

# **Prohibition Nightclub**

## **I.D SCANNER PRIVACY MANAGEMENT PLAN**

Basement, 206 Wickham Street  
Fortitude Valley, QLD 4001

Venue Contact for enquiries or complaints:  
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## Introduction

**This venue must use patron identification (ID) scanners during regulated hours.** (See section 173EH of the *Liquor Act 1992* for details.)

### **To ensure patron rights are respected, venue staff must:**

- alert patrons to the requirement to have their ID scanned
- tell patrons about their privacy rights if requested
- respond to patron queries about the operation of ID scanners and personal information held by the venue
- provide a copy of the privacy policy to patrons if requested
- provide contact details for the venue's privacy officer if requested
- only accept valid forms of ID as prescribed under the *Liquor Act 1992*
- scan all non-exempt patron's ID prior to them entering the venue during regulated hours
- Provide patrons with the venue and approved operator contact details if they want to make a privacy related complaint.

### **Staff must refuse a non-exempt person entry if they:**

- refuse to produce a photo ID for scanning; or
- Are subject to a banning order for the premises.

## **Patron rights**

Patrons have the right to request information about the operation of the ID scanners and the personal information held about them.

Personal information is securely stored at the venue and by the approved operator. The information collected is used strictly to identify if a patron has been issued with a current banning order or licensee ban. Scanned personal information is automatically and permanently deleted from the ID scanner system 30 days after it is first entered into the system. However, information on banned people will be held in the system for the period of the ban, which may exceed 30 days.

Patrons have the right to request access to the personal information held by the licensee through the ID scanning system. The patron can contact the venue or approved operator to request this information. The patron will need to produce photo ID before any information is released. Some exceptions apply, such as where access would be likely to interfere with criminal matters, or other breaches of the law.

## **Exemptions**

On duty employees of the licensee, this includes contractors and entertainers, are not required to have their ID scanned, no other exemptions apply to this venue.

## **Refusal of Entry**

Entry must be refused if:

- The scan (or manual check) of the photo ID indicates the patron is subject to a banning order for the premises
- The patron fails to produce acceptable photo ID
- a licensed crowd controller (or staff member supervised by a licensed crowd controller) of the regulated premises does not scan the photo ID using an approved ID scanner linked to an approved ID scanning system (or in the case of system failure, does not check the photo ID against the manual ban list).

## Types of Bans

There are 3 types of bans from Queensland licensed venues.

- Court bans - bans imposed as a condition of bail under the Bail Act 1980, and banning orders issued under the Penalties and Sentences Act 1992.
- Queensland Police Service bans (police bans) - police banning notices issued under the Police Powers and Responsibilities Act 2000.

Note: Scanners will display bans imposed for other areas of Queensland that may not legally restrict that particular patron from entering the venue. It is discretionary whether the patron is allowed into the venue or not.

The last type of banning order is licensee or Venue Ban – The venue is able to ban a person from entering the premises and have this ban registered on the approved ID scanning system. To create a ban, certain details are entered into the system, such as:

- Name
- date of birth
- duration of the ban
- reason for the ban
- a photo.

Note: Admitting persons subject to a licensee ban is at the discretion of each respective venue as there is not offence or obligation under the Liquor Act to prevent their entry.

If someone is detected that is subject to a “Court” or “Police” ban:

The licensed crowd controller must:

- prevent the entry of a patron
- The approved ID scanning system will automatically send an email to police advising that a banned patron has attempted to gain entry to the premises.
- Queensland Police will be notified using the following methods:
  - Policelink on 131 444 or Fortitude Valley local Police station on (07) 3737 5757
- Write a description of banned patron, including a direction of travel should they walk off once advised they are banned and not permitted to enter the venue.

*Note: There is no authority to detain the banned person, or confiscate the banned patron's identification.*

## Operation of Scanners

Any person operating an approved ID scanner at this premise is required to be licensed as a crowd controller. There are exemptions to this requirement where certain persons are involved only in scanning patron IDs subject to the following criteria:

- the person is accompanied and directly supervised by a licensed crowd controller when undertaking duties associated with the operation of an approved ID scanner at all times; and
- the licensed crowd controller independently assesses both the ID and the patron, and appropriately screens the entry of the patron; and
- if the ID scan identifies a banned patron (only a licensed crowd controller may remove that person from on or around the regulated premises); and
- in any physical interaction between a licensed crowd controller and a patron (a person merely scanning a patron's ID must avoid all involvement); and
- the person must be appropriately trained to operate the approved ID scanning system.

*Note: the fines for an individual operating an ID scanner without exemption or without being a licensed crowd controller is up to \$60,950 fine (first offence), with the Licensee company employing the unlicensed crowd controller subject to a maximum fine of \$304,750 (first offence).*

## Employees

Employees of this venue have various responsibilities under the Liquor Act, and Privacy Act in relation to the ID scanner scheme. These include knowing:

- what actions need to be taken in the event of a positive ban check or approved ID scanner system failure
- the types of identification that are acceptable
  - All current Australian drivers licences or permits issued by a State or Territory of Australia;
  - Current 18+ card issued by a State or Territory of Australia;
  - Current Australian Post Keypass Identity Card;
  - Current Australian and Foreign passport;
  - Current foreign driver's licences - must display name, photo and date of birth of the licence holder. (Where a foreign driver's licence is not in English, an international driver permit issued in the foreign country of origin is acceptable.
- The requirements for refusing entry and re-entry
- obligations in relation to privacy, including accessing personal information
- details of the venue's collection notice and how to access the venue's privacy policy
- How to deal with a privacy complaint from a member of the public.

