ultimately, bill shock.

Spectrum and Operations

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

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

Information Rights

The Data Protection Act 2004 ("DPA"), designates me as the Information Commissioner to be the supervisory authority in Gibraltar for data protection related matters. The DPA alongside the General

Data Protection Regulation (the "GDPR"), which came into force on the 25th May 2018, contains a set of principles that organisations including public bodies and businesses have to adhere to, providing a comprehensive and modern framework for data protection in Gibraltar.

The 2018/19 period has been an important year for the Division, in particular, because of the work undertaken as a result of the introduction of the GDPR. Due to the changes in the law, the Division invested a significant amount of its resources in responding to incoming enquiries, public awareness and the provision of guidance to help organisations ensure compliance with the GDPR. The Division also launched a new initiative, namely periodic Data Protection Officer ("DPO") workshops, to provide further assistance to DPOs. The first DPO workshops took place in March 2019, and the Commissioner is planning to hold a second round of workshops in September 2019.

In the area of international cooperation and participation, two particular events have been of significant importance to me namely a GDPR event organised by the State of Mexico's Data Protection Authority and an international Data Protection and Freedom of Information case handling workshop organised by the Hungarian Authority.

As well as raising awareness about the rights of individuals under data protection law, our "Control Your Privacy" campaign aims to raise awareness of the risks to privacy from digital technology, and promote its responsible use, so that people acquire sufficient knowledge and understanding to make informed decisions about the opportunities offered by digital technology.

Broadcasting

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

The Division does not only license and regulate Gibraltar-based broadcasters but is also responsible for providing guidance to consumers and other users of the broadcasting services in Gibraltar. The Division has continued this year with its Media Literacy Awareness Campaign, and has delivered multiple presentations at both comprehensive schools.

Higher Education

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

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

Cyber Security Compliance

The newly created Cyber Security Compliance Division was setup to enable the Authoriy to comply with its new responsibilities under the amended Civil Contingencies Act 2007. The Act designated the Authoriy as the competent authority for the security of network and information systems in respect of operators of essential services and digital service providers. Additionally, the Authoriy was designated as the single point of contact for Gibraltar concerning cross-border co-operation where incidents affect more than one Member State.

The Cyber Security Compliance Division is mainly responsible for regulating, supervising and enforcing compliance with the requirements placed on certain entities by the Civil Contingencies Act 2007, as well as issuing guidance to operators of essential services or digital service providers and drawing up Codes of Practice.

Revenue and Expenditure

During the 2018/19 financial year, the total collected was £1,994,370.42 which was paid into the Consolidated Fund. This compares to expenditure (calculated on a cash basis), for all of the Authority's divisions of £2,044,079.87.

ELECTRONIC COMMUNICATIONS

Introduction

The Electronic Communications Division, is responsible for regulating all electronic communications transmission networks in Gibraltar and, as such, is tasked with developing effective choice of electronic communications services in Gibraltar for both business and residential customers. This is achieved by facilitating market entry through authorisations and licences, and by regulating access networks under the powers conferred to it by the Communications Act 2006.

In 2019, end-users are enjoying a large range of electronic communications services from a number of providers and at a variety of price points ranging from high value, multi-service bundles, to premium ultra-high-speed offerings. From a technological standpoint, the local electronic communications sector continues to develop and the Division believes that with these advances, so too should the end-user experience. Understanding any problems that may arise is the first step in finding a solution and this can only be achieved by continuing to engage with consumers and end-users.

The Division continues to make efforts to engage with service providers on a regular basis, as it is essential to work closely towards improving the service delivered to their customers. The Division strives to improve the quality of its communications with all parties in order to gain a better understanding of the expectations which, both providers and consumers, may have, regarding the Division's functions. It is vital for consumers to receive helpful information with which to make informed and educated choices with regards to the electronic communications services they purchase. It is also equally important, for the Division to continue to obtain clear and accurate information when engaging with providers and consumers, in order to improve the way in which the Division carries out its regulatory functions and allow it to prepare for any future challenges the sector may face.

The electronic communications markets continue to change, albeit at a slower rate than when the two alternative service and network providers first began offering their many services to customers. Gibtelecom's share of residential broadband subscribers decreased from 53% last year to 47%, U-mee figures are down from 25% last year to 24% this year and Gibfibrespeed up from 21% last year to 30% this year. The gap in market shares between the incumbent Gibtelecom and its closest competitor, U-mee, is currently at 14%, in this particular market, showing a considerable shift in only a matter of a few years, thus indicating that the market is in a healthy state.

One negative development that occurred during this reporting period, was the cessation of services from Eazi Telecom Ltd (trading as Limba), operating in the mobile telephony market. Customers were advised by the company to port their numbers to an alternative service provider in order to avoid service interruption.

In respect of universal service, the Division made a significant change to the way in which it was to review its procedure in designating a Universal Service Provider. Traditionally, this assessment was carried out on a three-year cycle, mainly due to Gibtelecom having majority market share and a presence in all the service markets reviewed under this process. Since the introduction of the two new market players and their rapid growth in some of the residential and business markets, a change in the assessment period was required.

Additionally, the uncertainty over Brexit was also noted as a factor in determining if the universal service designation period should continue to be carried out every three years. As a result, and in order to meet the demands of this process more appropriately, the Division agreed to reduce the designation period from every three years to doing so annually.

The Division has, in relation to events which have occurred over the last few years, embarked upon providing the public with specific guidance on, among other things, how to avoid high costs when roaming on foreign networks and, ultimately, bill shock. As a result of a complaint brought to the Division, which concerned a Gibtelecom customer returning home to find a mobile roaming bill amounting to many thousands of pounds, the Division strengthened its public campaign surrounding the potential costs of travelling outside the European Union and consuming mobile data recklessly, or in some cases, unknowingly. In short, some roaming networks can cost upwards of one hundred times more outside the EU than within it. The Division also published information on how subscribers can protect themselves from these potential risks and what to look out for when travelling.

The Division continues to collect statistical data from authorised providers on a quarterly basis. The Division is pleased with the level of cooperation it continues to receive from the local providers. It has found that authorised providers have been forthcoming with

the requested information. The quality of the data being supplied is enabling the Division to see the developments of each market at a level of detail which was not previously seen. With the extensive catalogue of data now readily available, the Division is able to identify the various trends which have been emerging in recent years. The Division will continue to collect statistical data and closely monitor the electronic communications markets in accordance with its regulatory functions and objectives.

Division members have also attended a number of conferences and workshops over the last year.

International Participation

Commonwealth ICT Ministers Forum

From the 18th – 20th June, the DCEO of the Authority attended the Commonwealth ICT Ministers Forum that was held in London. The forum entitled "Committed Leadership: Harbouring a Roadmap for ICT Enabled Growth" focused on issues such as broadband, internet governance and cybersecurity in the ICT sector. The DCEO participated in a panel discussion on "Smart regulation leading to increased growth" that was chaired by the Minister for Telecommunications, Sir Joseph Bossano.

Mexico City – Communications Policy and Regulation (CPR) Week, Annual Conference and International Regulator's Forum, International Institute of Communications (IIC), October 2018

The Instituto Federal de Telecomunicaciones (IFT) hosted the CPR week in Mexico City in October 2018. Workshops, networking events and private meetings were also held to enable delegates to maximise their opportunities to learn, network with peers and build key relationships. Approximately 200 participants attended from around the world in order to discuss and contribute to the issues at hand. The key themes of the regulators' forum centred around the borderless digital eco-system, connectivity and sustainability in an age of economic austerity, the ownership and exchange of information in a competitive market place and the importance of privacy and security from a consumer perspective.

The Division participated in the regulatory snapshot session in which an overview of the communications market in Gibraltar was provided together with the specific challenges faced by a very small regulator who is subject to the European Regulatory Framework. Given the diversity of the panel, each participant provided very interesting insights into their particular market structures and how the regulator implements policies in a very dynamic and challenging industry.

The end of the second day concluded with a workshop on artificial intelligence (AI). Given the convergence of all communications and technology industries, AI is now at the forefront of creating ever-innovative tools and processes which affect our daily lives. Regulators therefore must carefully consider the impact of AI on society and formulate effective policies in dealing with such disruptive yet beneficial changes.

The conference's main focus dealt with building certainty and incentives to promote investment and innovation, ensuring access and inclusion in rural communities, creating robust data economies and the proliferation of digital content in a creative world.

The Division also participated in a panel session addressing the importance of big data in the marketplace and how that data can used be in order to formulate successful business plans and provide

firms with a competitive advantage. Privacy and security concerns were also discussed given that operators collect and store vast amounts of data which may be vulnerable to cyber security breaches and hacking of personal information.

Mexico City - Small Nations Regulatory Forum (SNRF), October 2018

As part of the CPR week held in Mexico City, two members of the Division attended the SNRF which was chaired by Professor Anthony Clayton of the Broadcasting Commission of Jamaica (BCJ). The SNRF provides a unique opportunity for regulators of small economies to share and learn from each other's experiences in dealing with the very specific issues and characteristics of tiny communications markets. More proportional and cost-effective ways of implementing and exercising regulatory policy are needed in the context of a small regulator and these were highlighted by the various attendees from Cayman Islands, the Falkland Islands and Jersey to name a few.

Social media platforms and their impact on democracies were the main issues discussed and the concerns of how the spread of fake news and false information had been embedded in our daily lives.

A presentation was also provided by a member of Plum Consulting from London on how the retention of domestic revenue can be improved in a converged environment. Here, regulators provided feedback on the challenges of their own particular jurisdiction in dealing with convergence and how that affected their regulatory decisions in the workplace.

The end of the meeting concluded with the Jamaican regulator handing over the chairmanship of the SNRF to the Gibraltar regulator who will be actively engaged with the IIC for the following year culminating in the upcoming SNRF in London for the IIC's 50th Anniversary.

Brussels - Consumer Protection in the Telecoms Sector, November 2018

In November 2018, a member of the Division attended a telecommunications regulatory training course on consumer protection held by Cullen International in Brussels. This interactive course was held over two days and participants included regulators from other EU jurisdictions as well as representatives from various major telecommunications operators.

The course revolved around various presentations and topics designed to encourage group discussions on the following topics:

- Transparency
- Switching
- Quality of service measures
- Data protection & Privacy
- Universal Service Obligations
- Roaming
- Net Neutrality
- Enforcement
- Advertising

One particular presentation of note, provided by a member of Cullen International, focused on the draft European Electronic Communications Code and highlighted many of the legislative changes made in order to enhance as well as tackle consumer protection issues. Some of these related to number portability, broadband comparison tools, contract termination and quality/loss of service.

During the course, attendees were divided into small working groups and given various scenarios, relating to roaming, net neutrality and advertising of broadband speeds. These scenarios required the groups to discuss the potential pitfalls for consumers and how these could be tackled in the context of national legislation. As a result of having attended the course, the Division has increased its knowledge and understanding of the importance of consumer protection matters within the telecoms sector.

Regulatory Matters

i. GOS Consulting workshop, Accounting obligations

In September 2018, two members of the Division attended a workshop on the accounting requirements imposed on operators designated with significant market power (SMP). The main aim of the discussions was to explore how the Division could reduce the burden on operators which have to produce, audit and publish a significant amount of accounting data in the form of an accounting separation report (ASR).

An ASR provides valuable information to the Division regarding the electronic communications markets in which an SMP provider operates and is generated on an annual basis for it to reflect the most current

data available. During the course of a complaint or dispute, the Division may rely on an ASR to inform its regulatory decisions when considering whether SMP operators may be in breach of certain provisions or behaving in an anti-competitive way.

Certain legislative provisions were reviewed and assessed together with the financial and human resources involved in the process of submission and assessment of compliance by the operator and regulator respectively. In the specific case of Gibraltar, a completely proportional and relevant approach must be considered in order to cater for the scale economies present in the local markets.

The Division has been discussing the outcomes of the workshop with the relevant operators and will be considering the most practical and efficient way forward.

ii. General Conditions investigation

The Division conducted an investigation into whether Eazi Telecom Ltd (trading as "Limba") was complying with the General Conditions. Regulation 17 of the Communications (Authorisation and Licensing) Regulations provides that a General Condition is a condition listed in Part A of the Schedule to the Regulations and that every communications provider holding a General Authorisation shall comply with the conditions applicable to it. Notice C08/17 sets out the General Conditions applicable to all authorised persons.

The Division received information that Limba customers were unable to make voice calls to Gibfibrespeed fixed line telephony subscribers. Following verification from the Division, a Notice issued under Section 10A of the Communications Act was sent to Limba requiring it to take all the necessary action to resolve the issue given that it was in breach of General Condition 20 – Access to Numbers and Services. Limba was also given the opportunity to make representations on the matter.

Limba failed to provide any comments and also failed to remedy the breach of the General Condition. Consequently, the Division issued an additional Notice under Section 10B of the Communications Act imposing a penalty of £1,000 payable within two weeks from the date of the Notice.

iii. Notifications to Eazi Telecom

On 28th August 2018, the Division, on behalf of the Minister for Telecommunications, sent a Notification to Eazitelecom Ltd (trading as "Limba") concerning an intention to recover an Administrative Charge or fee fixed for a charging year.

