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indirectly about the current or future state of health of the subjects. At the moment, there is no legal definition of the concepts "vulnerability" and "gambling addiction". According to published information on the official website of the Ministry of Health, the mentioned concepts are related to behavioral addiction, certain pathological disorders, behind which psychological reasons are often hidden, such as "hidden depression". In this context, the considered categories of data can be indirectly related to the special categories of personal data within the meaning of Art. 9, par. 1 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons in connection with the processing of personal data and on the free movement of such data and on the repeal of Directive 95/46/EC (General Data Protection Regulation (GDPR) and more specifically - based on the processing of personal data of the persons entered in the register, in accordance with the specific context, assumptions can be made about the current or future state of health of the data subjects and specific personal features, including it is possible to assess certain personal aspects of the subjects related to their economic status, personal preferences, interests, reliability, behavior, including the violation of the right to privacy and dignity of the persons, in case of bad faith processing of the data, to serious non-property damages occur for the same, such as: discrimination, isolation of the subjects from certain social communities, damage to their reputation, etc. In this regard, the NRA, in its capacity as the primary administrator of the data in the register, undertakes a number of actions to plan and introduce organizational and technical measures to protect the specified data, some of which are as follows: 1. Before starting the processing activities a Data Protection Impact Assessment (DPA) has been carried out, which is periodically updated, and within the framework of which possible risks for data subjects are identified and measures are planned/undertaken to minimize them, and a high residual risk for individuals is not reported; 2. Transparency and awareness of data subjects and OCI - The Agency periodically publishes up-to-date information on its official website, containing understandable explanations regarding the functioning of the register, the order and method of entering persons in it, the rights of the subjects of personal data, the order and the method of submitting complaints and reports to the NRA administrator or the Personal Data Protection Commission in case of suspected violations in the processing of personal data, obligations and responsibilities of OHI, the order and method of accessing the data, etc. The NRA notes that with a view to achieving full awareness of the OHI about the introduced data protection measures in the register, the order and method of accessing the data, etc., several explanatory meetings were organized and held with representatives of the relevant branch. In addition, a broad information campaign was carried out through the mass media through specially developed explanatory clips; 3. The process of collecting data on

individuals by means of requests submitted by them or their representatives to the NRA for their entry in the register, the further recording, structuring and storage of the data in the register by the NRA, is distinguished as an independent activity of processing personal data, as it is duly entered in the Register of processing activities for which the NRA is responsible, according to Art. 30, item 1 of the GDPR; 4. Measures have been planned and taken to prevent the registration of persons who have not expressed their will for this, since such data processing could be categorized as illegal and there is a risk of limiting the rights of the specific natural persons (not allowing them to participation in gambling games), risk of damage to their prestige and good name, etc. ; 5. By order of the executive director of the NRA, a sample of a request for entry and a sample of a request for deletion from the register were approved, including a limited circle of officials from the NRA with the right to access the data in the register; 6. Appropriate organizational and technical measures have been taken to protect the data in the process of their storage on paper (submitted requests for entry or deletion from the register) and in the electronic database of the Agency, which are described in detail in the performed OVZD and in the prepared and approved Technical requirements for the development of an electronic service for access to the register under Art. 10, para. 1 of XX; 7. The issue of determining terms for storing the data in the register was discussed, including after the expiry of the period for registration of the persons or after submitted requests for deletion from the register, when the statutory minimum for registration in the register of 2 years has expired; 8. Others. Further, the letter of the NRA states that in order to achieve a balance between compliance with the legal obligation that applies to the NRA to notify the organizers of gambling games about the persons entered in the register, according to Art. 10e, para. 1 of the Civil Code, on the one hand, preventing the realization of pecuniary or non-pecuniary damage to persons, as well as in view of fulfilling the statutory requirement in Art. 10e, para. 2 of the XX access to the data in the register should only be given to their employees determined by the OHI, on the other hand, the NRA has realized the possibility of making an inquiry from the OHI regarding the presence of a person entered in the register in the form of an electronic service, accessible with the KEP in the Portal for electronic NRA services (U2S-interface user-system) and/or applied programming interface in the form of a web-service (S2S-interface system-system). Access to the service is limited to all legal entities with an active license to organize gambling games and their authorized employees. For the purpose of providing access to the service, automated checks are made to see if the legal entity - OHI has a "registered" status, has at least one entry with an "active" status for a license under XX, and whether the authorized person has an active application for access to this service . The check is performed every time the service is accessed, and in the event that the OHI no longer has

