

Blind Foundation Submission



Retail Payment Systems Review

Ministry of Business, Innovation and Employment

13 December 2016

The Blind Foundation is the main provider of rehabilitative, support and advocacy services for blind and low vision New Zealanders. The Blind Foundation has approximately 12,000 clients throughout the country.

Our Purpose

To enable people who are blind or have low vision to be self-reliant and live the life they choose.

Our Vision

Life without limits

Kahore e Mutunga ki te Ora

Four Key Priorities

1. Independent living
2. Access for all
3. Reach more people
4. Building a foundation for the future

The Blind Foundation advises government, business and the community on inclusive standards to ensure that the people we represent can participate and contribute equally. We have four major contracts with government. We value our relationships with officials and ministers. We seek to act as a trusted advisor and specialist on the blindness sector. We are a long-serving and expert provider of services to the sector.

Introduction

The Blind Foundation's interest in the Retail Payment Systems Review is the accessibility of those systems for people who are blind or have low vision. We are also aware that other disability groups have concerns with the physical accessibility of payment system terminals and emergent problems such as touch sensitivity. We note the scope of the review covers:

- Industry developments including adoption of new technologies, and
- Ongoing reforms to the oversight and regulation of retail payment systems in overseas jurisdictions.¹

In summary, the Blind Foundation thinks:

- The review appears to have taken a very limited view (if any) of the issues stemming from new technology as it impacts customers with disabilities.
- Current retail payment systems (RPS) continue to exhibit accessibility difficulties.
- Emergent RPS technologies are encountering accessibility problems.
- Applications such as payWave need to be amended so that to allow people with disabilities to control the limits currently put on payWave that will expand the potential of this enabling technology
- There are grounds to consider a more regulated approach to RPS to ensure consistent accessibility standards in the future.

Size and nature of the problem

There are about 175,000 people in New Zealand who have some measure of sight disability.² Of these, approximately 70,000 have more profound sight conditions that will render everyday activities such as reading small LED screens and small print figures problematic, if not impossible. They rely on a combination of tactile indicators, aural signals, and in all cases, a consistent layout of the end user devices. Sadly, these features are not uniformly provided.

The Blind Foundation surveyed its clients in 2014 and enquired about those everyday situations where the assistance of a sighted person was needed. Consider the following results:³

- I need help shopping – 58.9%.
- I need help banking – 42.2%.
- I need help paying bills – 38.5%.

The same survey indicated that Blind Foundation clients had a relatively low use of the internet (about 40%) and only 14% regularly use data-enabled smartphones.

¹ Retail Payment Systems in New Zealand Oct 2016 MBIE page 6

² NZ Statistics Household Disability Survey 2013

³ Blind Foundation Client Survey 2014

While these figures will increase over time, they indicate technology-based solutions will not reach the entire population impacted by digital inaccessibility for some years.

Retail Payment Systems: current accessibility

In 2014, VISA proposed to change the signature verification of transactions to PIN only. This raised problems for some sight disabled people, and the Blind Foundation wrote and subsequently met with VISA to find solutions. In the written submission, the Foundation summarised the accessibility issues of the current RPS. The following extract covers the main points that are still extant today:

The issues:

- Not all POS terminals are the same – some are simple and logical, others are not. Some have a degree of tactile distinction, others have none.
- Lighting is not always sufficient where POS terminals are located.
- Screen contrast is often poor, the print small, and the locator dot on the five can be small and difficult to detect or is not present.
- Not all keypads give auditory feedback as buttons are pushed.
- Many retailers cover the tactiles with plastic protection sleeves.

The potential impact on our clients:

- They will give their PIN to others to complete transactions.
- They will take longer to enter a PIN and be easily observed.
- They will not be able to complete transactions.

The submission went on to identify some possible solutions such as:

- National regulation to ensure consistency in design of POS terminals, or
- A VISA mandated requirement for consistency in design of POS terminals that includes tactile buttons, auditory signals and high contrast, unhindered by sleeves.

We note that Blind Citizens NZ has an almost identical list of issues.⁴

We cannot provide hard data but our clients continue to report access problems of these kinds. The Blind Foundation has met with VISA and also has intermittent contact with Payments NZ. We understand Blind Citizens NZ also has semi-regular contact with the Bankers Association. We find the payments industry is sympathetic to the issues we raise but is unable to consistently apply technical design standards across RPS suppliers, merchants and other diverse participants.

New technologies

The non-contact RPS such as payWave is very easily used by sight disabled people. Where these are used on standard issue cards they will have a good uptake. But these devices are limited by the fixed maximum value of the transaction; they cannot be used in most cases for purchases over about \$80. Other applications that require smartphones, such as Apple Pay and Google Wallet are limited by the small use of data-enabled smartphones by people with sight disabilities.