Limba's annual Part VI Licences as prescribed in the Communications Act expired on 21st March 2018 and despite the Division informing the operator of the outstanding fees on various occasions, Limba failed to pay the relevant licence fees which amounted to £220,409.

The Minister for Telecommunications consequently issued a Notification pursuant to Regulation 33(3) of the Communications (Authorisation and Licensing) Regulations, in order to recover the relevant fees from Limba within one month from the date of the notification.

Following the expiration of the deadline above, the Division issued a notification of penalty imposed under Regulation 34 of the Communications (Authorisation and Licensing) Regulations in respect of failure to pay the outstanding amount as notified under Regulation 33(3).

The penalty was calculated as 4% of the outstanding amount, a sum which the Division deemed to be appropriate and proportional to the contravention. The Division also took into account Limba's failure to make any representations on the matter within the required deadlines and any attempts to pay any of the outstanding amounts. A deadline of two weeks was set for Limba to pay the penalty and the notification stipulated that the penalty would be recovered as a debt to the Division if not paid within the two weeks.

iv. Assistance to Her Majesty's Government of Gibraltar (HMGoG)

The Division has been liaising with HMGoG with respect to the potential legislative changes to the Communications Act, following Gibraltar's departure from the European Union. Given that the Government is preparing for different scenario's following Brexit, the Division has been providing assistance to the Government Law Offices in terms of what changes the UK is making and whether these changes are suitable for Gibraltar's communications industry or not.

Particular attention has been paid to the EU Roaming Regulations and how these will be transposed into local law given their implications on mobile subscribers using their phones abroad and whether the UK and Gibraltar will keep their existing charging

arrangements with other international operators or not.

v. Assessment of compliance with General Condition's

In accordance with Regulation 17 of the Communications (Authorisation and Licensing) Regulations, the Division has set General Conditions which are applicable to any Communications provider holding a General Authorisation.

The General Conditions are essentially the regulatory conditions that all providers of electronic communications networks and services must comply with if they want to provide communications networks and/or services in Gibraltar. In 2017, the Division carried out a review of the General Conditions, making several updates and amendments within certain sections, the aim of which was to produce a revised set of up to date and current conditions which where streamlined and therefore clearer for industry to comply with.

In January 2018, building upon this review, the Division carried out an assessment of compliance in order to ensure that all operators were adhering with the relevant requirements as set out in Notice C08/17 on General Conditions. This task also allowed the Division to meet its legal responsibility to monitor and supervise compliance with conditions.

This exercise was carried out in four phases with the Division requesting certain information from all operators by way of a Notice issued under Section 4 of the Communications Act 2006. This phased approach gave both the Division and the operators, ample time to process the requests, review any submissions and take remedial action if necessary.

This compliance exercise progressed smoothly throughout 2018 with operators providing useful information in their responses, resulting in significant changes across the board in order to ensure compliance, especially with regard to consumer contracts and issues of consumer protection.

vi. Annual Data Gathering Exercise

The Division's on-going data gathering exercise, which commenced in 2016, continued into 2019 and has uninterruptedly proved essential in allowing the Division to supervise and monitor changes and developments within the various markets which make up the electronic communications sector in Gibraltar. This exercise has also proved to be crucial in respect of reporting and regulatory purposes.

In early 2018, the Division revised a data gathering quantitative spreadsheet, in order to update, streamline and most importantly to account for new information required by the Division. The Division consulted with all authorised providers, giving them an opportunity to comment on the provision of the additional data requirements.

The quarterly data submitted by operators allows the Division to report on the market and this information often forms the basis for the Division's several social media platforms, whereby consumers are given information on numerous topics of interest such as retail pricing, coverage of fibre networks and comparison tables for mobile and broadband services.

The Division also continues to use this information in order to provide statistics and data as required by the Government Statistics Office as well as the International Telecommunication Union (ITU). The data gathering exercise enables the Division to assess market developments and analyse trends in relation to the different products and services that are currently offered. Given the importance of the data, the Division will continue this exercise for the foreseeable future.

vii. "Access" case judgement

The case dates back to 2017 and involves a request by the operator Gibfibrespeed to access potential customers hosted at the (then Gibtelecom) datacentre, now operated by Rockolo in Mount Pleasant, in order to provide them with high capacity business connectivity services. After negotiations failed between the two operators, the Division was asked to assist in the matter. The Division concluded that it had no power to direct Gibtelecom to afford the access requested.

In the last annual report, the Division reported that an appeal on the judgement of a complaint concerning Gibfibrespeed and Gibtelecom, was scheduled to be heard in May 2018 and this commenced on 2nd May 2018 and continued for three days.

On 30th November 2018 the judge handed down a judgment dismissing the appeal, thus agreeing with the Division's view that it does not have sufficient legal powers to mandate access in the manner Gibfibrespeed was requesting. This judgement was appealed by Gibfibrespeed and was heard by the

Court of Appeal over two days from 26th to 27th March 2019. At the time of writing, the judgement had not yet been handed down.

viii. Access dispute between Gibfibrespeed and Gibtelecom

In February 2019, the Division received a formal request from Gibfibrespeed to resolve a dispute with Gibtelecom. This request was made under Section 92 of the Communications Act 2006, "Reference of disputes to the Authority", and concerned a long-standing attempt by Gibfibrespeed to provide its connectivity services to businesses hosted at the Rockolo data centre (a wholly owned Gibtelecom subsidiary), which is located within Gibtelecom's Mount Pleasant complex. The dispute revolves around Gibtelecom's apparent refusal to enter into an agreement by which it must provide Gibfibrespeed leased lines into the Rockolo data centre.

This process requires that the Division carry out its investigation in a certain manner, as well as requiring it to complete specified tasks within strict timeframes. These include acknowledging receipt of the request for dispute resolution and accepting the request, allowing the target (Gibtelecom) to provide initial comments on the scope of the dispute and the publishing of a statement outlining the scope of the dispute.

The investigation is ongoing and the Division is required to resolve the dispute within four months of the date when it accepted the request.

ix. High cost roaming networks

After having dealt with incidents concerning local mobile phone subscribers incurring high roaming bills (also known as "bill shock"), the Division issued guidance notes to consumers of such services, placing particular emphasis on roaming outside the EU where tariffs are often far higher that the Roam Like Home tariffs, effective in all EU member states.

The guidance notes aim to provide consumers with sufficient information with which to make informed decisions when using their home mobile telephone services whilst abroad. This information is designed to make consumers conscious of their mobile phone use, make them aware of their mobile phone settings and give them the tools to set simple but effective measures with which to avoid bill shock.

The guidance notes, C05/18 can be found on the Division's website.

x. Direction issued to authorised network providers on network security and integrity

Electronic communications networks are a vital component to the success of many sectors and industries in Gibraltar. Some depend highly on the reliable delivery of electronic communications services in order for them to carry out their business effectively. Some of these businesses are small, and some are very large, often requiring high levels of capacity and resilience from their service providers. In many cases, service providers employ standard industry safeguards to prevent service down-time and maintain service availability at the specified parameters. These measures may include, among others, things such as backup generators in the event of power outages and cyber security measures to prevent cyber-attacks.

A Direction issued by the GRA in 2014 required all network and service providers to put in place appropriate measures to manage risks to end users, to take steps to protect them and to notify the Division of any such incidents which may have resulted in breaches of security, or reductions in availability of networks or services.

The Division decided to simplify the means of notification and issued a further Direction C04/18 in September of 2018 requiring all network and service providers to report any incident by completing an Incident Report Form. The form itself was issued alongside the Direction and is available on the GRA's website for providers to download as and when required.

xi. Roaming complaint

In early 2018, the Division received a complaint from a Gibtelecom mobile service subscriber, regarding charges incurred while roaming in the United States.

Upon request, the complainant provided the Division with a full account of the issue together with information to support his claim that the charges incurred, amounting to several thousand pounds, was done so as a result of agreeing to remove the default financial safeguards during a prior visit to another foreign country network.

Every mobile subscriber has, by default, a financial safeguard which prevents customers from "bill

shock". Under EU roaming legislation, mobile service providers must set a financial cap (currently no higher than the equivalent of €50) on every subscribers account. Subscribers can, however, request this cap to be removed at any time, usually so that they can continue enjoying the use of their home mobile services whilst roaming. Normally, that would mean that upon returning to their home country they would be met by a higher bill than they expect known as "bill shock". In some instances, these bills can run into the tens of thousands if the roaming network they are registered on is particularly expensive.

The complainant claimed that he had removed this financial cap during a previous trip and that he had not understood that the removal of this financial cap was permanent and was under the impression that it was only effective until the end of that month while he was travelling. For an extended period in the United States, he registered on a roaming network and continued using his home mobile services as normal until Gibtelecom blocked the service. When the complainant contacted Gibtelecom to enquire about the service outage, they informed him that he had incurred a very large bill and that was the reason for the service being suspended.

The Division began its investigation with Gibtelecom and its application of the requirements of EU wide Roaming Regulations. The Division found that Gibtelecom did not comply with one important requirement.

Gibtelecom, like all other EU mobile service providers, is required to provide its subscribers with, among other things, an SMS message containing pricing information relating to the costs to be incurred on the roaming network which the subscriber is registered onto. It transpired that Gibtelecom failed to send an SMS message to the complainant with the required information when first registering on the roaming network, and this was only sent at a later date.

The Division concluded that, due to a failure to provide the complainant with the required pricing information when he first registered onto the roaming network, Gibtelecom could not reasonably require the complainant to pay the substantial charges incurred between that time and the time when the first message containing the relevant information was issued to the complainant.

xii. Universal service

On 13th June 2018, Public Consultation C02/18 on Designation of Universal Service Provider (USP) was issued. The Universal Service review is carried out every three years and sets out a minimum set of services which must be provided by the designated service provider(s). Based on the information available at the time, the Division proposed to designate Gibtelecom as USP for a number of Universal Service Obligations (USOs) including, provision of access at a fixed location, provision of telephone services, directory enquiry services and directories, public pay telephones, measures for disabled users and affordability of tariffs for universal services.

The Public Consultation allowed interested parties to provide comments on the Division's proposals. Gibtelecom and Broadband Gibraltar Ltd provided comments and both broadly accepted the Division's position on the designations proposed. After considering the comments provided by both parties, the Division issued Decision Notice C03/18 on 4th September 2018.

One significant change was that the Division decided to shorten the designation period to one year as a result of the comments received. Gibtelecom was, therefore, designated as USP for a period of one year, commencing 30th September 2018.

xiii. Social Media

The Division uses social media platforms in order to ensure consumers are given up to date information on numerous topics of interest such as retail pricing and comparison tables for mobile and broadband services.

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

- 4G
- WiFi / How to avoid interference
- The Number Portability Process
- Mobile Roam like home
- Net Neutrality
- Home Broadband Speed Tests Guidance
- Internet Safety
- Guidance on Universal Service
- Broadband Comparison Tables
- Guidance for visually impaired and disabled users.

xiv. Relationships with other regulators

In an age of misinformation, the Division has sought to foster and develop meaningful and productive working relationships with other similar-sized regulators all over the world. Apart from meeting with other institutions at the various conferences every year, the Division has further strengthened its ties with certain regulators by corresponding regularly and exchanging ideas in a beneficial manner.

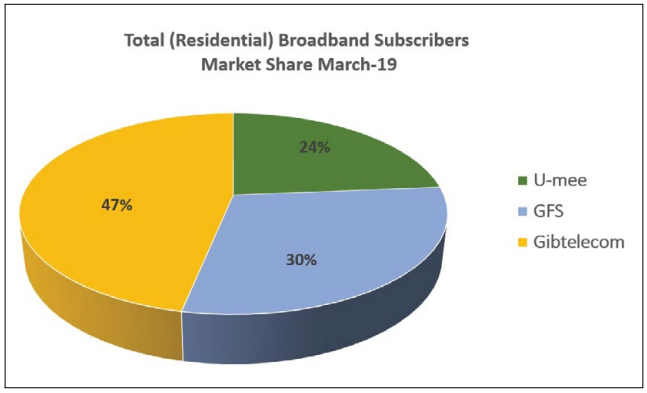
These relationships enable the Division to share experiences and learn how and why certain regulators have adopted their telecoms policies and how they have dealt with their own issues in specific scenarios. This transfer of knowledge and advice is invaluable, particularly to a small regulator, given the myriad of challenges that exist in the rapidly changing world of the telecoms industry.

The Division has established good working relationship with the regulators from the Cayman Islands, Falkland Islands, Bermuda, Jamaica, Bahamas, Isle of Man, Jersey, Guernsey and New Zealand.