an active license or does not have the status "registered" or does not have an active application for access to the NRA's electronic services, then access to the service is not allowed. With regard to the web service, along with some of the above-mentioned requirements for the electronic service, a check is also carried out whether the used token (software key) for access is active, and a process for requesting, issuing and providing authorized representatives of OHI of a token, on-site at the NRA Central Office with the signing of a receipt-handover protocol. The NRA specifies that during the verification of the entered identifier, in the event that it is entered in the register (a complete identifier match), a message is displayed that a person with identifier 111111**** and names X. Y. Z (X - first name initial, Y - last name initial, Z - last name initial) as of date (the system date) was entered in the Register under Art. 10 years from ZH. The visualization of data on the initial of the first, middle and last name of the person entered in the register will provide the organizers with an opportunity for self-control regarding the reliability of the entered identifier (that the reference is correctly made in relation to a specific person who has declared participation in gambling games), but at the same time minimizes the risk for the verified subject in the event of a violation of the security of his personal data. In cases in which there is no data for the verified person by means of his identifier entered in the register, only a partially masked identifier is visualized in front of the authorized user of the reference, but no ID initials. In the request, it is added that in the Technical Requirements, issues related to the protection of information and ensuring network and information security are discussed in detail. In connection with the organizational and technical measures introduced by the NRA to protect the data in the register, the Agency receives inquiries and proposals from OHI, which suggest a different interpretation of Art. 10e, para. 1 of XX. According to some of the opinions expressed, the obligation for the NRA to "notify the organizers of gambling games about the persons included in the register under Art. 10d, para. 1" should be interpreted as providing timely access to the complete list of persons entered in the register. The question was raised before the NRA regarding the possibility of the Agency sending electronically data about the registered persons to the electronic addresses of employees previously determined by OHI. The position of the National Revenue Agency is that in this way the principles proclaimed in Art. 5, item 1 of the GDPR and, above all, the principle of "reducing data to a minimum", since in this way every OHI will process data of subjects entered in the register, some of whom will potentially not have declared participation in gambling games, respectively, there will be no specific purpose for which the data will be processed. In this case, the purposes of processing should be identified with a specific stated participation in a gambling game by a specific natural person. As an argument for the expediency of sending the complete list of persons entered in the register, which is

available to the employees designated by the OHI, the hypothesis of possible technical problems that may have arisen, leading to obstruction of communication between the OHI systems and the services implemented by the NRA for verification of persons in the register. The NRA considers that the mentioned argument is unfounded in view of the fact that the data on the persons entered in the register is not a constant value and changes daily. The Agency is of the opinion that such an approach would prevent the administration from ensuring timely updating of the data, would require a disproportionate expenditure of time and human resources, and it would also not be possible to ensure on the part of OHI timely deletion of data or their correction when inaccuracy detected. On 16.01.2023, a letter (Appendix No. 1) from the "Association of the Organizers of Gambling Games and Activities in Bulgaria" (SOHIDB), EIK 206074080, was received electronically by the NRA Central Committee, which sets out additional arguments aimed at belittled the organizational and technical measures taken by the NRA for access to the data in the register and their protection, and alternative ways of transmitting the data from the register were proposed. The SOHIDB's proposal is related to the use of a technical solution of the "hash function" type - the Agency was proposed to convert the personal data of the persons included in the Register into an output string, i.e. to hash them and in this converted form, to make them available for verification to gambling operators. In addition, it is stated that the function is one-way, not allowing the recovery of the output data from the hash values, i.e. gambling operators will have no practical ability to extract the person's personal data from the hash value provided to them. CSOs will have the obligation to use an identical technical solution (software) implementing a hash function, which, when entering the personal data of the potential client, will receive a hash value. In the event that the received hash value is identical to the hash value provided by the NRA, it means that the person is included in the Register and the same will not be admitted to the organized game. Conversely, a lack of match means that the person is not on the Register and may be allowed to play. In connection with the proposed hashing of the data from the register, the NRA emphasizes that such a technical approach would only protect the data when they are transmitted by the NRA to OHI, but would again be contrary to the principles proclaimed in Art. 5, item 1 of the GDPR. In addition, the NRA states reasons that when hashing the EGNs in the register created and maintained by the NRA, in connection with its sending to all OHIs, there is a hypothesis in which OHIs would be able to hash all EGNs containing are in alternative databases (each TIN will correspond to a specific hash) and to check all persons from them as to whether they are entered in the register, regardless of whether the persons being checked at any given moment have expressed their specific desire to participate in a gambling game or not , respectively, entities that are not clients of the relevant OHI at a certain point

