

Gambling Administration Guidelines

Gaming Machines Act 1992 & Casino Act 1997

Facial Recognition System Providers

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* and section 40D of the *Casino Act 1997*.

1. Introduction

Under section 40D of the *Gaming Machines Act 1992* and section 40D of the *Casino Act 1997*, 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*, *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

These guidelines are intended to guide the developers and providers of facial recognition technology with the requirements for submitting biometric systems to the Commissioner for evaluation and approval to enable installation in certain South Australian gaming venues which when used for the purpose of identifying a barred person entering or who has entered a gaming area, must:

- (a) accurately take account of physical variances in facial features;
- (b) prevent unauthorised access, use and disclosure of data collected by the system; and
- (c) only be operated in accordance with any technical requirements, security requirements and any other criteria as determined by the Commissioner.

It is not the purpose of these guidelines to mandate a solution or limit technology. However, any matters arising from the evaluation of a facial recognition system not covered by these guidelines will be considered for approval at the discretion of the Commissioner.

These guidelines are also a valuable document for informing parties contracted to install such systems about how fixed video capturing devices or legacy devices used in connection with such systems should be installed and operated.



3. Terms used in these guidelines

- (1) In these guidelines, unless the contrary appears—
- (a) **barred person** means:
- (i) in relation to the holder of a gaming machine licence under the *Gaming Machines Act 1992*—
 - A. a person subject to a barring order made under Part 6 of the *Gambling Administration Act 2019*;
 - (ii) in relation to the holder of the casino licence under the *Casino Act 1997*—
 - A. a person subject to a barring order made under Part 6 of the *Gambling Administration Act 2019*;
 - B. 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) **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* or *Casino Act 1997*; and
 - (ii) has entered into a contract or agreement with a gambling provider 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) **gambling provider** means:
- (i) the holder of a gaming machine licence issued under the *Gaming Machines Act 1992*; and
 - (ii) the holder of the casino licence granted under the *Casino Act 1997*.

4. Facial Recognition Technology – Provider Requirements

- (1) This part applies to the entity which seeks to enter into a Data Sharing Agreement with the Commissioner governing access to barred person data for a relevant premises.
- (2) A facial recognition system operated by a gambling provider that enables the facial image of a person to be recognised, identified and recorded for the purposes of the *Gaming Machines Act 1992* or *Casino Act 1997* must be approved by the Commissioner before a facial recognition system provider (system provider) can be engaged to provide such services by a gambling provider.
- (3) Data disseminated, collected or exchanged with a system provider for these purposes must be stored on-shore and cannot be exported off-shore or used in other applications.
- (4) A system provider will only be granted access to the barring data held by CBS for the relevant premises after the gambling provider has submitted to the Commissioner evidence of engagement with the system provider
- (5) Any changes to the use of this data or contracted period of engagement with a gambling provider must be approved by the Commissioner.
- (6) A system provider must not disclose or share any information or data about barred persons collected by an approved system other than to the South Australian gambling provider who has engaged the services of the system provider or the Commissioner.
- (7) A system provider must, in the form and manner determined by the Commissioner, advise the gambling provider and the Commissioner of any unplanned outages that have impacted on the ability of an approved system to identify barred persons.
- (8) A system provider must make all reasonable efforts to ensure that any malfunction of an approved system is repaired as soon as practicable after the malfunction is discovered.
- (9) As soon as the gambling provider or system provider becomes aware that a video capture device, software or GUI has malfunctioned, reasonable steps must be taken to have the video capture device, software or GUI repaired, replaced or take such other measures to protect the subject activity. For example, additional employee monitoring of the gaming area.
- (10) Scheduled maintenance of an approved facial recognition system, including any video capture device, software or GUI must be planned and undertaken at a time of day where the risk of a barred person being able to gain entry to a gaming area is minimised.
- (11) A system provider must within 7 days of becoming a party to any other Facial Verification or Matching System granted by the Commonwealth of Australia notify the Commissioner of that engagement.
- (12) Failure to comply with this part, may result in the approval of the system being revoked.

5. Facial Recognition Technology – Installation Requirements

- (1) This part applies to an entity contracted by the gambling provider, system provider or the system provider directly (as applies) for 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:
 - (a) in relation to the gaming area of licensed premises under the *Gaming Machines Act 1992*:
 - (i) 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.