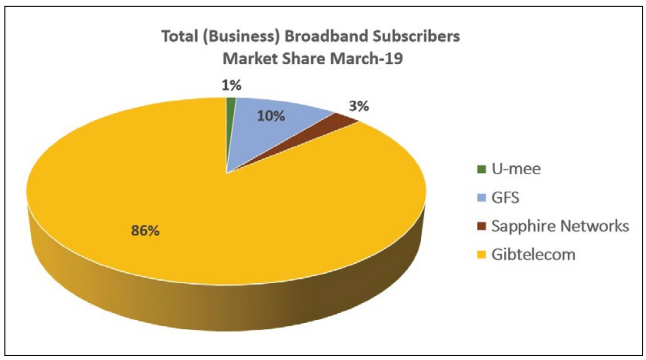
xv. Statistics and Trends

As of March 2019, the total number of broadband subscribers in Gibraltar increased from 17,373 to 18,257.

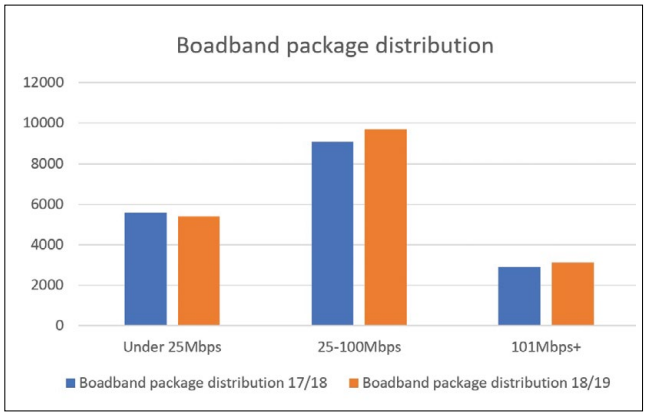
Fixed broadband (residential) market shares have also changed substantially, as illustrated in the chart below. Gibtelecom's residential market share has continued to reduce from 53% to 47%. Broadband packages from U-mee and GibFibreSpeed continue to appeal to consumers resulting in substantial subscriber numbers transferring to these alternative providers which, in turn, has increased their market share to 24% and 30% respectively.



In comparison to the considerable shift in the fixed broadband (residential) market, the same cannot be said for Gibraltar's business market shares whereby the changes have been less notable. Gibtelecom's fixed broadband (business) market share has increased very slightly from the previous reporting year to 86%. U-mee and GibFibre's market shares have essentially remained the same and are 1% and 10% respectively. Sapphire Network's market share has reduced and is currently at 3%.



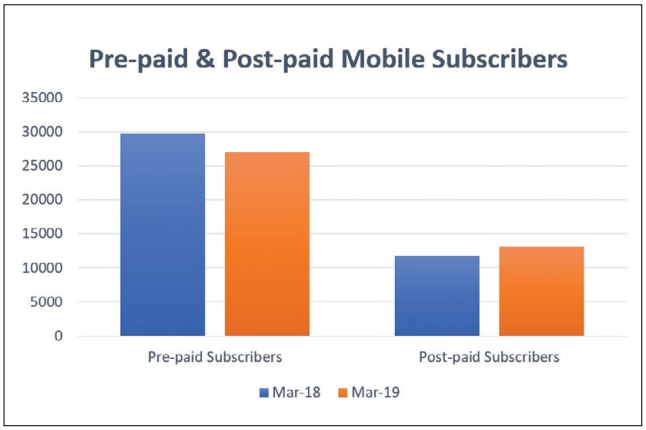
With operators competing for customers, Gibraltar's broadband market now benefits from a wider availability of products from broadband providers. Subscribers are now benefiting from Fibre to the home (FTTH) broadband with speeds of up to 500Mbps. The chart below shows the distribution of broadband packages in Gibraltar as of March 2018 and March 2019:



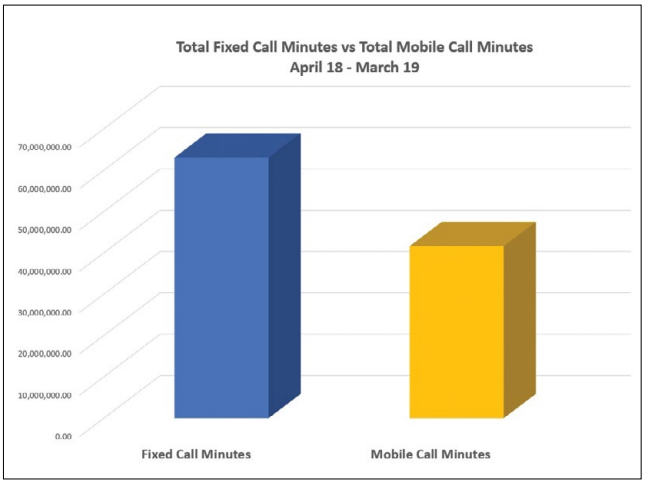
The figures collected illustrate that subscribers are opting for higher bandwidth packages with the majority of all subscribers purchasing packages between 25-100Mbps. Based on the number of subscribers consuming a range of broadband services, the most popular broadband package in Gibraltar is 100Mbps as of March 2019. This reflects the growing worldwide trend of subscribers migrating to higher bandwidth products as prices become more competitive and lower bandwidth packages being phased out.

In the mobile calls market, the chart below shows the total number of Pre & Post-paid mobile subscribers in Gibraltar. The chart below shows a decrease of 2719 Pre-paid mobile subscribers when compared to the

figures collected for the last reporting period. There has also been an increase of 1,352 post-paid mobile subscribers between the two reporting periods. It is important to note that these changes may be partly attributed to Limba no longer providing mobile services within Gibraltar.



The graph below illustrates the total number of both Fixed and Mobile call minutes:



There were 21,441,223 more fixed call minutes made by subscribers than mobile call minutes for this reporting period. The comparatively high number of fixed call minutes may, in part be due to the significant shift in subscribers purchasing services which include a fixed IP telephony service as part of a broadband bundle. IP telephony service providers tend to offer significantly cheaper tariffs on a per minute basis, allowing subscribers to consume more minutes than they were previously able to do.

As a consequence of Limba ceasing its operations earlier in 2019, the company was unable to avail the GRA of the relevant statistical data required by it for the first quarter of 2019. This will have affected the overall number of minutes that the GRA has been able to report on. Gibtelecom, has once again become the sole mobile service operator and possibly as a result of Limba's exit, have seen an increase of around 600 mobile subscribers during this period. Surprisingly, these new subscribers have had little effect on the call minutes presented by Gibtelecom, however, this is likely to change with time.

RADIO COMMUNICATIONS

Introduction

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. The Division is also responsible for administering the regulatory provision of the satellite services industry and issuing Outer Space Licences. The Division represents the Gibraltar-based operator SES Satellites (Gibraltar) Ltd ("SES-G") at international meetings and forums and ensures it complies with the International Telecommunication Union ("ITU") Radio Regulations and all other international obligations.

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

The Division examines each new satellite project and carries out the required due diligence before the filing is forwarded to the UK administration for submission to the ITU. The Division assists with the coordination of these satellite networks located in over 18 distinct orbital slots.

International Coordination and Participation

i. Satellite Coordination

The geostationary orbit is where most of the communication satellites are located. At this distance of 36,000km from the Earth, the physical nature of the orbit causes the satellite to travel at the same speed as the rotation of the Earth. This means the satellite would be pointing continuously at the same position on the Earth's surface. Conveniently, this means dish antennas on the ground are kept fixed and pointed at a satellite with no tracking required. This therefore makes orbital slots and the associated frequency bands to be used, limited natural resources and they must be rationally, efficiently and economically shared in conformity with the ITU Radio Regulations. The huge benefits of placing a communications satellite in the geostationary orbit has subsequently made it very congested over the years. Any prospective satellites associated with a new filing would need to comply with the regulatory procedures and rules set out by the ITU.

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

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

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

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

To date, SES-G has registered 33 filings with the ITU in 15 orbital slots around the geostationary orbit.

Gibraltar has a mature satellite industry and currently has 13 filings brought into use and notified with the ITU, with most of activity this year going into existing key orbital slots. These SES-G existing networks could potentially suffer interference from new incoming filings and the Division has identified 679 satellite networks from different administrations that could potentially affect SES-G networks (this

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

Coordination Requests sent to Administrations

When administrations from other countries submit new filings near the Gibraltar orbital slots, they have the potential to cause harmful interference. The Division must examine the publications of these new networks and inform the relevant administration that coordination is required. The in-house software makes the process simpler and drastically reduces the 'analysis time' and therefore allows for more time to consult with the satellite operator before the expiry of the period for comments/objections.

ii. Preparations for the World Radiocommunication Conference 2019 (WRC-19)

The World radiocommunication conferences (WRC) are held every three to four years. It is the job of WRC to review, and, if necessary, revise the Radio Regulations, the international treaty governing the use of the radio-frequency spectrum and the geostationary-satellite and non-geostationary-satellite orbits. Revisions are made on the basis of an agenda determined by the ITU Council, which takes into account recommendations made by previous world radiocommunication conferences. This year, the conference will take place in Sharm el-Sheikh, Egypt, from 28 October to 22 November 2019.

The ITU-R study period started immediately following the conclusion of the WRC-15 Conference. At that conference, the agenda for the next World Radiocommunications Conference was formally agreed and the attribution of the agenda items to the various ITU-R Study Groups and associated working parties and task groups were assigned.

Once the structure of the studies at ITU level are known, it is then for the regional bodies to agree their respective parallel organisational structures. In Europe, the Conference of Posts and Telecommunications (CEPT) is the body responsible for coordinating the European activities regarding the studies related to the various conference agenda items. Project teams have been established in the CEPT to address a linked range of agenda items – that is to develop and undertake the necessary technical studies and regulatory text on each agenda item and agree European Common Positions (ECPs) and the associated CEPT brief.

The UK regulator, Ofcom, consulted with stakeholders on the WRC-19 agenda items with a view to identifying what would be the high, medium and low priority issues for the UK. Following the consultation, the UK has identified that the high priority issues are allocations above 24.25GHz to IMT(5G), Earth Stations in Motion (ESIM) in the Ka-band and RLANs in the 5GHz band. These issues are also considered high profile agenda items for the GRA. The GRA has been attending the UK WRC-19 preparatory groups and has taken a particular interest in the work being undertaken in IFPG WG1 and IFPG WG3.

In addition to attending these UK preparatory working groups, the GRA has also attended meetings in London of the International Spectrum Stakeholders Briefing (ISSB) group, the Satellite Consultative Committee (SCC), the UK Space Agency Industry Group and the UK Spectrum Policy Forum.

iii. Satellite coordination meetings

The GRA was represented at three administration level satellite coordination meetings between the United Kingdom and China, the United Kingdom and Russia, and the United Kingdom and Japan respectively. Some coordination was also achieved via correspondence for other filings. Good progress was made during the meetings with a number of coordination agreements completed and subsequently ratified.

iv. SES-G Development Plan Review meeting

A meeting was held between the GRA, OFCOM and SES-G in London in June 2018 to discuss the Annual Development Plan update for the SES-G satellite filings. The updated plan was reviewed and approved by the GRA prior to discussions with Ofcom.

v. Terrestrial Coordination

Similarly to Satellite Coordination, the Division examines the information published by the ITU with respect to terrestrial services which contains additions, modifications or suppression of terrestrial transmitting stations or networks from neighbouring countries, any of which could cause interference to Gibraltar registered stations. Unlike satellites which can cause interference issues to a large number of other satellites or administrations, terrestrial services can mainly affect neighbouring countries, in Gibraltar's case this being, Spain and Morocco.

Notwithstanding their relative distance away from Gibraltar, modifications from Algeria and to a much lesser extent Portugal are also examined. Over the period 2018-2019 a total of 3881 modifications from the four countries listed above have been examined and only a handful of occasions have objections being raised, due to the high probability of potential interference.

vi. ITU World Radiocommunications Seminar 2018 (WRS-18)

The GRA attended the WRS-18 which took place last December in Geneva. The ITU organizes World Radiocommunication Seminars (WRS) on a biennial basis, in complement to the cycle of Regional Radiocommunication Seminars (RRS). WRS deals with the use of the radio-frequency spectrum and the satellite orbits, and, in particular, with the application of the provisions of the ITU Radio Regulations. The seminar includes numerous workshops on both Terrestrial and Satellite topics especially geared towards the use of the various software packages developed by the ITU to assist in submitting the correct applications and to analyse the potential for interference to existing systems.

Regulatory Matters

Below is an overview of regulatory matters dealt by the Division during 2018/19:

i. Management of the Electro-magnetic Spectrum

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

The above-mentioned responsibility has been assigned to the GRA and, as part of its annual remit, carries out regular inspections of the electro-magnetic spectrum using equipment capable of measuring unauthorised interference, the power levels of equipment transmitting radio waves, and a number of other factors useful in determining the state of Gibraltar's electro-magnetic spectrum usage.