in time can also be checked. In the letter sent on 16.01.2023 to the NRA, SOHIDB additionally indicate that when inquiries are made in the register of vulnerable persons by means of the electronic service or the S2S-interface "system-system", by OHI, there will be a processing process of a large number of identifiers of natural persons who have claimed participation in gambling games. Since in order to carry out the relevant inquiries it is necessary to enter the identifiers in the search form of the relevant service, in this way, according to the opinion presented by OHI, this would lead to the illegal processing of a large number of identifiers of natural persons, since "notoriously it is known that the majority of visitors to gaming halls and casinos are not included in the register of vulnerable persons". OHI adds that "such sensitive personal data (about visiting gaming halls and casinos) for an unlimited number of individuals would be shared with the administration and possible security gaps would lead to the fact that a person visits gaming halls becoming known to the public halls and casinos". The Agency believes that the arguments presented by OHI are unfounded, because first of all, the obligation of OHI to identify their customers, including administering a database of names and identifiers of individuals, is their legal obligation. It should be borne in mind that according to Art. 74, para. 1 of XX all visitors to the gaming casino are entered in a special register according to a model approved by the executive director of the NRA. The register is kept on paper and electronic media. Along with the obligations of OCI as entities within the meaning of the Law on Measures Against Money Laundering and the Law on Measures Against the Financing of Terrorism, are in direct connection with the statutory control powers of the Agency, respectively to monitor OCI regarding compliance by their side of the legal obligation to check persons who have expressed a desire to participate in organized gambling, regarding their appearance in the register. In other words, the alternative ways proposed by OHI for providing data from the register or providing access to it would not provide an opportunity for the NRA control body to fully certify whether checks are actually being carried out on individuals. The NRA adds that the specified category of data does not represent "sensitive personal data", as SOHIDB points out in its letter, even more so it does not represent legally protected information outside the framework of the legislation on the protection of personal data. The Agency is of the opinion that such processing of personal data on its part would be completely legal under the conditions regulated in Art. 6, par. 1, b. "e" of the GDPR, namely - when exercising official powers that have been granted to the Agency. Next, it should be explicitly emphasized that, in the capacity of primary administrator of the personal data of individuals who have expressed their desire to be entered in the register under Art. 10, para. 1 of the 3X, the NRA should independently determine the criteria for access to the data in the register in compliance with the current legislation in the field of personal data protection. It is in this context that

the reasons for the proposal to amend and add to the VAT Act, which imposes the moratorium, ent. No.

054-04-249/13.11.2020 according to the inventory of the National Assembly of the Republic of Bulgaria (Appendix No. 2), namely: "On the one hand, the NRA should create this register and provide access to it to the Organizers, however determine the order and method for this, while simultaneously ensuring its integrity and security (...) the protection of the personal data of the subjects in it is ensured in compliance with the legislation in the area. A procedure should also be provided for establishing compliance with this requirement by the Organizers, because one should not rely solely on their good faith behavior, nor on that of the participants (...). The creation by the Organizers of systems for the identification of persons who are included in the register, especially when they participate in a gambling game offered on land, requires an additional investment in software suitable for the purpose, which should be foreseen, provided and implemented by the economic operators " (see pp. 27-29 of Appendix #2). From the stated reasons, it is clear that it is the NRA that has the right to determine the order and method of access to the register, it is accessed and not administered by OHI, it is not disclosed in its entirety and is administered precisely by the Agency, such as access to the data in it should be provided to the officials designated by the executive director of the NRA and to the employees designated by OHI on the occasion of a specific purpose that has arisen, with the disclosed data necessarily being appropriate, related to and limited to what is necessary in relation to the purposes, for which the same will be processed. In connection with the above, the NRA asks the CPLD to express an opinion regarding the following issue: Taking into account the requirements of Art. 10e, para. 1 and para. 2 of the Civil Code, as well as the principles for processing personal data, promulgated by Art. 5 of the GDPR, is it admissible for the NRA to provide the OHI with preliminary, complete and unlimited access to the data in the entire register, or should the NRA only provide an opportunity to verify a specific natural person who has expressed a desire to specifically participate in gambling games at a specific OHI? ATTACHMENT: 1. Letter from the "Association of the Organizers of Gambling Games and Activities in Bulgaria" (SOHIDB) - electronic format, contains 4 pages. 2. Reasons for the proposal to amend and add to the ZID of VAT, entry №054-04-249/13.11.2020 according to the inventory of the National Assembly of the Republic of Bulgaria - photocopy, contains 30 pages. Legal analysis: Pursuant to Art. 10, para. 1 of 3. The National Revenue Agency creates and maintains a register of persons who, at their request, wish not to be allowed to participate in gambling games, incl. online ones organized by OHI. The register contains the following information: 1. names according to an identity document; 2. uniform civil number (EUN) or personal number of a foreigner (LNCH); 3. period of entry, if such is indicated; 4. date of entry. As can be seen from

