

Kings Cross approved ID scanner requirements

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Scanning requirements

WARNING

Certain venues subject to the ID scanning requirements must comply with ALL conditions in this section.

Requirements are provided under sections 116D and 116E and Part 7 of the *Liquor Act 2007*, and clauses 76, 106, 101, 103, and 107 of the *Liquor Regulation 2018*. Failure to comply may carry a maximum fine of \$11,000 per offence and result in a 'Strike' being incurred against your venue.

Operational use of ID scanners

Certain venues in the Kings Cross precinct are subject to the following requirements when using a patron ID scanner unless an exemption has been granted under section 116E(7) of the *Liquor Act 2007*. Licensees should refer to legislation listed above if further information is required.

General operation

1. Only patron ID scanners provided by Group Security Solutions (trading as PatronScan) may be used by the venue for the purposes of the Kings Cross precinct ID scanner system.
2. The approved patron ID scanner must be used during all times that the venue is trading between 10pm and 1.30am (or 2am for any venues that are operating with a later 2am lockout time) on Friday and Saturday nights, public holiday nights, and nights before a public holiday.
3. Each patron ID scanner must be:
 - under the immediate and personal supervision of a staff member, or
 - secured in an area recorded by CCTV and inaccessible to the public when not in use.

Scanning on entry

4. A patron must not be permitted entry to the venue unless they have a valid photo ID scanned by a venue staff member using the patron ID scanner.

However, a minor is not required to produce ID for scanning to gain entry to the venue (where they are lawfully allowed to enter the premises).

5. The scanning of each patron ID must:
 - be visible to the patron and only take place whilst the patron is present,
 - be recorded by CCTV, provided that personal information scanned is not visible on the recording,
 - include a 'live' photograph of the patron, captured by the patron ID scanner prior to entry, and
 - be undertaken by a staff member:
 - who holds a current competency card with a privacy training endorsement, or a current privacy training interim certificate, and

- has signed into the patron ID scanner using their own unique login details and password.
- 6. All ID scanning must be done in a correct manner to ensure information is stored accurately. If an ID requires manual entry, the information entered into the system must include the correct full name and accurate date of birth as reflected on the ID presented for scanning.
- 7. An outline of the privacy policy must be displayed at or near any public entrance, so that people are alerted to its contents immediately before needing to produce photo identification.

Identification documents

- 8. Only evidence of age documents, as defined by the *Liquor Act 2007*, are acceptable for the purposes of ID scanning, and must contain the following information relating to the patron:
 - name
 - photograph, and
 - date of birth and/or address.

Evidence of age documents are limited to the following:

- a motor vehicle driver or rider's licence or permit, issued by Roads and Maritime Services under the *Road Transport Act 2013* or by the corresponding public authority of another State or Territory, or under the law of another country,
- a digital driver licence within the meaning of the *Road Transport Act 2013*,
- a Photo Card issued under the *Photo Card Act 2005*,
- a digital Photo Card within the meaning of Part 2A of the *Photo Card Act 2005*,
- a proof of age card (however described) issued by a public authority of the Commonwealth or of another State or Territory for the purpose of attesting to a person's identity and age,
- an Australian or foreign passport, or
- a proof of age card issued by Australia Post (known as a "Keypass Identity Card").

Expired evidence of age documents can be accepted, provided:

- the document is an Australian issued passport, driver licence, photo card, or proof of age card issued by an Australian public authority, and
- the identification has not been expired for more than two years at the time of scanning.

Refusal of entry

- 9. A person must be refused entry to the venue (as a patron) if they:
 - attempt to enter the venue without acceptable photo ID,
 - refuse to produce their photo ID for scanning,
 - refuse to have a live photograph captured by the patron ID scanner immediately prior to entry, or
 - are subject to a temporary or long term banning order.
- 10. The Duty Officer at the Kings Cross Local Area Command (LAC) must be immediately notified on 02 8356 0099 and by email to kxlic@police.nsw.gov.au if a person subject to a temporary or long term banning order attempts to enter the premises.

11. Licensees may exercise their right, referred to in Section 77(13) of the *Liquor Act 2007*, to refuse admission, or turn out, any person from the premises (a 'licensee ban'). The ID scanner system can be used by licensees to record information about persons they have banned from the premises as part of exercising this right.
12. A person may be refused entry to a venue (as a patron) if they are subject to a licensee ban – however, this is at the discretion of the venues. Other venues can be alerted through the ID scanner system that a person has been banned at another venue in the Kings Cross precinct, or from multiple venues that form part of the Kings Cross Liquor Accord.

Staff requirements

15. Any staff or security guard/s operating the ID scanning equipment are in addition to any legislated requirement for the effective management of the premises, such as condition of the liquor licence or development consent.

Privacy

Licensee requirements

16. The licensee must not access or attempt to access any personal information stored on the ID scanner system, and must ensure that no staff member¹ accesses or attempts to access any personal information stored on the ID scanner system.
17. The licensee must ensure that they are treated as an organisation within the meaning of the *Privacy Act 1988* of the Commonwealth. Licensees that have an annual turnover of \$3 million or less must 'opt in' with the Office of the Australian Information Commissioner at www.oaic.gov.au/privacy-law/privacy-registers/opt-in-register.
18. The licensee must comply with the *Privacy Act 1988* regarding the protection of any personal information recorded by a patron ID scanner operating in the venue.
19. If the licensee becomes aware of any breach or suspected breach of privacy obligations, they must notify Liquor & Gaming NSW, and the Duty Officer at the Kings Cross LAC, in writing, within 24 hours of becoming aware of the breach or suspected breach. Email compliance.info@liquorandgaming.nsw.gov.au and kxlic@police.nsw.gov.au.
20. If a written complaint is received about a privacy breach, the licensee must notify the Secretary of the NSW Department of Customer Service within 14 days of receipt of the complaint. Email compliance.info@liquorandgaming.nsw.gov.au (without limitation to any requirement under the *Privacy Act 1988*).