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

ii. Interference and Power-Level Monitoring

The Division also carries out inspections, if concerns are raised by members of the public and organisations alike, where there is a suspected case of interference with, or misuse of, Gibraltar's electro-magnetic spectrum, such as transmission at power levels beyond those recommended by the GRA. In the period 2018/19, the following matters were attended to:

iii. TETRA

The Civilian Terrestrial Trunked Radio ("TETRA") service used for the emergency services and run by Gibtelecom, has been suffering from intermittent interference which degrades the quality in a specific area in Gibraltar. Although investigations are still ongoing, the GRA is confident the source of the interference will be identified, and the matter resolved.

iv. Mobile Bands – 5G Consultation

One of the high-profile agenda items at the WRC-19 is LTE (Long Term Evolution Mobile) and further allocations for mobile services i.e. 5G. Although the exact future bands that can be used for emerging technologies will be discussed at the conference, there are currently several bands which could be made available in Gibraltar for such services sooner. The Response to Consultations and Decision No. 02/14 (Consultation on the Licensing of 4G Mobile Services & Liberalisation of Mobile Bands in Gibraltar), paved the way for the introduction of 4G services in Gibraltar. Similarly, a new consultation currently being drafted for 5G services aims to deliver the framework for the introduction of newer technologies as well as establishing a faster reacting regulatory regime to allow the quicker rollout of future technologies, whilst ensuring strict adherence to emissions and compliance to the guidelines and recommendations of the WHO (World Health Organisation).

v. MTV Gibraltar Calling

The GRA continues to work closely with event organisers which in general utilise a substantial amount of spectrum. From radio microphones for the artists, to PMR equipment for security and management, most devices require a licence and they have the potential to interfere with other licensed operators. The MTV Gibraltar Calling event is probably the largest event which generates numerous requests for spectrum. This also extends to mobile telephony operators who request additional spectrum to provide their customers with a good service in a highly congested location.

vi. Advice and cooperation with other agencies

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

vii. Licensing of the Electro-Magnetic Spectrum

The GRA collects licence fees on behalf of Her Majesty's Government of Gibraltar and uses different licensing schemes to promote the use of technologies and maximise the use of the electro-magnetic spectrum efficiently. The following table outlines the fees collected during the period 2018/2019 for each type of licence issued under Part VI of the Communications Act 2006.

Accounting Authorities	£10500.00
AGRS	£408.00
CB Radio	£84.00
Fixed Links	£5965.00
Mobile	£624134.00
Paging	£287.00
PMR	£10875.00
Port Ops	£3475.00
Radar	£145.00
Radio Amateur	£312.00
Ship Station Licence	£34280.00
Wireless Dealers	£2300.00

Furthermore, during the period 2018/2019, the GRA renewed six Outer Space Act (OSA) licences for SES-G for each of the satellites operating in Space and which are controlled from Gibraltar. The total revenue received as a result of the issuing of these licences was £6,000.

Currently, SES-G holds 3 classes of Teleport Facilities Licence's ("TFL") with a combined generated revenue in this period of £379,285.00. Although there is a cumulative 4% applicable each year to these fees, there has been a decrease from the previous year due to the early renewal for one of the TFL's for the period 2018/2019 in the period 2017-2018. A TFL, which is a Part VI licence under the Communications Act 2006, authorises a licensee to establish and use specific earth stations for the purpose of providing a link to specific satellites through the use, from an identified location, of specific frequency bands.

viii. Outer Space Act

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

Currently, there are six Gibraltar-licensed satellites.

All the satellites licensed by the GRA are included in the UK's Registry of Space Objects and the GRA 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.

INFORMATION RIGHTS

Introduction

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

The DPA alongside the General Data Protection Regulation (the "GDPR"), which came into force on the 25th May 2018, contains a set of principles that organisations including public bodies and businesses have to adhere to, providing a comprehensive and modern framework for data protection in Gibraltar.

This year the Division carried out preparatory work for a no deal Brexit scenario, on the basis that irrespective of Gibraltar's membership of the European Union, there will not be any substantive changes to data protection law in Gibraltar as Her Majesty's Government of Gibraltar ("HMGoG") is committed to continue to ensure that Gibraltar applies the highest standards of data protection. The preparatory work included meetings with officials locally and internationally, the production of Brexit related guidance and a document outlining Gibraltar's high standards of data protection to assist HMGoG in the pursuit of a favourable adequacy decision from the EU Commission in the event of a no deal Brexit.

The 2018/19 period has been an important year for the Division, in particular, because of the work undertaken as a result of the introduction of the GDPR. Due to the changes in the law, the Division invested a significant amount of its resources in responding to incoming enquiries, public awareness and the provision of guidance to help organisations ensure compliance with the GDPR. The Division also launched a new initiative, namely periodic Data Protection Officer ("DPO") workshops, to provide further assistance to DPOs. The first DPO workshops took place in March 2019, and the Commissioner is planning to hold a second round of workshops in September 2019.

Following continuous increases in the number of data protection enquiries received by the Division in recent years, this year, the Division has seen a further notable increase of 75% in comparison to last year's figures. These figures continue to highlight the Division's ever-increasing importance as a point of reference for organisations and the general public.

In the area of international cooperation and participation, of particular significance is the Division playing a key role in two international events. Firstly, the Commissioner and Assistant Information Commissioner were invited as expert speakers to a GDPR event organised by the State of Mexico's Data Protection Authority, INFOEM. This event formed part of a series of activities that both authorities have cooperated on, product of an MOU signed between both Commissioners in October 2016. Secondly, members of the Division were asked to lead and moderate sessions at an international Data Protection and Freedom of Information case handling workshop organised by the Hungarian Authority.

As well as raising awareness about the rights of individuals under data protection law, the GRA's "Control Your Privacy" campaign aims to raise awareness of the risks to privacy from digital technology, and promote its responsible use, so that people acquire sufficient knowledge and understanding to make informed decisions about the opportunities offered by digital technology.

International Participation

An important part of the Division's role is to liaise with regulators in other jurisdictions in regard to the development of practices in the regulation and enforcement of data protection.

The Division has participated in various international events and projects, and continues to liaise with regulators world-wide to coordinate, cooperate, and align regulatory activity where possible and appropriate, to maximise its efficiency and effectiveness, and contribute to developing practices.

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

i 19th April 2018 – Common Thread Network (CTN)

The Commissioner attended an event in London organised by the Common Thread Network (CTN), a forum for data protection and privacy authorities from

Commonwealth countries. The CTN was established to promote cross-border cooperation and build capacity by sharing knowledge on emerging trends, regulatory changes and best practices for effective data protection. The event focused on 'Privacy, trust & the digital economy in the Commonwealth'.

ii 19th - 20th April 2018 – EU Commission Expert Working Group

Following the Division's work locally and internationally in regard to privacy awareness, the Division was invited by the EU Commission to form part of an expert working group to assess a prototype game, developed by the EU Commission, with the aim of raising awareness of the GDPR. A member of the Division attended the event and represented the team at the working group's seminar.

iii 3rd - 4th May 2018 – European Conference of Data Protection Authorities

Two members of the Division attended the annual European Conference of Data Protection Authorities. The conference was held over two days and this year's theme was "Data Protection - Better Together". The matters discussed were: the role of data protection authorities in the area of surveillance by intelligence agencies; the territorial scope of the GDPR; protecting personal data in law enforcement and justice and social media, micro targeting and political campaigning.

iv 13th - 14th June 2018 – Global Privacy Enforcement Network (GPEN) Enforcement Practitioner's Workshop

GPEN consists of privacy enforcement authorities from around the world, whose collective aims are to promote and support cooperation towards cross-border enforcement of laws protecting privacy.

Two members of the Division attended the GPEN Workshop which focused on "Practical Solutions for Enforcement in a Global Digital World". The Workshop was attended by experienced investigators and case handlers who shared their experiences and collaborated, to empower their relevant authorities to achieve more impactful outcomes more efficiently. The operational-level ties established at this event have laid a sound foundation for future collaborative relationships, within privacy enforcement.

v 28th June 2018 - British, Irish and Islands Data Protection Authorities (BIIDPA)

A BIIDPA meeting is held at least once every year. This year, the meeting was hosted by the Isle of Man Information Commissioner and involved Data Protection Authorities from the UK, Ireland, Malta, Guernsey, Jersey, Isle of Man and Gibraltar.

Attended by the Commissioner and Assistant Information Commissioner, the agenda centred mainly on matters relating to Brexit, including how each authority focussed their efforts on further developing their current data protection regulatory frameworks.

vi 2nd – 5th July 2018 – Privacy Laws Data Protection Conference

The Division attended the annual Privacy Laws Data Protection conference in Cambridge. The conference brought together legal experts, data protection practitioners, regulators and other stakeholders and touched upon new elements of data protection law and data protection issues in evolving areas such as the blockchain.

vii 1st October 2018 – INFOEM Conference

Invited as expert speakers, the Commissioner and the Assistant Information Commissioner participated in a GDPR conference organised by the State of Mexico's Data Protection Authority, INFOEM. This event was one from a series of activities that both authorities have cooperated on, stemming from an MOU signed between the Commissioner and INFOEM's Commissioners in October 2016, for cooperation at international level on matters relating to data protection. The event was split into two sessions, with presentations on "key points of the GDPR" and "international transfers under the GDPR", respectively delivered by the Commissioner and the

Assistant Information Commissioner. The conference took place in Toluca, Mexico and was attended by Data Protection Commissioners and their staff from various states in Mexico.

viii 5th October 2018 – International Review on Privacy Accountability

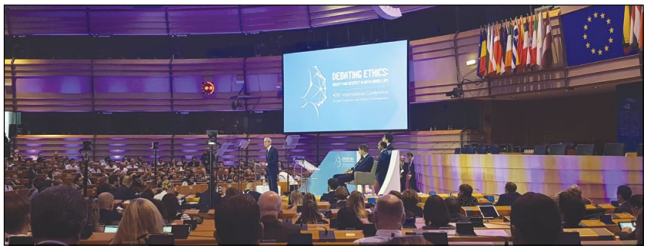
GPEN coordinated its sixth privacy sweep (the "Sweep"), which focused on the theme of accountability. The Division took part in this international exercise, which involved eighteen data protection authorities reviewing the arrangements of 356 organisations across the world. The Sweep commenced in September 2018 and continued throughout October 2018, with conclusions on the international review published in March 2019.

The aim of the Sweep was to identify trends to guide future education and outreach and highlight areas for further follow-up engagement between authorities. This is the fifth year the Division has participated in the GPEN Sweep.

As part of the initiative, the participating authorities, including the GRA, made enquiries with a number of organisations to get an idea of how the concept of accountability has been incorporated into everyday business practices. The exercise focused on internal privacy frameworks, internal governance structures, training and awareness, transparency, incident management regimes, and their ability to document stored data and track data transfers. Locally, the Division concentrated on the telecommunications sector.

ix 23rd October 2018 – International Conference of Data Protection & Privacy Commissioners (ICDPPC)

The Division participated in the annual ICDPPC held in Brussels. The conference brings together Data Protection Commissioners from around the world and other important information rights organisations such as the Council of Europe. At the event, participants discussed data protection issues, shared knowledge, and worked collectively on current and developing issues. Amongst other things, the global group of Commissioners, adopted resolutions that set out the conference's resolve in relation to specific matters. This year, the conference focused on ethics, dignity and respect in a life driven by data, with a particular focus on artificial intelligence.



x 26th – 29th November 2018 – Data Protection & Freedom of Information Case Handling Workshop

Two members of the Division attended the Data Protection Case Handling Workshop and the first ever Freedom of Information Case Handling Workshop. The event took place in Budapest, Hungary, over a four-day period. Both members of the Division actively participated in the session and were involved in leading and moderating sessions of the Data Protection Workshop as well as spearheading discussions within their working groups. Both events involved participants from different authorities worldwide, sharing practical experiences on data protection and freedom of information matters respectively.

xi 10th – 14th March 2019 – International Conference of Information Commissioners (ICIC)

The Division attended the 11th ICIC, which was held in Johannesburg, South Africa. This conference promotes international cooperation to strengthen public access to information and affords Information Commissioners worldwide, a shared platform to discuss matters relating to Freedom of Information legislation.

The Division's members participated in the ICIC's review of the Sustainable Development Goal (SDG), an initiative that calls on members to adopt and implement access to information laws and policies. The conference reflected on the role of Information Commissioners and Ombudsmen worldwide, working collectively as a network in monitoring the implementation of the SDG.

Regulatory Matters

The following is an outline of the regulatory matters which the Division has been involved in for the period 2018/19.

i. Measured Activity

Amongst the key activities of the Division's regulatory functions are inbound enquiries and investigations.

a) Inbound Enquiries

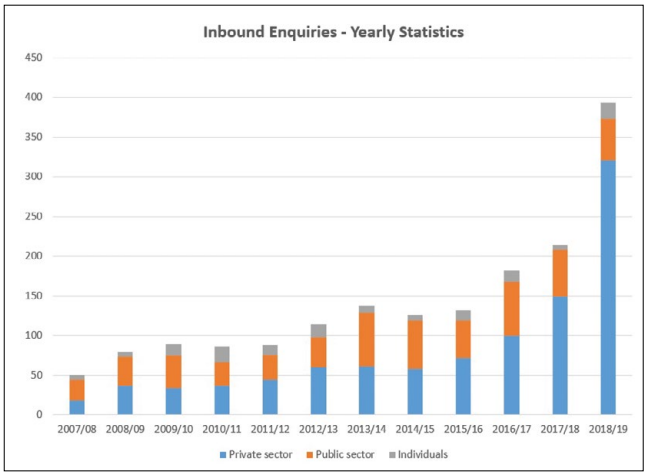
In months leading up to and during the incorporation of the GDPR which commenced on the 25th May 2018, the Division saw an influx of data protection queries from organisations in regard to the regulatory policies and high data protection standards required by this new Regulation.