the legal regulation of the register, it can be reasonably concluded that it is also a "register with personal data" within the meaning of Art. 4, item 6) of the GDPR, namely - a structured set of personal data, access to which is carried out according to certain criteria, regardless of whether it is centralized, decentralized or distributed according to a functional or geographical principle. This fact determines the applicability of the GDPR, insofar as personal data is processed through the register (art. 2 of the GDPR). In order for the processing of personal data to be lawful, it is necessary to have at least one of the grounds specified in Art. 6, par. 1 and/or Art. 9, par. 2 of the GDPR, as well as the observance of those declared by Art. 5 of the GDPR principles for processing personal data. In accordance with the principles, personal data should be: processed lawfully, in good faith and in a transparent manner with respect to the data subject ("lawfulness, good faith and transparency"); collected for specific, explicitly stated and legitimate purposes and not further processed in a manner incompatible with these purposes; ... ("objective limitation"); appropriate, related to and limited to what is necessary in relation to the purposes for which they are processed ("data minimization"); accurate and, if necessary, kept up-to-date; all reasonable measures must be taken to ensure the timely deletion or correction of inaccurate personal data, taking into account the purposes for which it is processed ("accuracy"); stored in a form that allows the identification of the data subject for a period not longer than necessary for the purposes for which the personal data are processed; ... ("storage limitation"); processed in a way that ensures an appropriate level of security of personal data, including protection against unauthorized or unlawful processing and against accidental loss, destruction or damage, applying appropriate technical or organizational measures ("integrity and confidentiality"); In addition, the administrator is responsible and must prove compliance with the above-mentioned principles (the so-called "accountability"). XX provides the legal grounds for the processing of the personal data contained in the register under Art. 10 years of the law for both the NRA and OHI. The NRA processes the data in connection with the exercise of its statutory powers (under Art. 6, par. 1, b. e), pr. 2 of the GDPR), and the OHI processes them for the purposes of complying with their statutory obligation (under Art. 6, par. 1, b. c) of the GDPR). In accordance with the principle of transparency in the processing of personal data, the administrators - respectively the NRA and OHI, have an obligation to provide information to data subjects (persons who have applied for participation in gambling games), provided for in Art. 13 and complying with the conditions of Art. 12 of the GDPR. One of the requisites of this information is the period for which the personal data will be stored. As a rule, it must be appropriate and no longer than necessary to achieve the purposes for which they are processed. The NRA and OHI must provide for an appropriate period of storage of the data even after its deletion from the register. It should be conditioned