## Malfunction of Scanner

If an approved ID scanner malfunctions or breaks down, a patron must not be allowed to enter the venue unless their ID has been checked and has been confirmed that the patron is not subject to a banning order for the premises.

The following are the steps to follow if an approved ID scanning system fails:

- Ensure that all patron IDs are being manually checked prior to entry using a manual ban list to check for patrons subject to an official ban.
- If a licensed crowd controller makes a positive ban check for a patron subject to an official ban for the regulated premises, they should:
  - notify QPS at the time (through Policelink on 131 444), or the Fortitude Valley Police station on 07 3737 5757
  - record the following information, to be provided to OLGR
    1. date and time of the detection
    2. personID (this is located on the manual ban list)
    3. nicheID (this is located on the manual ban list)
    4. Venue name.
- Contact the regulated premises approved manager for assistance, and to arrange for a technician to attend the premises (if required).
- The licensee must then Login to the OLGR Client Portal and complete the System Failure – Licensee form within 48 hours from first allowing entry to a patron during the system failure. By doing this the requirement to notify OLGR and QPS (as OLGR have put in place arrangements to share the notification with QPS) will be satisfied.

*Note: Patrons can continue be allowed entry after 10pm, provided their ID's are manually checked against a current list of persons subject to banning orders for the premises (the manual ban list). The approved operator is required to make a manual ban list available to the venue.*

## Privacy Act

Under the Privacy Act, patrons must be notified of ID scanner requirements prior to having their photo ID scanned. A collection notice is also displayed at each public entrance to the premises.

Note that the licensee also has:

- A publicly available privacy policy that details how the collection of all personal information is managed
- An internal procedure document (This management plan) which explains how the venue manages privacy. This includes protecting personal information from any misuse, interference, loss, unauthorised access, modification or disclosure - and how to handle complaints.

*Note: The approved ID scanning system will automatically delete scanned personal information after 30 days, unless the person is subject to a venue ban, in which case the data is stored for the duration of the ban.*

## Access

Access to scanned data (including personal information) at these premises will be restricted to a limited number of people, such as venue management. This access will be auditable - the approved ID scanning system will retain a record of the login details of all persons who log on to the approved ID scanning system at the premises.

Some best-practice measures that this venue takes to meet obligations include:

- limiting staff access to the approved ID scanning equipment
- not having a group password
- staff training
- Physical measures to keep approved ID scanning equipment secure, including storing the scanner in a locked office when not in use, otherwise ensuring the equipment is constantly supervised.

*Note: We are required to provide access to patron scan data from your approved ID scanner upon request from an enforcement body.*



## **Obligation to Inform**

We have an obligation to inform patrons about how they can make a privacy complaint. Information on how a person can make a complaint is advertised on the collection notice, as well as detailed in the venue's privacy policy.

### **Steps for patrons wishing to lodge a privacy complaint:**

1. Lodge a written complaint directly to the regulated premises/approved operator and allow 30 days for a response.
2. If a response is not received in this timeframe, or if the person is not satisfied with the response, a complaint can then be lodged directly with OAIC. OAIC can investigate privacy complaints from individuals about private-sector organisations covered by the Privacy Act.
  - Complaints should be made to OAIC in writing by completing the online Privacy Complaint Form, or by mail, fax or email.

### **Steps for premises to deal with a privacy complaint:**

1. Accept and review written privacy complaints.
2. Notify OLGR that a written privacy complaint has been received (within 14 days of receiving the complaint). This can be done by logging in to the OLGR Client Portal and selecting the Privacy Complaint form.
3. Provide a response to the person's privacy complaint within 30 days.
4. If the person is not happy with the outcome, provide the person with details on how to lodge a complaint with OAIC. Refer the person to the regulated premises' collection notice and privacy policy.

Note: If you have concerns about what information and / or document are required, please start with the templates available on the OLGR website.

## Scanning ID's

The scanning system recognises a wide variety of identification documents; however, if a foreign driver's licence or any other acceptable evidence of age is not recognised by the scanner, the system enables the person's name and date of birth to be manually entered into the scanning device for the check to be performed.

All ID's must also always be manually checked by a licenced crowd controller to ensure the validity of the ID as well as to ensure that the scanner has correctly read the ID's details.

## For More Information

Patrons wishing to learn more, or wishing to register a complaint, contact:

Prohibition email [info@prohibitionbrisbane.com.au](mailto:info@prohibitionbrisbane.com.au)

Scantek email [Info@scantek.com.au](mailto:Info@scantek.com.au)

Or visit the following websites:

<https://www.business.qld.gov.au/industries/hospitality-tourism-sport/liquor-gaming>

<https://www.oaic.gov.au/>

If employees wish to know more about their obligations and responsibilities under the act, they should speak to management directly or use the above listed contacts.

For scanner malfunctions scantek should be contacted directly on their 24 hour help line:

1300 552 106