- (b) in relation to the gaming areas of the casino premises under the *Casino Act 1997*, may only be installed by:
- (i) a person who has been notified to the Commissioner as a 'Special Employee' in accordance with section 28 of the *Casino Act 1997*; or
 - (ii) 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) Any device which is 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.
- (5) Any equipment (including monitors, screens, tablets, smartphones or similar) used on the licensed premises to receive and display "**PUSH**" notifications, alerts or to display the facial images of persons identified by the system—
- (a) in relation to the gaming area of licensed premises under the *Gaming Machines Act 1992*—
 - (i) 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
 - (ii) to persons acting on behalf of the approved industry body with whom the licensee has entered into a responsible gambling agreement; and
 - (iii) must neither be accessible by, nor visible to, members of the general public;
 - (b) in relation to the gaming areas of the casino premises under the *Casino Act 1997*—
 - (i) 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
 - (ii) must neither be accessible by, nor visible to, members of the general public.
- (6) The holder of a gaming machine licence commits an offence if any device which is used on the licensed premises to receive alerts or to display the facial images of persons identified by a facial recognition system is allowed to be accessible by or visible to, members of the general public.
- (7) System providers should be mindful of the placement of monitors or tablets behind service or bar areas etc. which could inadvertently allow FRT alerts or images to viewed by members of the general public and relocate as necessary.
- (8) 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.
- (9) Failure to comply with this part, may result in disciplinary action being taken against the licensee or the approval of the system being revoked.

6. Facial Recognition Technology – System Requirements

- (1) A facial recognition system submitted for approval by the Commissioner and to be operated in accordance with these guidelines 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.
- (2) 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.
- (3) The system **must** be able to make multiple '**GET**' requests via a secure webservice with an authentication header for each request.
- (4) The system solution **must** be able to utilise '**Hypertext Transfer Protocol Secure**' (HTTPS).
- (5) The system **must** be able to '**CONSUME**' barred person data, returned in JavaScript Object Notation (JSON) format, that includes the following data:
 - (a) Venue name
 - (b) Venue ID
 - (c) Licensee name
 - (d) Barred patron details—
 - (i) Given name
 - (ii) Family name
 - (iii) Full name
 - (iv) Date barred from
 - (v) Date barred to
 - (e) Images—
 - (i) Identification reference
 - (ii) Name
 - (iii) Extension
 - (iv) Image content
- (6) The system **must** be able to purge all data related to a barred person once a barring has been revoked through the CBS Host or is no longer active.
- (7) The system **must** be able to record the date and time of day that a person identified by the system as a barred person was first:
 - (a) detected entering a gaming area by the system; and
 - (b) approached in-person by an authorised employee of the gambling provider for the purpose of identity confirmation.

- (8) The system **must** be able to '**POST**' usage data to the CBS Host using a secure webservice on a daily basis, providing as a minimum the following data:
 - (a) Venue ID
 - (b) Venue Name
 - (c) number of faces identified in that day
 - (d) number of barred persons identified in that day
 - (e) time taken (recorded in milliseconds) between detection by the system of a suspect barred person and first contact acknowledged
 - (f) incidents of system downtime.
- (9) The system **must** ensure that facial images, barred person data, or usage data, is protected by access authentication control and is encrypted when at rest and in transit.
- (10) The system **must** have the ability to send non-identifiable '**PUSH**' notifications to a secure device by email, SMS or both, to an authorised employee of the gambling provider who is on duty or is responsible for a gaming area, for the purpose of making them aware a suspected barred person is entering the gaming area.
- (11) 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.
- (12) It is a requirement that a gambling provider which operates an approved facial recognition system **must**, at intervals not greater than every 12 months, verify that the system and any devices attached to the system are operating correctly.
- (13) A system provider may, if available, provide a gambling provider with optional diagnostic tools to assist with achieving compliance with clause (12) to allow the gambling provider to:
 - (a) verify that the system is able to identify a person that is 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.
- (14) Failure to comply with this part, may result in the approval of the system being revoked.

