



**Submission to the Inquiry of the Law, Justice and Safety Committee of the
Queensland Parliament on Alcohol Related Violence in Queensland
on behalf of NightKey**

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Executive Summary

The interim report of this Inquiry has identified ID scanning at licensed premises subject to appropriate safeguards as a way forward in helping to control anti-social behaviour at licensed premises.

Entry Data Pty Ltd (Entry Data) is the inventor of NightKey (Patent no:2007219702) a sophisticated biometric ID scanning system specifically designed for the hospitality industry. In developing and now making commercially available NightKey Entry Data has gained specific experience regarding many of the issues involved in ID scanning. These cover not only the benefits to be gained by the introduction of ID scanning but also the necessary precautions that need to be taken into account in introducing such a requirement on licensed venues.

ID scanning necessarily involves an infringement of patrons' privacy. This must be weighed against the benefit to be obtained from increasing the safety and security of patrons and decreasing the incidence of anti-social behaviour. It is the essence of this submission that the introduction of ID scanning does:-

- Lead to a significant reduction in anti-social behaviour
- Makes patrons accountable for their own actions
- Operates as the ultimate lockout as it keeps those inclined or unable to control their conduct excluded from licensed premises at any time
- Is accepted widely by the public as the vast majority of patrons understand that it is for their own protection and safety

It is, in our submission, of critical importance that any ID scanning system is appropriate. By that we mean any system adopted and implemented by a licensed premises must be capable of meeting certain rigorous criteria. In our submission it is important that sufficient safeguards are in place to ensure the security of the data captured and stored. For any system questions such as:-

- Who has access to the data?
- What access do they have?
- How is access obtained?
- Can the police access that data?



- How can they obtain access?
- Is there an audit trail?
- Are they Privacy Compliant?

We have watched ourselves the introduction of various forms of ID scanning into licensed venues over the last few years. They vary enormously in the sophistication and levels of protection offered. They range from very basic systems such as a camera or scanner that takes copies of ID's to laptops with various plug in scanners and cameras.

WHAT IS NIGHTKEY?

NightKey is an Identity Management System designed to provide fast verified access to licensed entertainment venues. It is a service provided to licensed venues by Entry Data the owner of the NightKey technology.

NightKey is currently installed in 13 licensed premises around Australia. At the time of this submission there are only two premises in Queensland, Options Tavern in Helensvale, and Platinum Lounge in Mackay licensed to use the NightKey technology.

Registration of patrons takes place at a NightKey® terminal when entering the premises. After the patron's ID is first checked by appropriately qualified crowd control or security officers the terminal enables a quick and easy registration process during which a patron's ID is scanned, a biometric reading of the patron's right index finger known as a FingerPIN taken and a photo at point of entry. The fingerprint is converted into a unique digital code known as FingerPIN that is then centrally stored, with the patron's identification details. The fingerprint is not kept. It is permanently deleted immediately upon enrolment taking place. The FingerPIN cannot be reengineered back into a fingerprint.

All this information is immediately encrypted and sent to the NightKey database that is managed and controlled by Entry Data. This database is kept separate from the licensed premise. NightKey protects and secures the data and ensures access thereto is strictly limited. Only limited data is provided back to the venue. Protection of enrolled patrons' privacy is central to the NightKey system. Considerable effort and expense has been incurred to ensure compliance with the Privacy Act. From the beginning we sought and obtained advice from appropriate experts in privacy law on the design and implementation of NightKey (including ongoing audits). For example:

- At the front door of premises notices are displayed advising patrons of the fact that their ID is going to be scanned and a biometric reading taken



of their right index finger. They are clearly advised that if they engage in anti social behaviour they will be banned from the premises;

- If the patron requires further information a Privacy Statement prepared for the venue by NightKey is available for the patron which provides greater detail about the protection of their private information;
- The licensed premise is only entitled to limited information about the patron sufficient to enable it to perform its functions. The system has been designed to ensure that access to data is limited, and a proper audit trail set up for all who access data. The venue owner (by entering a secure name and password) is entitled to access the name and date of birth of a patron but cannot access the patron's address. Importantly at no time can they access the ID presented either as a copy or otherwise.
- We provide the owner of the licensed premise with a stand-alone computer that has installed upon it NightKey Manager. This is a software program designed by ourselves that makes it easy to identify and ban a troublesome patron for any length of time.
- There is also the facility for the police to search the identity of a patron should they have engaged in illegal conduct through strict protocols and procedures. The police can access more complete details about the patron through a procedure within NightKey Manager that enables the release of information directly to the police electronically. This requires the investigating police officer to enter his details including badge number, incident report number and email address. We then check the authenticity of the request and then send the information electronically to the investigating police officer. Again there is a proper audit trail set up for the release of any information.
- If a patron does not want their enrolment to remain they can access the NightKey website and request that their details be removed from the database. Provided they have not been involved in an incident or been banned then after a specified period of time their details are permanently deleted from the database.