The inbound enquiries received are recorded under the following three categories, namely enquiries from (i) the public sector, (ii) the private sector or, (iii) from individuals. Below is a breakdown of the number of enquiries received under each category for the 2018/2019 period:

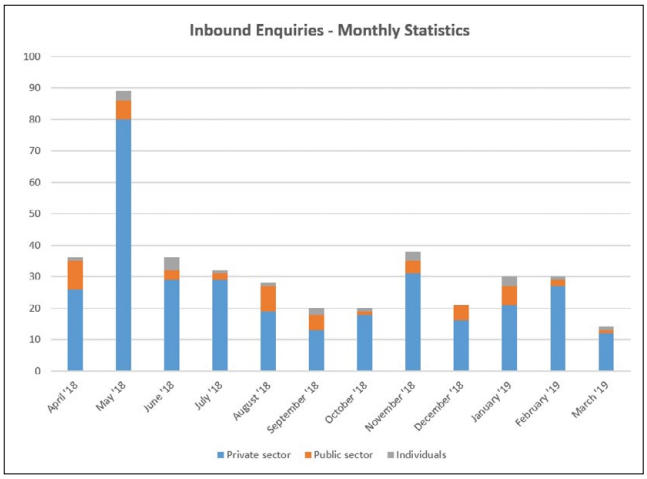
Inbound enquiries from the public sector: 52
Inbound enquiries from the private sector: 321
Inbound enquiries from individuals: 21

The volume of inbound enquiries, via email and telephone, has significantly increased from last year's total of 224. This year the total number of inbound enquiries was 394, representing an increase of over 75%.

The following table compares the volume of inbound enquiries over a 12 year period, and highlights the noteworthy increase in the number of inbound enquiries received by the Division during the 2018/2019 period.



It is evident from the chart below, that the volume of inbound enquiries for the period reported on peaked during the month of May which coincided with the commencement of the GDPR. A total of 89 enquiries were received in the month of May in comparison to a monthly average of 28.



Notably, there is a 13% decrease in the number of enquiries received from public sector bodies as well as a significant increase in the number of enquiries received from individuals; from a total of 6 enquiries in the 2017/2018 period to a total of 21 in the 2018/2019 period.

In relation to the private sector, the number of enquiries received have more than doubled with last year's total standing at 149 in comparison to this year's total of 321.

The increased work in this area highlights the Division's growing importance as a point of reference for the public and organisations.

b) Investigations

An investigation is any process which sees the Division taking action either as the result of a complaint or as a result of information obtained as part of the day-to-day function of the Division and which raises doubts as to whether the DPA/GDPR is being complied with. The action taken differs with each investigation and enforcement action (including fines) is taken, where considered appropriate, and proportionate, to the circumstances of the case, taking into consideration a data controller's compliance history, cooperation and willingness to take corrective action.

The period 2018/19 saw the Division close a total of 29 investigations, summarised in the table below.

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

Data Controller	**Data Protection concern**	**Investigation outcome**
IV18/17 Gibraltar Car Parks Limited	Failure to comply with a Subject Access Request	Gibraltar Car Parks Limited failed to comply with a Subject Access Request as per section 14 of the DPA. Following the Commissioner's intervention, Gibraltar Car Parks Limited provided the complainant with the information requested.
IV22/17 Housing Department	Failure to comply with two Subject Access Requests	The Housing Department failed to comply with two Subject Access Requests as per section 14 of the DPA. Following the Commissioner's intervention, the Housing Department provided the complainant with the information requested in both Subject Access Requests.
IV23/17 YourHealthCovered.com	Unsolicited direct marketing via email	No contravention of the DPA was identified – the complainant did not cooperate to progress with the investigation.
IV24/17 Gibtelecom Limited	Processing personal data without appropriate security measures	Gibtelecom Limited contravened sections 6(1)(d) and 11 of the DPA for its processing of personal data without appropriate organisational and technical security measures. The case concerned the accidental disclosure of all the telephone numbers allocated to a corporate client. The Commissioner recorded Gibtelecom's contravention and engaged with them to review their arrangements and improve compliance.
IV25/17 Gibro Group	Failure to comply with a Subject Access Request	Gibro Group failed to respond to a Subject Access Request in accordance with section 14 of the DPA, in particular because the information requested was not provided within the prescribed timeframe.
IV27/17 Century 21 Estate Agents	Unsolicited direct marketing via email	Century 21 Estate Agents sent unsolicited marketing emails in breach of the DPA and the Communications (Personal data and privacy) Regulations 2006. Century 21 Estate Agents failed to demonstrated how they had obtained the complainant's personal information and/or the consent to direct marketing.

IV28/17 European Financial Planning Group Limited	Failure to comply with a Subject Access Request	European Financial Planning Group Limited failed to respond to a Subject Access Request in accordance with section 14 of the DPA. Following the Commissioner's engagement, the European Financial Planning Group Limited provided the complainant with all the personal data that was not initially provided within the prescribed timeframe.
IV29/17 Gibraltar Health Authority	Failure to comply with a Subject Access Request	No contravention of the DPA was identified – the complainant did not cooperate to progress with the investigation.
IV31/17 Online gambling operator[1]	Self-notification of data breach by online gambling operator	The operator took appropriate remedial action in response to the data breach and reviewed its organisational and technical security measures to further protect the personal data that it processes.
IV01/18 Civil Status & Registration Office	Unlawful disclosure of personal data	The Commissioner undertook an investigation concerning the processing of passport information at the Civil Status & Registration Office. As a result of the investigation, it was found that customers collecting their passport gained access to the names and passport numbers of previous service users. The Commissioner engaged with the Civil Status & Registration Office who undertook changes to their processing of passport information to ensure that information was not unlawfully disclosed.
IV02/18 Borders & Coastguards Agency	Failure to comply with two Subject Access Requests	No contravention of the DPA was identified – the complainants did not cooperate to progress with the investigation.
IV03/18 Grand Home Care	Unlawful disclosure of personal data	Grand Home Care disclosed personal data in breach of section 7(1) of the DPA. However, the Commissioner noted that the disclosure was accidental and did not reflect common business practice.
IV04/18 Cassava Enterprises (Gibraltar) Limited	Failure to comply with a Subject Access Request	Cassava Enterprises (Gibraltar) Limited failed to respond to a Subject Access Request in accordance with section 14 of the DPA, in particular because the information requested was not provided within the prescribed timeframe.
IV05/18 Logical Thinking Limited	Failure to comply with a Subject Access Request	Logical Thinking Limited customer support misinterpreted a Subject Access Request as a request to delete personal data. Logical Thinking Limited provided the complainant with a written apology acknowledging the misunderstanding. The Commissioner engaged further with the complainant to determine any negative consequences. However, no further information or comments were provided to the Commissioner, who proceeded to close the case.
IV07/18 Primary Care Centre and St Bernard's Hospital	Processing personal data without appropriate security measures	The Gibraltar Health Authority's website collected personal data without encryption. As a result, the Primary Care Centre and St Bernard's Hospital were found in breach of Article 5(1)(f) and Article 32 of the GDPR. Following the Commissioner's investigation, the Primary Care Centre and St Bernard's Hospital took corrective action by implementing and applying a security certificate to their website.

[1] Considering the organisation's self-notification of the breach and other details relating to the case, it was agreed that the investigation would be reported anonymously.

IV08/18 Individual A v Individual B	Unlawful disclosure of personal data	Individual A claimed that Individual B unlawfully disclosed personal data to third parties by sharing information about an incident which Individual A confidentially divulged to Individual B. No contravention identified – the complainant did not cooperate to progress with the investigation.
IV09/18 Kindred Group Plc	Failure to comply with a Subject Access Request	No contravention of the GDPR identified – Kindred Group Plc responded to the Subject Access Request in accordance with Article 12 and Article 15 of the GDPR.
IV10/18 Individual A v Colorworks Design Limited	Unlawful processing of personal data	Individual A claimed that Colorworks Design Limited had unlawfully processed their personal data. No contravention identified.
IV11/18 Individual B and Individual C v Colorworks Design Limited	Unlawful processing of personal data	Individual B and Individual C claimed that Colorworks Design Limited had unlawfully processed their personal data. No contravention identified.
IV12/18 Manchester United Supporters Gibraltar Branch	Failure to comply with a Subject Access Request	Manchester United Supporters Gibraltar Branch failed to respond to a Subject Access Request in accordance with section 14 of the DPA, in particular because they did not respond within the prescribed timeframe.
IV13/18 FindaProperty.gi	Failure to comply with a Subject Access Request	FindaProperty.gi failed to respond to a Subject Access Request in accordance with Article 12 and Article 15 of the GDPR. Following the Commissioner's involvement Findaproperty.gi made attempts to provide the information requested. The complainants informed the Commissioner that they were satisfied with the information provided by FindaProperty.gi. The Commissioner advised FindaProperty.gi to review their arrangements to ensure compliance with Articles 12 and 15 of the GDPR when requests for information are received from data subjects.
IV15/18 Bella Vita Supplies Limited	Processing of personal data that was not adequate, relevant and limited to what was necessary. Processing personal data without appropriate data retention measures.	The Commissioner initiated an investigation concerning a CCTV system installed at a beach bar, owned by Bella Vita Supplies Limited. Bella Vita Supplies Limited were in breach of Article 5(1)(c) of the GDPR as two of the CCTV cameras were processing personal data beyond their property, in a manner that was not adequate, relevant and limited to what was necessary in relation to the purpose. Further, Bella Vita Supplies Limited were unable to demonstrate that they had appropriate measures in place in regard to the retention of personal data, in breach of Article 5(1)(e) of the GDPR. Following the Commissioner's investigation, Bella Vita Supplies Limited removed or destroyed all CCTV cameras and recordings.

IV16/18 Department of the Environment, Heritage and Climate Change	Processing of personal data without a lawful basis	The Commissioner initiated an investigation in relation to CCTV cameras installed at Gibraltar's beaches and the related footage publicly available at www.beaches.gi. It was found that the Department of the Environment, Heritage and Climate Change was processing personal data without a lawful basis, in breach of the GDPR. Following the Commissioner's engagement, the Department of the Environment, Heritage and Climate Change confirmed that the CCTV cameras had been turned off and were therefore, no longer processing personal data. Further, the Department of the Environment, Heritage and Climate Change confirmed that they would be taking steps to correct any issues should the CCTV cameras be turned on again.
IV17/18 BetVictor Limited	Processing of personal data without appropriate security measures and failure to comply with a Subject Access Request	The Commissioner initiated an investigation regarding a Subject Access Request and a purported data leak. The Commissioner found that BetVictor Limited did not respond to a Subject Access Request in accordance with Articles 12 and 15 of the GDPR, in particular because the complainant had not been provided with his personal data within the prescribed timeframe. No other contraventions were identified.
IV20/18 Civil Status & Registration Office	Failure to comply with a Subject Access Request	The Civil Status & Registration Office failed to respond to a Subject Access Request in accordance with Article 12 and Article 15 of the GDPR. After being issued with an Enforcement Notice, the Civil Status & Registration Office provided the complainant with the information requested.
IV21/18 Data Candy Limited	Processing personal data without appropriate security measures	A complaint was submitted by an individual to the Information Commissioner's office in the United Kingdom, who referred the complaint to the Commissioner. The complaint related to the complainant's ability to obtain unauthorised access to an internal client database run by Data Candy Limited. The Commissioner found that Data Candy Limited breached Articles 5(1)(f) and 32 of the GDPR by not having appropriate technical and organisational measures in place to protect personal data in the database from being deliberately or accidentally compromised. Following the Commissioner's engagement, the unauthorised access to data was corrected and additional security measures introduced.
IV24/18 Tradewise Insurance Company Limited	Unlawful disclosure of personal data	Tradewise Insurance Company Limited disclosed personal data in an unlawful manner, as the disclosure did not meet any of the conditions in Article 6(1) of the GDPR. The contravention was accidental and did not reflect common business practice.
IV26/18 Lottoland Limited	Unsolicited direct marketing via email	No contravention of the GDPR was identified – the complainant did not cooperate to progress with the investigation.
IV30/18 Private Landlords	Data protection concerns relating to the processing of personal data through a CCTV system	The Commissioner received a complaint in relation to a CCTV system installed in a communal area of a local estate. The camera was not real and did not record footage. No contravention was identified.

ii. Enforcement action

The investigations listed in the foregoing were predominantly instigated by the Division on receipt of a complaint. The Commissioner's actions when a contravention is identified are subject, and proportionate, to the circumstances of each case. In most cases during the period reported on, data controllers cooperated and resolved to review their arrangements to ensure compliance with the DPA/ GDPR and in accordance with any requests from the Commissioner.

