

Gambling Administration Guidelines

Casino Act 1997

Facial Recognition Systems – Casino Licence

Effective 22 July 2021

The following guidelines have been published by the Liquor and Gambling Commissioner under section 17 of the *Gambling Administration Act 2019* for the purposes of section 40D of the *Casino Act 1997*.

1. Introduction

Under section 40D of the *Casino Act 1997*, the Liquor & Gambling Commissioner (the Commissioner) may approve a system to be operated by the casino licensee that enables the facial image of a person who is entering a gaming area on the casino premises to be recognised, identified and recorded (**a facial recognition system**).

The Commissioner must not approve a facial recognition system unless the system complies with any requirements prescribed by the *Casino Regulations 2013* and is able to be operated in accordance with any Gambling Administration Guidelines issued by the Commissioner under section 17 of the *Gambling Administration Act 2019*.

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2. Overview

Facial recognition technology is one of many biometric technologies that can be used to identify a natural person.

A facial recognition system which is to be operated by the casino licensee to identify a person subject to a barring order must be capable of identifying or verifying the physical features of a natural person's face using a digital image captured from a fixed video source.

A facial recognition system will generally for this purpose consist of:

- (a) one or more fixed video capturing devices;
- (b) one or more CPU running proprietary software, including complex algorithm(s), that identify and compare points or surfaces of a person's face and features;
- (c) a graphical user interface (GUI) to view and manage the capturing of images for the purpose of identification; and
- (d) be hosted on-premises, in the cloud or a hybrid on-premises and cloud-based host.

These guidelines provide information about how fixed video capturing devices and associated equipment should be installed or legacy devices modified when used in connection with facial recognition systems.

System developers and parties contracted to install such systems should refer to the separate **Gambling Administration Guidelines – Facial Recognition System Providers**, which is available on the CBS website, for the requirements for submitting biometric systems to the Commissioner for evaluation and approval.



3. Terms used in these guidelines

(1) In these guidelines, unless the contrary appears—

- (a) **barred person** means—
 - (i) a person subject to a barring order made under Part 6 of the *Gambling Administration Act 2019*;
 - (ii) a person subject to a barring order made under Part 4 Division 7 of the *Casino Act 1997*;
- (b) **barring order** means an order doing any one or more of the following:
 - (i) barring a person from taking part in specified gambling activities or gambling activities of a specified class;
 - (ii) barring a person from entering or remaining in the whole or a part of—
 - A. specified premises; or
 - B. a specified class of premises,
where gambling activities are or may be undertaken;
 - (iii) barring a person from a prescribed place or a place of a prescribed class or from engaging in a prescribed activity or an activity of a prescribed class;
- (c) **casino licensee** means the holder of the casino licence granted under the *Casino Act 1997*;
- (d) **CBS** means Consumer and Business Services
- (e) **facial recognition system** means a biometric technology capable of identifying or verifying a natural person using a digital image or a video frame captured from a fixed video source;
- (f) **facial recognition technology provider** (system provider) means:
 - (i) an entity which administers a facial recognition system, approved by the Commissioner for the purposes of the *Casino Act 1997*; and
 - (ii) has entered into a contract or agreement with the casino licensee to provide an approved facial recognition system; and
 - (iii) is a party to an executed Data Sharing Agreement with the Liquor and Gambling Commissioner of South Australia;
- (g) **inspector** has the same meaning as Part 4 of the *Gambling Administration Act 2019*.

4. Facial Recognition System – Operating Requirements

- (1) It is a condition of the casino licence that the casino licensee must, for the purposes of identifying barred persons entering a gaming area, operate a facial recognition system which has been approved by the Commissioner.
- (2) The casino licensee must only use a facial recognition system which has been approved by the Commissioner under section 40D of the *Casino Act 1997* and must be operated in accordance with regulation 10 of the *Casino Regulations 2013*.
- (3) The casino licensee must enter into a formal engagement agreement with an approved system provider before access to barring data held by CBS will be granted.
- (4) The casino licensee will be responsible for providing CBS with the details of any variations or updates to the engagement agreement during the contracted engagement period.
- (5) The casino licensee must ensure that an approved facial recognition system is always in operation when gaming operations are able to be conducted on the licensed premises.