As NightKey attaches a biometric to the ID it regularly picks up patrons' using false or fraudulent ID's. These are either genuine fakes (genuine drivers licenses that are registered to two different people) or patron's passing on ID's to one another (for example younger sister using older sister's ID).

Once enrolled in the system the patron is identified through their biometric. If the patron has not been involved in any incidents then when next attending the



premises they will be identified simply by their first name and a green screen will confirm that they are free to enter.

If the patron has been banned the NightKey terminal will confirm the fact by displaying a red screen with patron's details including the reason for the ban and they will be denied entry. Please note the only time an id can be viewed by a staff member is when the patron has been banned. This can only be seen in the presence of the banned person ensuring that critical information about that patron can only be viewed by venue staff with them present. This is to ensure the credentials of the banned person can be verified and with the patron present.

NightKey enables licensed premises to quickly and easily verify their patrons' identity prior to allowing them access to the premises, reducing the incidence of violent, undesirable or underage patrons' entry in to their premises.

The use of NightKey has shown a dramatic effect on reducing anti social behaviour within and surrounding licensed premises as patrons are aware that CCTV footage of any incident can be correlated with their personal information and this information used to make patrons responsible for any damage or criminal liability that may result from their actions. The success of NightKey is that it is a very powerful tool in making patrons' accountable for their own actions.

As set out above, NightKey comes with NightKey Manager, a sophisticated post analysis software tool. This allows venue management to quickly and easily review entries into their premises by nominating a search time. The software responds by displaying an historical record as a filmstrip of patrons displaying both the patron's photo at registration but also the photo captured from their ID. As a result an endless series of actions can be taken including:

- Global Record Search – the ability to search our venue database for an existing record by entering the patron's name
- The ability to easily identify anyone who has entered
- The ability, once a patron's restricted details page is opened to enter that patron onto a banned database
- The ability to review a patron's history of entry at a venue
- The ability to review past bans on a patron
- The ability for law enforcement to request full details on a particular patron following a fully audited request direct to Entry Data Pty Ltd.



To reiterate at this stage although the venue management can review entries the information to which have access is strictly limited. They are cannot view the ID presented nor are they able to access the patrons address details.

Further NightKey is very effective in solving incidents that do occur. Whereas in the past it was often very difficult to resolve who was involved in a particular incident now it is fair to say that close to 100% of incidents are satisfactorily resolved by identification of all those involved from perpetrators to victims. This has been of considerable assistance to the police in venues where NightKey is currently operating.

Further as we have created NightKey from the ground up it can easily be adapted to cover, rather than individual premises, particular precincts. For example if all venues in a particular area adopted NightKey then data could be shared between venues so that, subject to proper safeguards, a patron banned from venue A could also be banned from venue B. We do, however, emphasise the need for proper safeguards. There should be a thorough auditable process for the introduction of any bans, capable of review if necessary by an independent body. Any such linked system would also need to comply with Privacy Act requirements.

REPORTS

As a result of the fact that NightKey is a patron management system it provides weekly reports to each licensed premise in which it is installed. Those reports importantly identify:-

- All patrons against whom an ID query has been raised. In other words NightKey has identified that for one reason or another the ID produced by the particular patron upon enrolment is open to doubt. For example someone has enrolled using an ID linked to another patron. Those patrons are requested to reconfirm their ID by producing other forms of identification.
- Recent bans – the report indicates those patrons who have recently been banned and confirms the reason for the ban.
- Expiring bans – the report confirms those patrons whose bans are about to expire.
- Banned patrons – the report provides a summary of all banned patrons

To give you an example of how a licensed premise uses NightKey to control its own house we provide the following statistics for your consideration. These statistics come from a particular venue (which has asked to remain anonymous).



STATISTICS

The following statistics have been taken from the latest management report provided by NightKey to the venue. It is provided as an example of how NightKey has been used as tool by one premise to provide better safety and security for its patrons.

1. Currently the venue has 135,272 patrons registered on its NightKey venue database.
2. There are 13 patrons where NightKey has raised concerns about the ID provided by the patron and has asked the venue to recheck their ID.
3. There are 21 patrons where NightKey has indicated that a new ID is required for a particular patron either because their ID has expired or for other reasons.
4. There are 3 patrons who have been recently banned.
5. There are 21 patrons whose current bans are about to expire.
6. There are 368 patrons who are the subject of existing bans for varying lengths of time. Bans are imposed for breaches of the venue code of conduct/house rules and cover such incidents as fighting, glassing, alcohol abuse, using or dealing in drugs, stealing, property damage, abusive to staff/security and so on. Once these patrons are banned NightKey ensures they cannot enter until their ban has expired. It would be impossible for crowd controllers to remember the details of 368 patrons but with NightKey the venue can be confident that these troublesome patrons will not reenter as NightKey records both their ID's and their biometric. Even if they tried to reenter by enrolling with a false or fraudulent ID NightKey will identify them as previously enrolled because they cannot get around their biometric signature.