⁴ <http://www.abcnz.org.nz/launching-our-brief-accessible-banking>

At the risk of over simplifying, the main accessibility issue of new technology is the use of touchscreen systems and the ability of the disabled user to follow entirely visual instructions without tactile, and, in many cases, without an aural signal. Similarly, the user may not be familiar with the several competing non-standard formats. The major problem is still relying on a sighted person (often the merchant) to enter the PIN on behalf of the customer. This has obvious security concerns and perpetuates the dependence of the sight disabled person.

The Blind Foundation has monitored the introduction of wholly touchscreen RPS terminals in Australia and the USA, and recommends key players such as the main banks and RPS network suppliers to fully investigate the accessibility of these devices before they are released on the New Zealand market.⁵ The Commonwealth Bank (Aus) ALBERT touchscreen payment system is a good example that, even with the poor implementation of a so-called accessible solution, most businesses which are using the system are unaware of how to activate the "accessibility" features.

The Blind Foundation's sister organisation, Vision Australia commented in a submission they made on taxi industry reform where touchscreen RPS was an issue:

*"Accessible payment terminals are another area of technological development in the use of touch-screen tablet devices, with gesture based input, for the purpose of processing financial transactions. The Commonwealth Bank's Albert Payment terminals are one such example. **There is a growing trend towards the use of touchscreen-based payment terminals that are completely inaccessible for the majority of people who are blind or have low vision.** Regardless of attempts to familiarise people who are blind or have low vision with tablet gesture based devices, it must be emphasised that this is neither the preferred, nor the most suitable payment option for the majority of our community. The need for assistance to process transactions and verify accuracy denies passengers both their independence and the secrecy of their account details. It is subsequently imperative that accessible payment terminals (e.g. eftpos terminals with braille or tactile orientation on the pin-pad) remain available within the ridesharing industry."*⁶

The introduction of these terminals in the USA has resulted in at least 12 litigation cases (with up to 40 cases pending) taken under the provisions of the American with Disabilities Act, on the basis of the lack of accessibility being an actionable discriminatory act.⁷

⁵ See <http://www.digitalgap.org/2016/11/20/keep-pushing-for-tactile-keypads-on-touch-screen-pos-devices/>

⁶ 5 August 2016 Vision Australia Submission to the Economy and Infrastructure Committee Inquiry into the regulation of ride sourcing services Email: eic@parliament.vic.gov.au Response Submitted by: Kate Begley Policy Advisor

⁷ <http://www.lflegal.com/category/settlements/point-of-sale-settlements/>

A regulatory framework?

To the best of our knowledge, the only regulatory framework that could apply to RPS accessibility is the accessibility and discrimination provisions of the Human Rights Act⁸. We have examined the roles of the Banking Ombudsman, Payments NZ, the Bankers Association and the banking regulations applied by the NZ Reserve Bank. We are unable to locate any substantial formal commitment from those agencies to accessibility as a matter of principle or of operational importance. While the Blind Foundation has had good relationships with parts of the banking-payments sector, we must conclude that our expectations on improved accessibility have not been fully realised. (Note this comment excludes ATMs, which have some very different technical and commercial characteristics from RPS.)

That being said, the non-accessibility of much of the retail payment system is just one example of where technological and commercial changes could vastly improve customer service for people with disabilities. All sectors have this problem.

The Blind Foundation and a number of other disabled people's organizations and disability service providers are increasingly of the view that an accessibility regime based on voluntary compliance and social marketing is ineffective in obtaining improved accessibility. We have monitored this in a number of sectors and think a common regulatory platform which is widely applicable is required⁹. The drivers behind this thinking include very substantial human rights arguments and New Zealand's international obligations under the United Nations Convention on the Rights of Persons with Disabilities (article 9 Accessibility). Furthermore, evidence is currently emerging from research that shows improvements to accessibility will enable changes to the New Zealand labour market that will have very significant flow-on effects on this country's future welfare liability and economic growth¹⁰. The Blind Foundation is forming an alliance with other disability sector agencies to pursue this matter and will be releasing the economic research early in 2017.

We will be pleased to present this material and the draft legislative proposal to MBIE officials and Ministers in the first quarter of 2017.

⁸ We have enquired about the number and type of complaints made under the Human Rights Act that deal with RPS accessibility. As yet we have not received any information from the Human Rights Commission but will pass this one once received.

⁹ A commons legislative standards regime approach can be found in the United States Americans with Disabilities Act and the Canadian Ontarians with Disabilities Act

¹⁰ The Blind Foundation has commissioned independent research on disability accessibility and the labour market by the Auckland University of Technology Work Research Institute and the NZIER. This work will be completed early in 2017.