¹ Staff member means any person employed by or acting on behalf of the licensee of the premises, and includes any person who is employed to carry out activities as a crowd controller or bouncer on or about the premises and includes a person engaged under a contract for services.

Privacy Management Plan and Privacy Policy

21. The licensee must prepare and implement a privacy management plan relating to the use of the patron ID scanners in the venue.
22. The licensee must prepare and implement a privacy policy, which contains information for patrons about the use of the patron ID scanners in the venue, and the procedures for ensuring that their privacy is protected, and the procedure for making complaints about breaches of privacy.
23. The licensee must make the privacy policy available to any person who requests to see it.
24. The privacy management plan and privacy policy developed by the licensee must adopt or comply with the plan and policy approved by the Kings Cross Liquor Accord in conjunction with the relevant industry association for the licensee.

Advertising

25. The Licensee must display a notice informing patrons of ID scanning requirements on any advertising, including the venue's website or social media sites, promotional material, or tickets (if a ticketed event), if it is expected that patrons will enter the venue during the ID scanning times of use as a result of the advertising or promotional material.

Contingency Protocol

WARNING

All venues subject to the ID scanning requirements must comply with ALL conditions in this section. Requirements are provided under section 116E(1)(f)(ii) of the *Liquor Act 2007*.

Failure to comply may carry a maximum fine of \$11,000 per offence and result in a 'Strike' being incurred against your venue.

This Contingency Protocol must be followed at any time that there is a failure of an ID scanning unit or the ID scanning system. In the event of any issues being experienced with the ID scanning unit or the ID scanning system the licensee is to immediately contact Group Security Solutions on ph: 02 8556 6555.

Definition of system or unit failure

An ID scanner unit is considered to have failed where it is unable to scan and record the required information from the patron identification document.

The venue's ID scanner system is considered to have failed when all units at the venue are unable to scan and record required information. This is the case if there is only one ID scanner unit and it has failed, or if multiple units are all inoperable.

However, inoperability of the ID scanning equipment due to a breach of a service contract, including non-payment for services, is not regarded as a system failure and this contingency protocol does not apply. In these circumstances the licensee is not permitted to allow entry to patrons during the required times without scanning their ID with a patron ID scanner.

Protocol

System or unit failure – Immediate steps

1. Upon venue staff becoming aware of the failure of an ID scanner unit, the licensee or approved manager must make immediate contact with the Duty Officer at the Kings Cross LAC on (02) 8356 0099 and inform them of:
 - a. the nature and extent of the failure,
 - b. any steps taken to rectify the problem,
 - c. any advice received from the system operator or relevant service provider, and
 - d. the anticipated service time from the system operator or relevant service provider.
2. The details of the failure and notification to police are to be immediately recorded in the venue's approved incident register and a copy provided by email to Kings Cross LAC at kxlic@police.nsw.gov.au and Liquor & Gaming NSW at compliance.info@liquorandgaming.nsw.gov.au within one working day.
3. Where a venue still has at least one operational ID scanner unit, all patrons must be scanned prior to entry as per normal requirements.
4. Where a venue has no operational ID scanner units, a venue staff member or security guard must be positioned at each entrance to the venue to supervise patrons entering the premises and to check identification documents. Each person attempting entry as a patron is still required to produce photo ID in accordance with part 8 of the operating requirement.

System failure – after two hours

5. If there are no ID scanner units in operation after two hours from the time of failure, the licensee or approved manager must make further contact with the Duty Officer at the Kings Cross LAC on 02 8356 0099 and by email kxlic@police.nsw.gov.au and Liquor & Gaming NSW at compliance.info@liquorandgaming.nsw.gov.au and provide an update on the information required at point 1 of this contingency protocol. The requirements of point 4 are to continue.

System failure – after 24 hours

6. If there are no operational ID scanner units after 24 hours the licensee must:
 - a. provide a technician's report to the Kings Cross LAC at kxlic@police.nsw.gov.au and to Liquor & Gaming NSW at compliance.info@liquorandgaming.nsw.gov.au,
 - b. ensure that a licensed security guard is positioned at each public entrance to the venue during the ID scanner required times of use,
 - c. ensure that there is at least one security guard for every 100 patrons, or part thereof, in the venue (in addition to the security guards at each entrance) during the ID scanner required times of use, and
 - d. ensure that each person attempting entry as a patron produces photo ID in accordance with part 8 of the operating requirement.

System failure – after 72 hours

7. If there are no operational ID scanner units at the venue for a period of more than 72 hours the licensee must apply to the Secretary of the NSW Department of Customer Service for approval to continue to operate under this contingency protocol. Until such approval is given, the venue must not allow patrons to enter during the required time of use for ID scanners without scanning their ID.

To make an application to the Secretary email:
compliance.info@liquorandgaming.nsw.gov.au or call: 02 9995 0837.

System failure – recurring within 12 months

8. Where the ID scanning equipment system fails twice within a 12 month period at the same venue, the Secretary may review this contingency protocol and apply a contingency protocol specific to that venue.

Relevant contacts

Liquor & Gaming NSW

compliance.info@liquorandgaming.nsw.gov.au
Ph: 02 9995 0837

Kings Cross Local Area Command (LAC)

kxlic@police.nsw.gov.au
Ph: 02 8356 0099

ID scanner provider (Group Security Solutions/PatronScan)

support@patronscan.com.au
Ph: 02 8556 6555 (24 hours, follow prompts)