CRITICAL FACTORS FOR ID SCANNING

As set out in the introduction ID scanning necessarily involves an infringement of a patron's privacy. ID scanning systems can be created in their most basic form by a venue purchasing a laptop computer with a plug in ID scanner and camera.

In our submission a proper ID scanning system should:-

- Provide for fast and accurate ID scanning coupled with video or photographic evidence of the enrolment process.



- In addition, preferably, provide a biometric link to each enrolment, as there can be no truly accurate Identity Management System without biometrics.
- With ID scanning a venue can choose to do it in house with equipment purchased or engage an external third party who specialises in data collection to conduct the process but in each instance they must be compliant with the Privacy Act.
- Any ID scanning system should be capable of satisfying some critical criteria regarding the collection, storage and access to the data collected so as to protect the privacy of the information collected.
- The venue should display adequate signage informing the patron of the collection of their data, the reasons therefore in accordance with the Privacy Act.
- Either the venue or the external third party should supply a privacy statement that adequately and fully sets out the use to which the patron's private data will be put.
- At all times a backup of the data collected must be stored securely off site.
- Who has access to the data is critical. Does management or security have access and if so access to what? NightKey is designed so that at the venue limited access is available to manage patrons. No one at the venue is allowed to access the address of a patron.
- The identity of the security staff who checked the ID and the operator or staff member who enrolled the ID should be identified.
- Clear audit trails should be established for access into and out of the database. Law enforcement should be able to obtain access but subject to strict protocols (preferably by way of agreed Memorandum of Understanding) so as to ensure that private information is only released in appropriate circumstances.
- Those entered onto the database should have the choice of removing themselves (provided they have done nothing wrong). A patron without having to visit the venue should be able to remove him or herself from the database through an independent audited process. This, in our submission is critical. Whilst our experience has shown that the vast



majority of patrons accept ID scanning and readily see its benefits (easily 99% of all enrolments) a small percentage do see it as a breach of their privacy and opt to remove themselves from the system. This is their right and they should have this facility.

PERSONAL EXPERIENCE

In the event where ID scanning without biometrics has been implemented we found an increase in prevalence of Fraud, for instance the passing on of ID's between patrons as highlighted earlier.

When we first implemented ID scanning alone we found that Security Staff became lax in checking Id's as it was their belief that the automated system would do their job for them. With the introduction of biometrics to our system we found that the attempt at fraud was greatly reduced.

We found that ID scanning alone will not resolve issues with anti social behavior but ID scanning along with good business practice does.

Although we are of the belief that any id scanning is better than no id scanning, it is our experience that should anyone embark on this practice that it be done correctly.

Standard id scanning alone although great as a post analysis tool (after the event) it severely lacks the ability to keep a problem patron from re entering once identified, because one dimensional check systems can be easily compromised.

DATA SHARING

In recent times the concept of data sharing between venues has been raised both in the media and during business presentations.

Whilst it is a concept that has some very strong merits there are many issues that need to be considered.

These include:-

- Who has the rights to ban a patron across multiple venues and how long for.
- What are the parameters under which these bans are to be implemented.
- What are the privacy implications, that is, the disclosure of private information and how much information.
- Although a concept that has been mainly driven by local law enforcement and local liquor accords with sometimes very little understanding of the federal privacy act, potentially, if implemented incorrectly could have major legal ramifications.



SUMMARY

Entry Data applaud the Queensland Governments approach to this topic.

ID scanning is a very powerful and proven tool in controlling and limiting antisocial behaviour. It enables targeted action against troublesome and disruptive patrons. It is a more effective tool than lockouts as rather than punishing the majority for the sins of the minority it ensures that the minority of troublemakers are denied access and kept out at all times.

It is, however, a tool that needs to be introduced carefully with proper consideration given to nature of the task being undertaken. At the time of this submission we have no other commercial arrangement with any other venue or venues in Queensland despite the suggestion we have seen in the press that we have.

Because of our experience in this field gathered over the research and development of NightKey for over 5 years now we are more than aware of the benefits and dangers of this technology.

Patron management from the aid of id scanning is here to stay, as it has been proven to work very effectively.

Entry Data / NightKey would like to state that the concept of id scanning should not be considered to be implemented the same by all companies. The NightKey product, its technology, processes, implementation and success is vastly different to anything else on the market today.

We would be happy to assist further with oral submissions should the committee require.