In the more serious cases, the Commissioner would request that a data controller commit to carry out specific tasks to improve compliance. In circumstances where a data controller does not satisfactorily cooperate with the Commissioner's requests, the Commissioner would use his enforcement powers, such as issuing an Enforcement or Information Notice. The following actions were taken this year:

One Enforcement Notice was issued to the Civil Status and Registration Office (the "CSRO") requiring the organisation to take corrective action to ensure compliance with Articles 12 and 15 of the GDPR, in relation to a Subject Access Request that the CSRO had not processed in accordance with the GDPR's requirements.

One Information Notice was issued in an investigation that is not reported on in the foregoing as the investigation remains ongoing. The case concerns the purpose and positioning of a CCTV System in the parking area of a residential area.

iii. Data Protection Guidance

Guidance is an area that has been given greater priority by the Commissioner to assist organisations in their efforts to comply with the GDPR. During the period reported on, the Division has issued seven guidance notes in relation to the GDPR, to assist organisations and facilitate a smooth transition to the data protection standards required under the GDPR.

Further, the Division has organised and/or participated in data protection workshops, where the Division generally delivers a presentation including some exercises and case studies, followed by a question and answer session. Intended to promote collaboration and discussion, the workshops provide an open forum to debate data protection law and good practice with members of the Division and other participants.

a) Guidance Notes

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

• Identifying the Lawful Basis

To collect and use personal data legitimately under the GDPR and the DPA, organisations need to have a 'lawful basis' that they can rely on to process personal data legitimately, depending on the "category" of personal data. This Guidance Note provides general guidance on the lawful bases that are available for organisations to rely on, in a practical and concise manner.

• Guidance for SMEs

In addition to providing general guidance on how to help organisations become GDPR-compliant, this Guidance Note includes a 'Personal Data Inventory Tool', a 'Readiness Checklist', and a 'Data Protection Policy Guide' designed to assist, particularly the small and medium sized enterprise, who may not have access to extensive planning and legal resources.

• Personal Data Breach Notification

The Guidance Note focuses on the GDPR's data breach notification requirements and includes examples to assist data controllers determine whether they need to notify a personal data breach, a flowchart which illustrates the notification requirements under the GDPR and a data breach notification form for data controllers to use should they be required to notify a personal data breach.

• Information Commissioner's Regulatory Action

This document provides guidance on the regulatory action that the Commissioner may take under the DPA and the GDPR. It provides information on how the Commissioner proposes to exercise his functions in connection with information notices, assessment notices, enforcement notices and penalty notices.

• Getting Ready for Brexit

This document provides guidance for organisations to prepare for a "no-deal" Brexit, in which case the current GDPR, as we know it, will be absorbed into Gibraltar law. A no deal Brexit would not provoke any substantive changes to data protection law in Gibraltar. The uninterrupted free flow of data between Gibraltar and the European Economic Area (the "EEA") may be affected and guidance on how to overcome hurdles is provided in this document.

The Guidance Note advises on "International Transfers", the key steps organisations should take

in the event of a "no-deal" Brexit and provides information on the use of Standard Contractual Clauses" (likely to be a popular mechanism to protect the ongoing transfer of data to and from Gibraltar).

• International Transfers

The purpose of this document is to provide summary guidance on the provisions in Chapter V of the GDPR regarding transfers of personal data to third countries or international organisations. The guidance is useful to a data controller in Gibraltar, as a territory within the EU, to understand its obligations when transferring data outside of the EEA.

In the event of a "no-deal" Brexit, this guidance will also be useful to a data controller or processor in Gibraltar as it identifies the mechanisms that may be used to maintain ongoing data flows from the EU/EEA.

• Data Protection and Brexit for Law Enforcement Processing

As per sections 39 and 40 of the DPA, the processing of personal data by a Law Enforcement Authority ("LEA") for "law enforcement purposes" is regulated by Part III of the DPA, not the GDPR.

The Guidance Note applies to 'competent authorities' who process personal data for law enforcement purposes and provides a checklist which highlights the five steps LEAs can take to prepare for data protection compliance should Gibraltar leave the EU without a deal.

b) Workshops

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

• GDPR Workshop for Charities

The Division was invited to participate in a GDPR workshop organised by Kusuma Trust Gibraltar. The workshop which was attended by approximately fifty individuals, representing over twenty-five registered charities, was designed to assist the charities in their journey to become GDPR-compliant. The Division delivered a presentation about the GDPR and led a series of interactive exercises, working through scenarios related to the charity's sector.

• LEA/GDPR Workshops for Data Protection Officers (DPOs)

The Commissioner organises periodic data protection workshops for DPOs in Gibraltar, with the first of these held in March 2019. The workshops aim to promote awareness and provide assistance to data controllers and DPOs in relation to their data protection obligations.

The workshops present DPOs with an opportunity to broaden their understanding of data protection law and are also an opportunity for the Commissioner's office to obtain a better insight into the issues/challenges faced by data controllers and DPOs. Further, the workshops provide a platform that promotes discussion and facilitates collaboration between DPOs.

iv. Registers

a) Register for Data Controllers

Gibraltar's data protection law changed when the GDPR came into force. The new law abolished the requirement to maintain a Register of Data Controllers. The change aims to assist organisations by reducing administrative and financial costs.

However, organisations are required to keep detailed internal records of their data protection activities under Article 30 of the GDPR.

b) Register of Data Protection Officers

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

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

c) The Opt-Out Register

In 2013 the Commissioner launched the Opt-Out

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

v. Public Awareness

The Division runs a "Control Your Privacy" ("CYP") campaign that aims to raise awareness of data protection and the risks to privacy from digital technology, and promote its responsible use, so that people have sufficient knowledge and understanding to make informed decisions about the opportunities offered by digital technology. Launched in January 2014, the CYP campaign involves a combination of activities ranging from social media campaigns, e-newsletters, workshops, public awareness events and an awareness through education initiative, which involves school presentations and online resources.

a) Social Media

The Division uses social media platforms to disseminate advice and information and engage with the public. The Division uses a combination of ad hoc posts and specific "social media campaigns" on topical matters that run for several weeks. The Division has this year carried out social media campaigns on the following topics:

- 2017-2018 School Privacy Awareness Survey
- Data Portability
- GDPR: Getting Started
- How to Prepare for Brexit
- Personal Data Breach Notification
- Rights of Individuals Under the GDPR

The ad-hoc posts vary from one-time guidance on specific topics to information relating to activities carried out by the Division, such as the publication of guidance notes, awareness raising events and participation in international events.

b) E-Newsletters

Launched in the last quarter of 2017, the Division's quarterly e-newsletters aim to provide subscribers with news, updates and the latest developments in relation to data protection matters. The e-newsletter describes the wide-ranging work completed as the statutory body responsible for the enforcement of data protection law in Gibraltar and includes investigation summaries, a calendar of events, news about international participation and frequently asked questions, amongst other topics.

The e-newsletter is distributed to those who subscribe to the Division's service. Four e-newsletters have been published this year.

c) Subscription Service

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

d) Awareness Events

- GDPR Awareness Day

Friday 25th May 2018 marked the beginning of the GDPR. To honour this milestone and provide the general public with information about how the GDPR strengthens the privacy rights of individuals, the Division held an awareness day at the Piazza on the day.

- Data Protection Day

28th January is Data Protection Day, an annual event celebrated internationally to commemorate the importance of privacy and data protection. To celebrate Data Protection Day this year, the Division released a short video on the topic of privacy and data protection.

The video, which forms part of the Commissioner's "Control Your Privacy" Campaign, aims to provide different sectors of the community with information about privacy rights. Using visual stimuli, sound effects and a clear, concise narrative, the video links the emergence of new technologies that so greatly benefit the data-driven world we live in, to the importance of protecting your personal data and exercising your individual privacy rights.

The video helps raise awareness of the risk to privacy

from new technologies and prompts viewers to think about the personal information that they publish. It also highlights elements of the GDPR and how this recent shake-up in data protection law affects individuals and their rights.

The Commissioner invites the public to view the video using the following link: https://youtu.be/kkoa0n5Quaw

• Safer Internet Day

The Division collaborated in this year's 'Safer Internet Day' on the 5th February 2019, an initiative which is celebrated globally with the latest theme being: Together for a better internet. Aimed to inspire a national conversation about using technology responsibly, respectfully, critically and creatively, the event, organised by the Royal Gibraltar Police, reached out to children, parents and carers, teachers, educators and social workers, as well as industry, decision makers and politicians, to encourage everyone to play their part in creating a better internet.

e) Awareness Through Education

• School presentations

The Division began this academic year's awareness raising campaign in local schools in November 2018. A total of fifteen presentations were delivered to middle and secondary schools, including the Gibraltar College of Further Education.

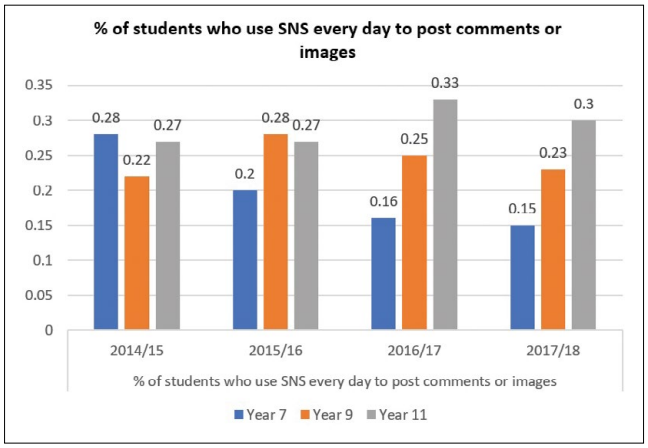
The school presentations are designed to draw the student's attention by unravelling the importance of protecting personal data on popular social media platforms, using relevant examples and encouraging healthy discussion during the session. The presentation uses a combination of visually attractive slides and videos to keep the concentration flowing. It incorporates a series of interactive and informative exercises to encourage light debates and more importantly, helps break down data protection jargon into practical terminology for students, providing an insightful understanding into the world of privacy.

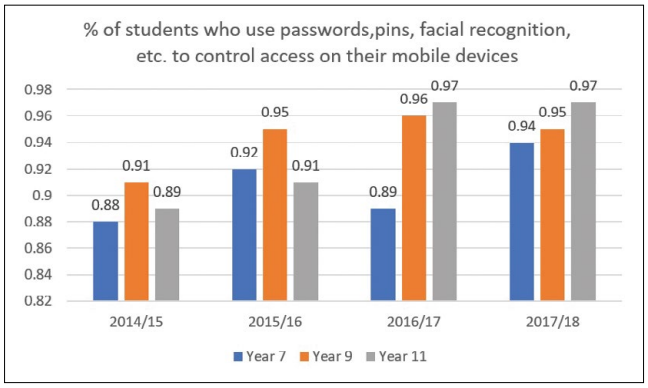
• School survey

The Division undertook a survey on the use of Social Networking Sites ("SNS") and privacy amongst students from local schools for the fifth consecutive year. The 2017/2018 survey results, which can be downloaded from the GRA's website, comprised of 841 students, consisting of 481 boys and 360 girls approximately between the ages of 11 and 18 years.

The purpose of the survey was to obtain an understanding of the extent of use of SNS amongst local students and learn more about the habits of these students with regards to SNS, in particular, which SNS are being used, the reasons and frequency of use, and the extent to which available privacy controls are being used. The survey also enabled the Commissioner to establish the extent to which the students using mobile devices, use available security features such as a password or PIN.

Following is an extract of survey results:





• Competency framework

The Division has developed educational resources, which teachers can use to educate students on

privacy and data protection. Two packs have been developed – one for middle schools and one for secondary schools, however teachers may adapt and use the resources in each pack across different ages should they consider it appropriate and/or useful.

The lesson plans, which can be downloaded from the GRA's website, integrate into Gibraltar's 'privacy awareness regime', an International Framework which was developed by an international working group on digital education that the GRA forms part of. The framework was adopted globally by the International Conference of Data Protection and Privacy Commissioners.

The work completed by the Division was acknowledged in the "Report of the International Working Group on Digital Education" published in October 2018. The report grouped the main actions of the Digital Education Working Group (DEWG) consisting of 65 data protection authorities from six major regions of the world.

BROADCASTING

Introduction

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

There are three radio broadcasters and two television broadcasters in Gibraltar. The radio broadcasters are; Radio Gibraltar, which has a long history and has been providing a regular service since 1958, and the British Forces Broadcasting Service ("BFBS"), provided by the Services Sound and Vision Corporation ("SSVC"), and has been broadcasting in Gibraltar since 1961, and Rock Radio which was licensed in October 2018.

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

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

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

International Participation

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

i. 47th European Platform for Regulatory Authorities Meeting ("EPRA"), May 2018, Luxembourg.

The 47th EPRA meeting took place on 23-25 May 2018 in Luxembourg, at the invitation of the Autorité Luxembourgeoise Indépendante de l'Audiovisuel, and was held at the European Convention Centre Luxembourg, home to the first elected European Parliament. Attending the meeting were 157 participants from 50 EPRA members.