7. Completing an application

- (1) Facial recognition technology providers seeking approval for the deployment and use of facial recognition systems in Hotels and Clubs in South Australia and the Adelaide Casino, must submit an application seeking approval of the system to Consumer and Business Services (CBS).
- (2) Facial recognition technology providers seeking approval for the deployment and use of facial recognition systems at the Adelaide Casino must also satisfy the Commissioner that the system submitted for approval has been selected by the casino licensee as suitable for deployment at the Adelaide Casino.
- (3) Applications must be made using the online application form, available from the CBS website at cbs.sa.gov.au and be accompanied by the prescribed fee.
- (4) Applications must contain the following elements:
 - (a) the date of the submission;
 - (b) the full name of the system provider, address for service, address of the principal place of business;

- (c) a declaration by the person/s responsible for the submission that the information submitted is true and correct;
 - (d) the details of where technical enquires regarding the submission may be directed;
 - (e) the registered business identification number and address of the entity (for example an ABN if registered in Australia or NZBN if registered in New Zealand);
 - (f) a company extract supported by written text explaining the corporate structure of the entity, in particular in relation to parent or holding companies, subsidiaries, other associated companies, directors and major shareholders;
 - (g) the details of—
 - (i) any licence or approval applied for or held by the entity, or a holding, parent or subsidiary company of the entity, for the approval and deployment of facial recognition technology in any other State, a Territory of the Commonwealth or New Zealand; and
 - (ii) any refusal to grant or renew any such licence or approval; and
 - (iii) any suspension, cancellation or revocation of, or other disciplinary action in respect of, any such licence or approval; and
 - (iv) details of a where the solution is currently in operation;
 - (h) the details of the system providers technical expertise in the deployment of facial recognition technology;
 - (i) a description of the product being submitted and the intent of the submission;
 - (j) system architecture diagram and description on how the facial recognition system is intended to be operated within a business;
 - (k) details of the facial recognition algorithm(s) and associated independent testing data;
 - (l) a copy of the data breach response plan including safeguards or controls within the system to guard against misuse, unauthorised access or sharing of information; and
 - (m) details of any independent penetration testing of the system, particularly in relation to the security of stored barred person data.
- (5) A system provider must also enter into a Data Sharing Agreement with the Commissioner to facilitate the exchange of information between the parties for the proper administration of relevant laws and policies.
- (6) Any test reports provided in support of an application must contain the testing body's name, accreditation details, the name of the individual who conducted the testing, a description of what was tested, how it was tested (photos may be required) and the test results.
- (7) All submission documentation and electronic media must be labelled with the company name, the product name, the product version and the submission date. Resubmissions must also include the resubmission number (e.g. version 2). Version numbers are to be unique and any change to an already approved submission should require this unique version number to change.
- (8) As part of the assessment process the Commissioner may request a demonstration of the system to assist in making a determination.
- (9) Any enhancements, changes or bug-fixes to a system being evaluated or an approved system, must be notified to the Commissioner in writing and approved before deployment.
- (10) The approval of a facial recognition system for these purposes may be varied or revoked by the Commissioner in accordance with section 40D of the *Gaming Machines Act 1992* or section 40D of the *Casino Act 1997*.

8. Software components of application

- (1) An application which includes the approval of software to be operated in connection with a facial recognition system must be in English.
- (2) The application must include a list of all known unresolved issues, bugs and incidents. This list must be comprehensive and include any issues identified with previous versions which have not been resolved with the current version, even if these issues have been previously notified to CBS.

9. Hardware components of applications

- (1) An application which includes the approval or installation of hardware to be operated in connection with a facial recognition system must be in English.
- (2) The application must include all relevant technical details, specifications and datasheets pertaining to all components of the facial recognition system (including video capturing devices, CPU, system backend, etc.).
- (3) The application must include the details of any specific hardware to be operated in connection with the solution (including off the shelf or proprietary hardware).

10. References

[Gambling Administration Act 2019](#)

[Gaming Machines Act 1992](#)

[Gaming Machine Regulations 2020](#)

[Casino Act 1997](#)

[Casino Regulations 2013](#)

11.Revision History

Version	Changes	Release Date
1	Original document published as notified technical requirements	27 July 2020
2	Original document updated to include further definitions	15 October 2020
3	System requirements re-issued as Gambling Administration Guidelines for the purposes of the <i>Gambling Administration Act 2019</i>	3 December 2020
4	Guidelines updated to include additional access and confidentiality requirements in relation to facial images. Refer to separate guidelines for requirements relevant to gambling providers.	22 July 2021