

# KEYSTONE LAW

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**DIRECT MARKETING CHANGES FROM 17 JANUARY 2025  
NEW SR CODE 5.1.12**

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# DIRECT MARKETING - CURRENT RULES



SR Code 5.1.11



Direct electronic marketing requires informed and specific consent (in line with PECR/GDPR)



Licenseses must be able to provide evidence of consent

# DIRECT MARKETING – WHAT’S THE PROBLEM?

- High Stakes: Gambling Reform for the Digital Age – April 2023
- Since 2007 marketing has grown significantly and expanded into new channels
- Customers “bombed” with calls to action
- Opting-out isn’t really giving consent
- “Cross selling” – e.g. free spins to sports bettors
- Disproportionate impact on those with gambling problems
- Privacy & Electronic Communications Regulations (PECR) requiring consent do not necessarily apply to existing customer relationships

Email address

Tick here to the [terms and conditions](#)

Tick here to receive emails updates with discounts, event information, club updates and new products

We’d like to keep you up to date with updates relating to our product. Please untick if you would prefer not to get these updates.

As part of the terms of use, you will receive occasional updates by email relating to your account. For full details read our [terms of service](#) and our [privacy notice](#)

# WHITE PAPER PROPOSALS

- Proposals to apply to both remote and land-based operators
- Opt in to marketing/offers should be clear at sign-up, not bundled with other consents e.g. T&Cs
- Operators should offer opt-in for different forms of communication (text, e-mail, push notifications)
- Customers should have to opt-in to bonuses and promotional offers separately from other marketing
- No “cross selling” without opt-in

# CONSULTATION RESPONSES

- Summer consultation (12 weeks to October 2023)
- 440 responses
- Examples of concerns raised:
  - Opting pre-existing customers out of marketing (who have already given consent) could cause confusion, complaints and a drop in revenue!
  - Lotteries/charity sector concerned about fundraising when lotteries are low risk
  - Land based (mostly bingo) operators concerned proposals would impact profits and ability to retain customers

# GAMBLING COMMISSION POSITION

- Gambling Commission has listened:
- Push notifications not covered (only phone, e-mail, text (SMS))
- Lotteries no longer in scope
- Land based sector no longer in scope
- Marketing to customers does not need to stop until they login/gamble from 17 January 2025
- From then operators must reconfirm marketing preferences on first login/before gambling
- Options must be blank/unticked box and off by default

# SR CODE 5.1.12

- From 17 January 2025:
- Customers must confirm marketing preferences on first login and before gambling
- Applies to remote casino, bingo, betting licences
- New and existing customers must opt-in to direct marketing on a per channel and per product basis
  - **Channel** = phone, e-mail, text (SMS)
  - **Product** = betting, casino, bingo
- Only option is to accept or decline marketing.
- No encouragement to change selection
- Customers must not receive direct marketing that contravenes these channel preferences

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# IMPACT OF CHANGES?

- Land based operators/lotteries have been spared
- Separate opt-in to bonuses/promotional offers dropped
- Is WhatsApp marketing covered by “text messages (SMS)”?
- Push notifications – not covered
- Don’t wait until 17 January 2025 to obtain consent



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# FOR FURTHER INFORMATION

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