



**Amendment to licence to operate the National Lottery dated 27 February 2014 (the “Licence”)**

**Pursuant to:**

**Regulation (EU) 2018/1807 - Free Flow of Non-Personal Data in the European Union (the “Regulation”)**

**1. Background**

- (a) The Regulation seeks to facilitate the free movement of data processing services within the European Union by prohibiting rules, including any in the National Lottery Act 2013 (the “Act”) and the Licence, requiring that such processing must be conducted in a specific Member State of the European Union. Member States are required to, among other things, repeal offending provisions of national law. The Regulation is law in Ireland since 28 May 2019.
- (b) Article 4.1 of the Regulation prohibits “data localisation requirements” unless justified by reasons of public security. A “data localisation requirement” is defined under Article 3 of the Regulation as any rule “...which imposes the processing of data in the territory of a specific Member State or hinders the processing of data in any other Member State.” Clause 1.1.10 and Clause 3.2 of the Licence provide, among other things, that the Licensee’s data centres are to be located in Ireland.
- (c) On 24 September 2020 it was agreed by the Regulator and the operator of the National Lottery that Clause 1.1.10 and Clause 3.2 of the Licence be amended as set out below, in order to align the Licence with the Regulation.

**2. Details of the Amendments**

- (a) The amended wording of Clause 1.1.10 is as follows:

“‘Central System’ means the hardware and the operating software to be utilised by the Licensee covering the operational needs of the National Lottery (excluding On-Line Facilities) and any updates, releases, versions, patches or additions thereof and which reside in the Licensees data centres (primary data centre and disaster recovery data centre) dedicated to the operation of the National Lottery. In case of a difference between the Central System and a Ticket, the information in the Central System prevails.”



(b) The amended wording of Clause 3.2 is as follows:

“The Licensee shall, for the purposes of supervision, ensure that on the Effective Date and for the whole term of the Licence, material aspects of Operations are to be located in and conducted from (as applicable) within the European Union (within the meaning of the European Communities Acts 1972 – 2012). Such aspects shall include the primary data centre, the disaster recovery data centre, Retailer technical and commercial field service support, System first level technical support, Participants’ and Retailers’ call centre and help desk.”