

Gambling Administration Guidelines

Gaming Machines Act 1992

Facial Recognition Systems - Gaming Machine 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 *Gaming Machines Act 1992*.

1. Introduction

Under section 40D of the *Gaming Machines Act 1992*, the Liquor & Gambling Commissioner (the Commissioner) may approve a system to be operated by certain licensees that enables the facial image of a person who is entering a gaming area 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 *Gaming Machines Regulations 2020* 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 in a South Australian hotel or club 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 are intended to inform gaming machine licence holders 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 a person subject to a barring order made under Part 6 of the *Gambling Administration Act 2019*;
- (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) **CBS** means Consumer and Business Services
- (d) **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;
- (e) **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 *Gaming Machines Act 1992*; and
 - (ii) has entered into a contract or agreement with a gaming machine licence holder 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;
- (f) **inspector** has the same meaning as Part 4 of the *Gambling Administration Act 2019*;
- (g) **licensee** means the holder of a gaming machine licence.

4. Facial Recognition System – Operating Requirements

- (1) It is a condition of a gaming machine licence that the licensee, must for the purposes of identifying barred persons entering a gaming area, operate a facial recognition system if the gaming machine licence for the premises authorises the operation of thirty (30) or more gaming machines (being a reference to the number of gaming machine entitlements affixed to a licence) any one (1) of which may be operated by the insertion of a banknote.
- (2) The licensee must only use a facial recognition system which has been approved by the Commissioner under section 40D of the *Gaming Machines Act 1992* and must be operated in accordance with regulation 28 of the *Gaming Machine Regulations 2020* and licence conditions affixed to the gaming machine licence.
- (3) A licensee who is not required to deploy facial recognition technology may do so to support their responsible gambling obligations provided the system has been approved by the Commissioner under section 40D of the *Gaming Machines Act 1997* and is operated in accordance with the regulation 28 of the *Gaming Machine Regulations 2020* and licence conditions affixed to the gaming machine licence.
- (4) The licensee should contact an approved facial recognition system provider to discuss venue requirements and negotiate the terms of engagement. A list of approved system providers is available on the CBS website.
- (5) Once a provider has been selected, the licensee must enter into a formal agreement with the system provider by completing and submitting the **Confirmation of Engagement of an Approved FRT Provider by a Licensee** form, which is available on the CBS website. Once received, the selected system provider will be granted access to the barring data of the relevant licensed premises held by CBS.
- (6) The licensee will be responsible for providing CBS with copies of any variations or updates to the confirmation of engagement during the contracted engagement period.
- (7) The licensee must ensure that an approved facial recognition system is always in operation when gaming machines are able to be operated on the licensed premises.
- (8) As required by the *Gaming Machines Regulations 2020*, and in addition to, data collected by a facial recognition system operated by a 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 licensed premises in relation to which the system is operating; and
 - (e) any other purpose other than what is approved in accordance with these guidelines unless specified approval has been given to the licensee by the Commissioner.
- (9) As required by the *Gaming Machine Regulations 2020*, any facial images or any data recorded by the approved facial recognition system that identifies a person (other than a barred person) for these purposes, must not be retained by the licensee or on the facial recognition system operated on behalf of the licensee after 72 hours of being recorded by the system.

- (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 a 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 licensee for the purposes of clause (10) may be incorporated with any other operational document maintained by the licensee (for example as part of a responsible gambling document provided to a licensee by an industry body), but must be readily available to an Inspector on request.
- (13) The 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 licensed premises to receive alerts of persons identified by the system:
 - (a) must only be acknowledged and accessed by a person notified to the Commissioner as a gaming manager or gaming employee as required under Schedule 1 clause (ma) of the Gaming Machines Act 1992; or
 - (b) to persons acting on behalf of an approved industry body with whom the licensee has entered into a responsible gambling agreement; and
 - (c) must neither be accessible by, nor visible to, members of the general public.
- (14) The licensee will not be considered to have contravened clause 4(13)(a) if the display of “**PUSH**” notifications on equipment connected to the system (including monitors, screens, tablets, smartphones or similar) are visible to other staff members on the licensed premises.
- (15) A licensee that allows the display of “**PUSH**” notifications on equipment connected to the system (including monitors, screens, tablets, smartphones or similar) which are accessible or visible to members of the general public commits an offence being in contravention of condition (I) of the Attachment B Licence Conditions.
- (16) Licensees should, in particular, be mindful of the placement of monitors or tablets behind service areas etc. which could inadvertently allow FRT alerts or images to be viewed by members of the general public and relocate as necessary.
- (17) While the use of facial recognition technology is a mandatory requirement for certain licence holders, it is not meant to be a total replacement for the management of barred persons, but rather a valuable tool to assist licensees with their responsible gambling obligations.
- (18) Failure to comply with this part, may result in disciplinary action being taken against the licensee or the approval of the system being revoked.

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) As these devices are not prescribed gaming machine components for the purposes of the *Gaming Machines Act 1992*, the installation or modification of such devices is not required to be undertaken by a person licensed under the Act. However, this does not obviate the person 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 licensed 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) Licensees may wish to consider the installation and use of 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 the design of the entry to the gaming area or where a barred person takes steps to avoid detection.

6. References

[Gambling Administration Act 2019](#)

[Gaming Machines Act 1992](#)

[Gaming Machine Regulations 2020](#)

7. Revision History

Version	Changes	Release Date
This Version	<p>New standalone Gambling Administration Guidelines issued to inform gaming machine licence holders 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