The first plenary session was on "The future of Public Service and Public Interest Content in the Digital Age: taking stock of stakeholders' views". This brought together key stakeholders to report on their perception of the current challenges in the provision, distribution and delivery of public service and public interest content.

The second plenary session focused on the "Regulation of political communication and the challenges of social media". The objectives were to take stock of relevant research findings on the ability of social media to influence the outcome of elections and referendums.

Working group one's theme was "Commercial communication 2.0: mapping changes". The session explored new advertising techniques and the future of commercial communications. The stakeholders discussed their reaction to the changes brought about by new technologies and the changing consumption patterns, and about their expectations of regulators.

Working group two's theme was titled "Achieving greater diversity in broadcasting: focus on gender" with a view to encourage a better representation of society by addressing the issues through the specific angles of gender representation. The session was two-fold, covering on-screen gender representation and the portrayal and off-screen representation i.e. behind the camera and workforce.

The third working group was titled "New challenges for privacy – world café discussion". The session, taking place on the day of the coming into force of the EU General Data Protection Regulation (GDPR), also tentatively explored areas where concerns about privacy and data protection might meet. The group's aim was to discuss current issues of concern for audiovisual regulators with regard to privacy matters in the linear and non-linear world. Participants, who included the GRA's CEO, were asked to consider whether there was a shift in the concept of privacy and whether it had an impact on how they balance public interest, the right to freedom of expression and the right to respect for private life.

ii Public Media Alliance Global Conference in Kingston, Jamaica, August 2018

On 13th August 2018, the Deputy CEO and a member of the Broadcasting Division attended the Public Media Alliance Global Conference in Kingston, Jamaica, themed "Rebuilding trust in Media and Democracy".

The core work of the Public Media Alliance is to help strengthen and improve public service broadcasting around the world by supporting the development of high-quality public service content, gathering and publishing information on best practice, providing training and holding events to stimulate debate and knowledge exchange.

The Deputy CEO was guest speaker at the conference and delivered a presentation on "Public media from different perspectives: The view from Gibraltar". The presentation explored the role of the GRA, its relationship with the Gibraltar Broadcasting Corporation and ensuring that broadcasting standards are met, and touched upon the future regulatory challenges in the digital era.

iii. 48th European Platform for Regulatory Authorities Meeting ("EPRA"), October 2018, Bratislava.

The 48th EPRA meeting held in Bratislava, Slovakia, was held on the 10th to 12th October 2018 at the invitation of the Slovak Council for Broadcasting and Retransmission (CBR). A total of 142 participants representing 49 EPRA members from various European countries attended the meeting.

The first plenary session was titled "Public service & public interest content in the digital age: the role of regulators". The session focused on the regulatory and organisational responses to the political and social pressure faced by public service media.

The second plenary session "Political communication & the challenges of social media: what role for regulators?" reported on the progress of various strands of work within European Regulators Group for Audiovisual Media Services which had been working to address the topical dilemma raised by political communication and social media from various complementary angles.

In addition to the plenary sessions, there were three concurrent working groups. The first working group titled "Commercial communications: the respective role of regulators", reviewed the current range of tools and approaches that other regulatory authorities have and whether the role of regulators should change. Additionally, the session focused on the way other regulatory authorities approached the changes, notably with the inclusion of video sharing platforms in the field of regulation of commercial communications. It also explored opportunities for reinforced cooperation between regulatory and self-regulatory bodies.

The second working group "Achieving greater

diversity in broadcasting: the whole picture", looked at practical ways of encouraging better representation of society on the screen. There were four key findings that arose from the discussions. Overall, there seemed to be a consensus that regulators have an important societal role to play as the guardians of diversity in the audiovisual sphere, aligned to their fundamental purpose of supporting freedom of expression and democratic values.

Lastly, the third working group titled "Spotlight on AVMSD: implications for cooperation between national regulatory authorities (NRA) from EU & non-EU countries", resulted in a lively discussion on the status of cooperation between media regulatory authorities in the EU and in wider Europe, on the eve of the adoption of the new AVMS Directive. The working group looked at principles, instruments and future prospects for efficient collaboration, and participants exchanged recent case studies on formal and informal cooperation between NRAs from EU and non-EU countries.

iv. 19th Mediterranean Network of Regulatory Authorities Plenary Assembly held in Barcelona, November 2018.

The 20th Plenary Assembly of the Mediterranean Network of Regulatory Authorities (MNRA) was held in Barcelona, Catalonia, Spain, on 22 and 23 November 2018, at the invitation of the Consell de l'Audiovisual de Catalunya (CAC). Twenty member bodies from seventeen countries and territories around the Mediterranean were present.

The first keynote speech on the 'Revision of the Audiovisual Media Services Directive (the "Directive") was delivered by Marcel Boulogne, representative of DG CONNECT of the European Commission. Mr Boulogne outlined the main features of the new Directive: the extension of the scope to video sharing platforms, the harmonization of rules between linear and on-demand audiovisual services, the strengthening of the protection of minors against harmful content; the promotion of European works in the catalogues of the on-demand audiovisual services (30%); the harmonization of rules on commercial communications in television, on-demand and platform services; media literacy.

The second keynote speech was on 'User protection in new audiovisual media services, Regulation and Media Literacy'. Several regulators from across the Mediterranean spoke on different matters relating to media literacy and fake news. There was also a presentation by the GRA's CEO who spoke about the main features of the General Data Protection Regulation (GDPR) of the European Union. He highlighted the positive progress made in terms of protecting the rights of the individual, protection of minors and empowering actors.

Additional keynote speeches focused on 'Gender and the media', 'Treatment of the migrant and refugee crisis in audiovisual media' and 'The future of public service media'.

Regulatory Matters

The following is an outline of the regulatory matters which the Division has been involved in for the period 2018/2019.

i. Measured Activity

a) Inbound Enquiries

Most of the queries the Division received were on matters relating to the GRA's code of practice on Audiovisual Commercial Communications Code ("ACCC").

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

b) Monitoring

The Division maintains a good working relationship with local broadcasters and is always at their disposal to provide guidance and make recommendations. Nevertheless, the Division conducts ad-hoc

monitoring exercises to determine whether the rules contained in the Programme Standards Code, as well as the ACCC, are being applied correctly.

ii. Changes to Regulations

In May 2018, the GRA received an enquiry from an interested party that wanted to start their own television channel on authorised electronic communications networks. Under the Act, a media service provider is required to obtain a licence to operate. However, the Broadcasting (Licensing) Regulations 2015 (the "Regulations") in their current form, did not provide for a licence for this type of broadcasting service.

As a result, in July 2018, the GRA requested HMGoG to amend the Regulations to allow for a technology-neutral licence for media service providers wanting to broadcast via an electronic communications network as per the provisions of section 15 (1) of the Act.

On 28th March 2019, HMGoG published the Broadcasting (Licensing) Regulations 2019 thereby revoking the 2015 Regulations.

iii. European Convention on Transfrontier Television

In August 2018, the UK's Department for Culture, Media and Sport ("DCMS") contacted the GRA to discuss the application of the European Convention on Transfrontier Television (the "Convention") to Gibraltar.

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

For several months, the Division has been working closely with the Gibraltar Law Office providing expert guidance on the implementation of the Convention and ensuring that there were no conflicts with certain provisions of the Act.

iv. Media Literacy Awareness Campaign – Schools

In September 2017, the Division commenced its 'Media Literacy Awareness Campaign' by delivering presentations to year 9 students from both comprehensive schools. The topic for the presentation was on media messages and how commercial communications, in the form of television advertising and product placement, can influence how we perceive things on television.

The main reasons for organizing these media literacy presentations was to enable students to critically analyse the relationship between media and themselves in today's world by providing them with the necessary tools and resources.

The feedback the Division received from teachers and students was that the presentations were very helpful and students were keen to share their thoughts on the various topics covered in the presentations which highlighted the need for such awareness.

The Division will continue with the Media Literacy Awareness Campaign and will be delivering presentations to both comprehensive schools once again in May 2019. The Division will also be providing further information to the general public on the GRA website and via its social media platforms.

v. Revenue Collected

During the period 2018/2019, and in accordance with the provisions of the Broadcasting (Licensing) Regulations 2015, the Authority collected a total of £15,100 in respect of the following Licences:

£10,000 Licence Fee (FM Radio Licence)
£1,000 (Restricted FM Radio Licence)
£3,000 (DAB+ Radio Licence)
£1,100 (On-demand Licence)

POSTAL SERVICES

Introduction

The Postal Services Division of the GRA is responsible for the granting and enforcement of licences issued to postal service providers, in accordance with the Post Office Act (the "Act") and the Postal Services (Authorisation) Regulations 2012 (the "Regulations").

The GRA's statutory objective is to promote development, issue guidance and enhance competition within the local postal services sector, whilst securing the provision of a competitive universal postal service at an affordable price for all users in Gibraltar.

Specific functions under the Act, include monitoring the operational developments of the Royal Gibraltar Post Office (the "RGPO") setting quality standards, monitoring performance against these standards and ensuring that the RGPO complies with its licence obligations while securing the freedom to provide competitive services in a liberalised postal market. This is all achieved by facilitating market entry through a system of authorisations and licences.

Regulatory Matters

The following is an outline of the regulatory matters carried out by the Division for the period 2018/19.

Sefat Distributions Ltd

In September 2018, it was brought to the GRA's attention that Sefat Distributions Ltd ("Sefat") acting as the local agent in Gibraltar for "Skynet worldwide express" was actively providing courier services, customs clearance and delivery of courier packages within Gibraltar without the necessary General Authorisation to do so, as granted by the GRA in accordance with the provisions of the Act.

Furthermore, it was clear due to the large number of complaints received by the GRA, that Sefat, a relatively small company in terms of infrastructure and employees was experiencing difficulties and significant delays in dealing with the huge number of packages received internationally for local delivery within Gibraltar.

The GRA took legal action in order to address this issue and ensure that Sefat fulfils its obligations under the Act by obtaining the necessary General Authorisation to provide these services. Sefat was summonsed to the Magistrate's Court for continuing to operate or provide a postal service after its rights under the General Authorisation had been removed under section 4H(8) of the Act.

On the 7th February 2019 "Sefat" confirmed that they had ceased trading and no longer provide postal services or any services that fall under the remit of the Act. The matter was therefore withdrawn from the Magistrate's Court as a result.

Universal Service Provider

An important element in the Act is the designation of a Universal Service Provider "USP" for Gibraltar. The GRA designated, the Royal Gibraltar Post Office "RGPO" as the USP in July 2013. This designation is valid until July 2020 and sets out several obligations which the RGPO must comply with in order to meet a variety of consumer needs.

The RGPO is also responsible for the delivery of incoming international mail to addresses within Gibraltar and collection and onward transmission of outgoing international mail. As the designated USP, the RGPO must provide the following services:

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

Quality of Service Requirements

In accordance with the provisions of Section 4O (1) of the Act, the GRA has a duty to set quality standards for Gibraltar (local) mail in order to ensure the provision of a good quality universal postal service.

Local Mail

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

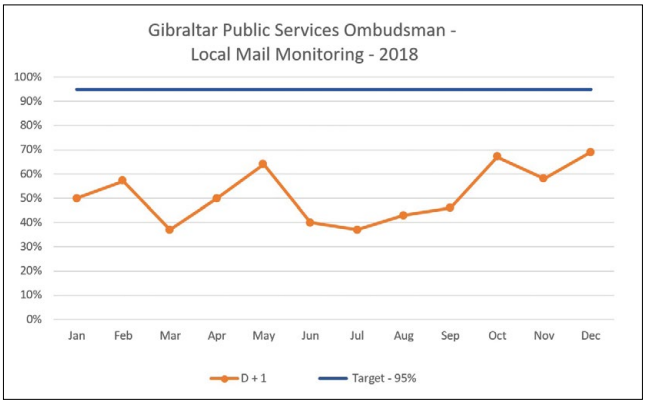
95% of items to be delivered in Gibraltar the day after posting (D+1)

Performance Monitoring

Section 4N(4) of the Act requires independent performance monitoring of the established quality standards to be carried out. Therefore, in accordance with the provisions of the Act, the RGPO, with the approval of the GRA, appointed the Gibraltar Public Services Ombudsman (the "GPSO") as the independent body, tasked with monitoring the quality of service target for local mail throughout Gibraltar.

The GPSO are currently monitoring the full local end-to-end network, which involves the collection of mail from various access points and subsequent processing and delivery within Gibraltar.

The chart below illustrates the RGPO's performance results in respect of next day delivery of local mail:



The GPSO's statistical results clearly reflect the fact that the RGPO is struggling to meet the current established performance target of 95%.

Taking into consideration the RGPO's performance results during the 2018 period whereby they fell short of the required standard, the Division will continue to assist the RGPO in making informed decisions and operational improvements until such time as the RGPO is able to improve its performance in order to meet the required Quality of Service standard.