by the exclusive terms for exercising the rights of the data subjects arising both from the GDPR and from other special sectoral legislation. The NRA and OHI process personal data for various purposes, which derive from XX. It should be borne in mind, however, that a personal data administrator in the register under Art. 10 years from XX is the NRA. Subject to compliance with the HL and the statutory requirements for the protection of personal data, CSIs should only have access to the data from the register in question, administered by the NRA. Systematic interpretation of the legal norms of Art. 10e, para. 1 and para. 2 of the 3rd Act shows that OCHIs have the right to be notified by the NRA only about a specific individual who has expressed a desire to specifically participate in gambling games at a specific OCHI. This follows from the general principles of personal data protection legislation. Preliminary, full and unrestricted access to the data in the entire register would represent a serious violation of the principles of personal data protection, due to the potential possibility of processing the data of third parties, other than those who specifically appeared at the relevant OHI and applied for participation in specific gambling games. Violation of the principles for processing personal data and the lack of a legal basis are attached to the higher sanctions introduced by Art. 83, par. 5, b. a) from Regulation (EU) 2016/679. Obtaining and maintaining parallel registers at OCI, on the one hand, does not meet the objectives regulated by the HL (preventing specific persons entered in the register to specific gambling games at a specific OCI at a specific time), and on the other hand, it would constitute processing of personal data from OHI without legal basis. Moreover, the maintenance of parallel registers at the OCI does not in any way guarantee that they are accurate and up-to-date at the specific moment when the given person declares participation in gambling games, which leads to a violation of both the HL and the principle of data accuracy and the principle of accountability - an obligation arising from data protection legislation. Taking into account the conditions for access to the data in the register established in the 3rd Act and the fact that the NRA administers the same, it is only the Agency that has the authority and bears the responsibility to determine the technical and organizational measures for data protection, in particular the actual access to it. This is also determined by the obligation of the administrator - NRA to perform the risk assessment and, accordingly, the assessment of the impact on the protection of the data processed in the register. It is a principle in data protection legislation that requests for disclosure of data, in addition to having to be consistent with the purposes of the processing, should always be justified and should concern only individual cases and should not refer to the entire register of personal data. data or lead to linking of personal data registries. This understanding is also expressed in the permanent practice of the CPLD on issues of access to registers created and maintained by public bodies. For example, CPLD has the authority to authorize the provision of

data from ESGRAON to Bulgarian and foreign legal entities in accordance with Art. 106, para. 1, item 3, item 3 of the Civil Registration Act. The provision of such data is carried out at the request of the legal entities of reference for a specific person for which a need has arisen. According to CPDP practice, full and unrestricted access to registers maintained by public bodies is inadmissible. Regarding the questions raised regarding the verification of a large number of persons in the register under Art. 10d of the Civil Code and the receipt of their personal data by the NRA, it should be borne in mind that this is provided for and permitted by the legislation. In this sense, in addition to the right, the National Revenue Agency also has the obligation to process the personal data in question, both for the purposes of HL and for other legal purposes related to taxation and anti-money laundering measures. By analogy with the personal data protection measures introduced by the National Revenue Agency, OHIs must also take appropriate and adequate actions to bring the processing of personal data into compliance with the requirements arising from the data protection legislation. In addition and for the sake of completeness of the statement, it should be noted that violations of the legislation on the protection of personal data can also be reported in accordance with the newly adopted Law on the Protection of Persons Submitting Signals or Publicly Disclosing Information on Violations (ZZLPSPON). This legal analysis is based entirely on the permanent practice of the CPDP related to the processing of personal data, on the judicial practice on complaints with a similar subject, as well as on the guidelines and opinions of the European Data Protection Committee (EDPR) in this direction. The opinion expressed has only a principled, advisory nature for the administrator/processor of personal data in applying the relevant legal norms, without giving rise to rights and/or obligations for the interested parties, as it is based only on the circumstances specified in the request. It does not limit the CPDP to consider any complaint or report related to its subject. According to Regulation (EU) 2016/679, the personal data controller alone or jointly with another controller determines the rules and procedures for data processing, which must comply with the legislation on personal data protection. He should be able to prove it. For the data processing actions taken by the controller, joint controllers or the processor, both the rules of accountability, transparency and good faith, as well as the provisions relating to engaging in administrative criminal liability in relation to the legality of the processing activities carried out by him/her, apply of personal data. For these reasons and on the basis of Art. 58, par. 3, b. "b" of Regulation (EU) 2016/679 in conjunction with Art. 10a, para. 1 of the Personal Data Protection Act and Art. 51, item 2 of the Regulations for the activities of the CPLD and its administration, the Commission for the Protection of Personal Data expresses the following OPINION:

In fulfillment of the requirements of Art. 10e, para. 1 and para. 2 of the Gambling Act, as well as the principles for processing

personal data, promulgated by Art. 5 of Regulation (EU) 2016/679, the NRA should only provide the OCI with the opportunity to check the data of a specific natural person who has expressed a desire for specific participation in gambling games at a specific OCI.

Granting OHI preliminary, full and unrestricted access to the data in the entire register maintained by the NRA contradicts the principles of personal data processing.

CHAIRMAN:

MEMBERS:

Vencislav Karadjov /p/

Tsanko Tsolov /p/

Maria Mateva /p/

Veselin Tselkov /p/

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Opinion of the CPLD on issues related to the creation and maintenance of a register of persons under Art. 10c, para. 3 of the Gambling Act

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