(6) As required by the *Casino Regulations 2013* and in addition to, data collected by a facial recognition system operated by the casino licensee for these purposes must not be used for or in connection with the following:

- (a) encouraging or providing incentives to a person to gamble;
- (b) customer loyalty or reward programs;
- (c) a lottery within the meaning of the *Lotteries Act 2019*;
- (d) identifying a barred person in respect of premises other than the casino premises; and
- (e) any other purpose other than what is approved by these guidelines unless specified approval has been given to the casino licensee by the Commissioner.

(7) As required by the *Casino Regulations 2013*, any facial images or any data recorded by the facial recognition system that identifies a person (other than a barred person), must not be retained by the casino licensee or on the facial recognition system operated on behalf of the casino licensee after 72 hours of being recorded by the system.

(8) A security and surveillance system approved by the Commissioner in accordance with section 38(1)(b) of the *Casino Act 1997*—

- (a) may be used by the casino licensee to record the date and time of day that a person identified by the facial recognition system as a suspected barred person was first:
 - (i) detected entering a gaming area by the system; and
 - (ii) approached in-person by an authorised employee of the casino licensee for the purpose of identity confirmation; and
- (b) may be used by the casino licensee to notify an authorised employee of the casino licensee who is on duty or is responsible for controlling entry to the casino premises, for the purpose of making them aware a suspected barred person is entering the casino premises; and
- (c) may be used to ‘POST’ usage data, which is protected by access authentication control and is encrypted when at rest and in transit, to the CBS Host using a secure webservice.

(9) The casino licensee must ensure that any “**PUSH**” notifications displayed on equipment connected to the system (including monitors, screens, tablets, smartphones or similar) and used on the casino premises to receive alerts of persons identified by the system:

- (a) must only be acknowledged or accessed by a person notified to the Commissioner as a ‘Special Employee’ under Part 4 Division 2 of the *Casino Act 1997*; and
- (d) must neither be accessible by, nor visible to, members of the general public.

(10) The licensee must, at intervals not greater than every 12 months:

- (a) verify that the system is able to identify a person entering or who has entered the gaming area where the facial image has been recorded within the system; and
- (b) verify the operation of any device used on the licensed premises to receive alerts or to display the facial images of persons identified by the system; and
- (c) make a record of the relevant details, retaining the details for not less than 3 years.

(11) A system provider may, if available, provide the casino licensee with optional diagnostic tools to assist with achieving compliance with clause (10) to allow the licensee to:

- (a) verify that the system is able to identify a person entering or who has entered the gaming area where the facial image has been recorded within the system; and
- (b) verify the operation of any device used on the licensed premises to receive alerts or to display the facial images of persons identified by the system.

(12) The record required to be kept by the casino licensee for the purposes of clause (10) may be incorporated with any other operational document maintained by the licensee, but must be readily available to an Inspector on request.

5. Facial Recognition System - Installation Requirements

- (1) This part applies to the installation of hardware including computer peripherals, servers, fixed video capturing devices or modifications to devices used in connection with a legacy surveillance system (referred to in this part as a “device”), which are to be connected to an approved facial recognition system.
- (2) The installation of any device to be used or connected to an approved facial recognition system on the casino premises may only be installed by:
 - (a) a person who has been notified to the Commissioner as a ‘Special Employee’ in accordance with section 28 of the *Casino Act 1997*; or
 - (b) a person employed or engaged by the system provider under the supervision of a person who has been notified to the Commissioner as a ‘Special Employee’. This does not however, obviate the person employed or engaged by the system provider from holding the necessary trade credentials to perform this type of work.
- (3) A device or devices installed or utilised by the system to capture the facial image of a person entering or who has entered the gaming area **must** be located on the casino premises:
 - (a) in such manner which affords the best opportunity for the facial image of each person entering or who has entered the gaming area to be captured; and
 - (b) be positioned to allow for changes in external and internal lighting conditions or where poor lighting conditions are generally present.
- (4) The casino licensee may install and use such devices to provide secondary coverage of the gaming area to enable the system to identify a barred person who has not been identified when entering the gaming area for example due to where a barred person takes steps to avoid detection.
- (5) Failure to comply with this part, may result in the approval of the system being revoked.

6. References

[Gambling Administration Act 2019](#)

[Casino Act 1997](#)

[Casino Regulations 2013](#)

7. Revision History

Version	Changes	Release Date
This Version	<p>New standalone Gambling Administration Guidelines issued to inform the casino licensee of the requirements for operating a facial recognition system.</p> <p>Guidelines include access and confidentiality requirements in relation to facial images</p>	22 July 2021