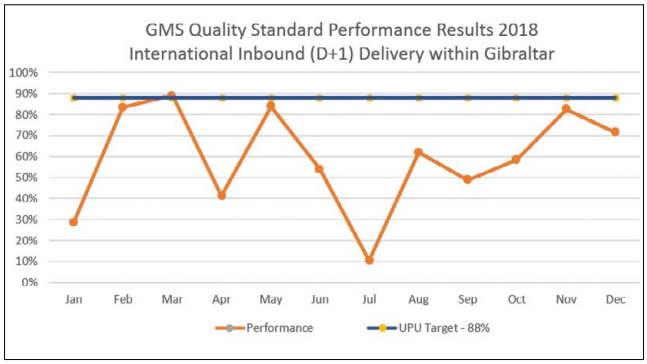
International inbound delivery within Gibraltar

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

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 this information is immediately sent to the UPU ('Universal Postal Union') in order to determine the quality of service being provided.

The GMS results are used by the UPU to set the payment rates for weight imbalances in mail exchanges between countries and therefore affects remuneration between postal operators, based on performance. It is vital however, not to confuse this system which only monitors the delivery times of inbound international mail once it arrives in the sorting office, with the system adopted by the GPSO which monitors the full local end-to-end network in Gibraltar.

The chart below illustrates the RGPO's performance results in respect of next day delivery of international inbound mail within Gibraltar for 2018:



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

Year	2012	2013	2014	2015	2016	2017	2018
UPU Target	75%	78%	88%	88%	88%	88%	88%
Performance Result	91%	85%	87%	80%	75.2%	67.4%	56.1%

Together with the GPSO's results, these figures show that the RGPO has again fallen short of meeting the required target of 88%.

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.

EU Intra-Community cross-border mail

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

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

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

Dispute Resolution

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

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

The following table is a breakdown of the number of complaints received by the RGPO during the 2018 period and these figures are updated and published regularly on the RGPO's website:

Complaint Type	Number
Mis-delivery	25
Lost / Delay	76
Damaged	13
Speed	0
Re-direction	28
Staff	13
Access	3
Information	0
Insured	0

During the period under review, the GRA also 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.

How customers contact RGPO

In Person	77
Phone	45
Email	35
Letter	1
Fax	0

The Register

The Postal Service (Authorisation) Regulations 2012 requires 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

Revenue Collected

During the 2018/19 period and in accordance with the provisions of the Post Office Act, the total amount collected by the GRA in respect of General Authorisations was £1,250.00.

The total amount collected by the GRA in respect of the Individual Licence issue to the RGPO was £5000.

This has brought the total revenue for Individual Licences & General Authorisations for 2018/19 period to £6250.00.

MAIL DELIVERY
POST STAMP
12.12 2014
FAST
POST OFFICE
POST
DELIVERY
PRIORITY MAIL
DELIVERY

HIGHER EDUCATION REGULATION

Introduction

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

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

Role and responsibilities of the Higher Education Regulation Division

The Gibraltar Higher Education Commission is required in accordance with the Regulations to consult with the University and to issue a Memorandum of Regulation ("MoR") setting out how:-

a) the quality and standards of education in the University shall be monitored;

b) compliance by the University with its functions, duties and obligations under the Act shall be monitored;

c) the use by the University of its funds including any public funds provided to it shall be monitored;

d) other aspects of the University's performance are monitored;

e) the University is expected to demonstrate effective governance and accountability; and

f) the University's autonomy and academic freedom are maintained.

Gibraltar Authority for Standards in Higher Education is required under the Act to:-

a) establish criteria for the recognition of qualifications awarded by the university;

b) keep and maintain a register of the university's qualifications; and

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

Memorandum of Regulation

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

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

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

University Advisory Board

The provisions of section 48 of the University of Gibraltar Act 2015 (the "Act") gives powers to the GRA in its role as the Gibraltar Authority for Standards in Higher Education to appoint an advisory board.

In June 2018, the University Advisory Board (the "UAB") was setup with the aim to provide advice and support to the Chief Executive of the GRA in his role as the head of the Gibraltar University Regulatory Commission or the Gibraltar Authority for Standards in Higher Education.

Under its terms of reference, the UAB is required, amongst other things, to advise the Chief Executive on the design and operation of the regulatory framework and the Memorandum of Regulation, as well as to review the effectiveness of the Memorandum of Regulation. The UAB will also review the Division's annual risk assessment of the University and monitor the autonomy and academic freedom of the University.

The UAB is comprised of independent members with expertise in governance, regulation and higher education.

List of UAB Members

Paul Greaves

Paul Greaves, BSc Econ, MA, MBA, is an independent management consultant who specialises in the governance and regulation of universities. He is a senior Associate of Advance HE. As a consultant Paul has worked throughout the UK and in many other countries advising universities on corporate and academic governance, internal control and accountability, and assisting regulatory bodies as they develop their systems of oversight.

Ruth Farwell

Ruth Farwell, a mathematician by background with a BSc (Hons) and a PhD, was Vice Chancellor at Buckinghamshire New University from January 2006 to January 2015. In August 1998, she joined London South Bank University and was Pro Vice-Chancellor with a portfolio including academic quality and the student experience. She now acts as an education consultant including providing advice on academic governance.

John Paul Rodriguez

John Paul Rodriguez is the Deputy Chief Executive Officer of the Gibraltar Regulatory Authority. He has held the post since April 2013 and provides direct support to the GRA's CEO.

Michael Rugeroni

Michael Rugeroni graduated with a BA (Hons) in Economics from Exeter University and then went on to join Coopers and Lybrand (now PricewaterhouseCoopers) in Gibraltar as an auditor where he went on to obtain his Chartered Certified Accountant qualification and became a manager. This was followed by a move to Capita Financial Administrators in Gibraltar as the finance director where he spent a number of years.

In early 2010, together with two colleagues, he set up a local audit and accountancy firm and took over a local company manager where he now works as director and shareholder.

University of Gibraltar Courses 2018-2019

POST GRADUATE
MSc in Marine Science and Climate Change

UNDERGRADUATE
Bachelor of Business Administration

UNIGIB PROFESSIONAL COURSES
Prof Cert Gib Law
Prof Skills Course (Law)
Prof Cert Gib Tax

SHORT COURSES/ CPD
Sport Coaching Award
Business Improvement Masterclass
Business: Introduction to Financial and Management Accounting

EXTERNALLY ACCREDITED PROFESSIONAL COURSES
Association of Accounting Technicians (AAT)
Charted Institutes of Legal Executives (CILEx)

EUROPA POINT LANGUAGE CENTRE
English 1:1
General English A2 Elementary
General English B1 Pre-intermediate
General English B2 Intermediate
General English C1 Advanced
Spanish 1:1
Vocational Spanish A1

CYBER SECURITY COMPLIANCE

Introduction

The Cyber Security Compliance Division was setup to enable the Authority to comply with its new responsibilities under the amended Civil Contingencies Act 2007 (the "Act"). On the 10th May 2018, the Act was amended to include the requirements of Directive 2016/1148 on the security of network and information systems across the European Union (referred to as "NIS" Directive).

The NIS Directive has three main objectives:

· Improving national cybersecurity capabilities;

· Building cooperation at EU level; and

· Promoting a culture of risk management and incident reporting among key economic actors, notably operators of essential services ("OES") for the maintenance of economic and societal activities and Digital Service Providers ("DSP").

The NIS Directive is the first piece of EU-wide legislation on cybersecurity. It provides legal measures to boost the overall level of cybersecurity in the EU and it is seen as the initial concerted effort that will allow Member States to respond to the growing cyber threats and challenges.

The Act designated the Authority as the competent authority for the security of network and information systems in respect of OES and DSP. The Act also designated HMGoG's Information Technology and Logistics Department ("ITLD") as the national computer security incident response team for Gibraltar (the "Gibraltar CSIRT").

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

In order to comply with the new requirements of the Act, the GRA created the Cyber Security Compliance Division.

Role and responsibilities of the Cyber Security Compliance Division

a) Regulating, supervising and enforcing compliance;

b) Establishing a list of operators of essential services;

c) Establishing a list of digital service providers;

d) Investigating breaches;

e) Issuing guidance to operators of essential services or digital service providers;

f) Drawing up Codes of Practice;

g) Recording and reporting incident notifications; and

h) Conducting or organising inspections.

International Participation

Participation at international meetings and conferences has been identified by the Division as an essential part of staying up to date with the latest cyber incidents and mitigating techniques. The Division will be attending CYBERUK conference which is the UK government's flagship cyber security event hosted in Glasgow in April 2019 by the National Cyber Security Centre ("NCSC").

i. Local Events

Representatives from the Division attended the GibCyber 2.0 – Cyber Security Show hosted in the University of Gibraltar on 26th September 2018. This year the event was themed "the future is in your hands" and was organised by Manners Media in association with the Government of Gibraltar and the Royal Gibraltar Police. As with similar events, several Ted Talk-style speeches were delivered and specific workshops focusing on artificial intelligence, block chain technology and cyber security awareness were available throughout the day.

Regulatory Matters

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

i. Reporting of Incidents

The GRA is required by the Act to monitor and record the cyber incidents that are reported by the OES and DSP. On 23rd July 2018, the electronic format and procedures for reporting incidents were set-up and the NIS reporting form was made available on the GRA website: https://www.gra.gi/cyber-security-compliance/incident-report-form

The Division organised individual and general meetings with all the designated OESs and explained the importance of notifying incidents that could substantially interfere with their services. The threshold for incident notification is something which is currently being determined and due to the diverse sectors being addressed, these thresholds shall have to be system and sector specific.

ii. Report on Cyber Incidents - August 2018

In accordance with the provisions of section 40.(3) of the Act, the Division submitted to the European Cooperation Group ("ECG"), via the NCSC, a summary on the incident notifications received. This incident report is an annual requirement that the ECG collates from each Member State to determine the main cyber threats across the EU and provide recommendations for mitigating the effects and even blocking cyber attacks.

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

iii. Report on designation of Operators of Essential Services

The GRA is required to designate the OES by way of a notice under section 35(2) of the Act, subject to the service being provided by network and information systems and being essential for the maintenance of critical societal or economic activities in Gibraltar. The Division over the past year has organised numerous meetings with different experts, companies and authorities to understand the specific essential services that are being provided in Gibraltar and to determine whether they would fall within the predetermined thresholds for designation as an OES.

More specifically, the Act requires the GRA to assess the following sectors:

Sector	Subsector
1. Energy	a) Electricity b) Oil c) Gas
2. Transport	a) Air transport b) Rail transport c) Water transport d) Road transport
3. Banking	
4. Financial market infrastructures	
5. Health sector	
6. Drinking water supply and distribution	
7. Digital Infrastructure	

To date, 4 entities have been identified and designated as providers of an essential service and they must comply with the requirements set out in the Act. Primarily an OES must take appropriate and proportionate technical and organisational measures to manage the risks posed and prevent and minimise the impact of incidents affecting the security of their network and information systems. Furthermore, the OES is also required to notify the Division of any incident that may have a significant impact on the provision of an essential service.

The GRA, in accordance with section 35(1) of the Act, compiled a report explaining how the different thresholds for each sector had been determined, and the operators that had been designated as OES. Furthermore, in compliance with section 35(12) of the Act a report listing the number of OES in each sector was submitted to the European Commission before the 9th November 2018 deadline.

iv. Designation of Digital Service Providers

The Division is currently assessing the different digital services being provided within Gibraltar's jurisdiction. DSPs, just like OES', must ensure the level of security of their systems are appropriate to the risks identified and as far possible minimise the impact of any cyber incident. Designated DSP must also notify the Division of any incident having a significant impact on the provision of their digital service.

v. Cyber Assessment Framework

The Division has implemented procedures based on the UK's framework which supports the assessment of the level of cyber security achieved by OES in relation to NIS Directive and the Act requirements.

To comply with the requirements of the Act and the NIS Directive, OES must in general terms take appropriate and proportionate technical and organisational measures to manage the risks to the security of network and information systems which support the delivery of essential services. The Cyber Assessment Framework ("CAF") requires OES to meet a set of fourteen NIS cyber security principles written in terms of outcomes. The CAF is based on the UK's framework and as such it is quite general, so the GRA is liaising with the different sectors to tailor the CAF to each OES profile. The CAF is intended as an assessment tool that specifies what needs to be achieved rather than stating exactly what needs to be done.

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

Structure of the Cyber Assessment Framework

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

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

vi. Cyber Essentials

The GRA is looking at Cyber Essentials as a way of setting a basic standard of cyber security for OES & DSP. Cyber Essentials is a simple but effective, UK Government backed scheme that will help to protect organisations, whatever their size, against a whole range of the most common cyber-attacks.

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

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

vii. Liaison with other Bodies

The Division is liaising closely with all the designated OES and potential DSP to identify the possible cyber security risks that need to be addressed in each sector. As part of our requirements and in accordance with sections 38 and 40 of the Act, the Division is cooperating closely with the CSIRT and with Gibraltar law enforcement authorities. As the designated SPOC, we will continue to liaise closely with the UK's GHCQ and NCSC and, whenever required, liaise with relevant authorities in other Member States to ensure cross border co-operation.

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

GRA

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