



Google's opmerkingen over de voorgestelde wijziging van het Besluit werving, reclame en verslavingspreventie kansspelen in verband met de inperking van wervings- en reclameactiviteiten voor risicovolle kansspelen

Google stelt het op prijs dat het Ministerie van Justitie en Veiligheid de mogelijkheid biedt om een zienswijze te geven over de voorgestelde wijziging van het Besluit werving, reclame en verslavingspreventie kansspelen in verband met de inperking van wervings- en reclameactiviteiten voor risicovolle kansspelen ('the Proposal'). Google maakt graag gebruik van deze mogelijkheid. Het overige deel van haar zienswijze is in het Engels.

(I) Introduction

In the Netherlands, Google allows ads promoting online gambling by state licensed entities only.¹ Google supports responsible gambling advertising. In this light, Google has implemented a number of safety measures, which are explained in more detail below. Next, Google would like to clarify the potential impact of the Proposal on internet advertising.

(II) Google's current policies on gambling ads are designed to protect users

1. Google wants to support a healthy digital advertising ecosystem—one that is trustworthy and transparent, and works for users, advertisers, and publishers. Online advertising can be a powerful way to reach customers, but in sensitive areas, Google also works hard to avoid showing these ads when and where they might be inappropriate. For that reason, Google has adopted a number of safety measures regarding the promotion of the gambling content:
 - Advertisers for online gambling must be certified by Google.²
 - Google's Default Treatment Policy implements additional safeguards to filter gambling ads eligible to serve to users that aren't signed in or users that Google's systems indicate are under 18.³ This means users who declare or are inferred to be under 18 will not see gambling ads.
 - Gambling ads must target approved countries, must have a landing page that displays information about responsible gambling, and can never target minors.⁴
 - Signed-in users are able to restrict display ads for gambling in their Google account.⁵

¹ Google Advertising Policies Help, Gambling and games: <https://support.google.com/adspolicy/answer/6018017?hl=en#zippy=%2Cnetherlands%2Cgroup>.

² Google gambling application: <https://support.google.com/google-ads/troubleshooter/2893932#ts=9896532>.

³ Google Default Ads Treatment: <https://support.google.com/adspolicy/answer/10959786#zippy=>.

⁴ Google Advertising Policies Help, Gambling and games: <https://support.google.com/adspolicy/answer/6018017?hl=en#zippy=%2Cnetherlands%2Cgroup>.

⁵ Via Google Ad Settings: <https://support.google.com/ads/answer/10261289?hl=en>.



(III) The Proposal would effectively ban online advertising via Google

2. The Proposal amends article 2a of the Decree on promotion, advertising and addiction-prevention for games of chance (the “Decree”). Article 2a of the Proposal bans licensed providers of remote gambling services from engaging in non-targeted promotional or advertising activities. Internet advertising qualifies as non-targeted advertising, unless it is ensured that vulnerable groups are not reached by the advertising. The Decree marks the following groups as vulnerable: (i) minors and adults below the age of 24, (ii) people demonstrating characteristics of risky gaming behaviour and (iii) players who have voluntarily excluded themselves from games of chance.⁶
3. This ban on non-targeted advertising aims to reduce the amount and the reach of remote gambling advertising, in order to prevent it from reaching vulnerable groups as much as possible - to reduce addiction risk among these groups.⁷ Remote gambling providers are to regulate their advertising in such a way that only defined target groups are reached by their advertisement.⁸
4. The Proposal may have far-reaching consequences for internet advertising of remote gambling services. Google observes that the current draft of the Proposal would effectively ban all online advertising via Google’s ad services. Google faces several barriers to implementing this Proposal to enable remote gambling providers to advertise online:
 - **Google cannot ensure that vulnerable people will not be reached**
Proposal text states that all internet advertising is considered to be non-targeted⁹ - and therefore banned - unless it is “ensured” that vulnerable groups are not reached by the advertisement. The explanatory note further explains that internet ads are permitted only if providers offer the ads based on customer profiles excluding vulnerable people - meaning it is ensured that vulnerable people will not be reached.¹⁰ However, for the reasons set out below, Google is not able to target ads with such precision that it is ensured with any degree of certainty that vulnerable users will not be reached, and in any event targeting advertising based on sensitive interest categories such as gambling is problematic and against Google’s advertising policies.
 - **Google cannot identify users with 100% certainty**
Google cannot identify users on the level needed to enable gambling providers to comply with the Proposal. While Google can use inferences to try to establish some characteristics about its users (and may have further information about the characteristics of signed-in users), it can never

⁶ Article 2(3) and 2(4) of the Decree.

⁷ Proposal, Explanatory note, p. 3.

⁸ Proposal, Explanatory note, p. 4.

⁹ In this submission, Google understands “targeting” to mean “personalised targeting”. Online advertising is by nature targeted, whether through contextual advertising (for instance, in response to a user query in Google Search) or personalised advertising based on user data.

¹⁰ Proposal, Explanatory note, p. 5.



determine the identity of its users with absolute certainty. For instance, a minor might incidentally use a device from a parent, or use Google services from the Google account of a signed-in adult friend. Therefore, even if it was possible for Google to have a 'list' of vulnerable people (which is itself problematic, as discussed further below), Google would not be able to ensure that no gambling ads would ever reach these users.

- **Google cannot define the vulnerable groups**
Google does not have the information to effectively define these vulnerable groups, especially groups of people exhibiting risky gaming behaviour and groups of people who have excluded themselves from games of chance. This kind of information will generally only be available to the remote gambling provider.
- **Google cannot process sensitive information on vulnerable groups**
Even if this kind of sensitive information would be available to Google, it is unlikely that it could use this information without user consent. The Gambling Act includes an express legal basis for remote gambling providers to process information regarding the player's health, in order to prevent excessive playing or gambling addiction.¹¹ Providers of advertising services like Google are likely required to obtain user consent in order to use this kind of sensitive health data.
- **Google's policies do not allow targeting based on gambling interests**
In order to protect its users, Google's advertising policies do not allow personalised targeting of ads based on sensitive interest categories, such as prescription medications, clinical trial recruitment, alcohol and gambling.¹² Google does not allow advertisers promoting gambling services to upload their own audiences, nor does Google itself target users based on gambling interests.¹³ This means that Google cannot exclude vulnerable users either, as this would require identifying this group.

(IV) Conclusion

5. Google hopes its submission helped to clarify the possibilities and restrictions of targeting online advertising via Google's ad services. Google would be happy to explain its position further in a meeting with the Ministry of Justice and Security.

¹¹ Article 31m of the Gambling Act.

¹² Google Advertising Policies Help, Personalised Advertising: <https://support.google.com/adspolicy/answer/143465?hl=en-GB#zippy&zippy=> .

¹³ Google Advertising Policies Help, Personalised Advertising: <https://support.google.com/adspolicy/answer/143465?hl=en-GB#zippy&zippy=> .