

# Telephone Call Recording Policy

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This document outlines the Scottish Public Services Ombudsman (SPSO) policy on recording telephone calls and covers the following areas:

1. recorded information;
2. purposes of call recording;
3. data protection;
4. access controls; and
5. staff protection.

The policy aims to minimise intrusion by restricting access to, and use of, recordings to limited and specified purposes only.

## **1. Recorded Information**

All calls to and from the SPSO telephone system are automatically electronically recorded. Every call record includes the following components:

- date, time and duration of the call;
- the content of the call, i.e., the words spoken by the caller and SPSO staff member;
- the telephone number the caller is calling from (unless withheld);
- the receiving telephone and, by deduction, the identity of the SPSO staff member.

## **2. Purposes of call recording**

The purpose of call recording is to provide an exact record of the call which can:

- help protect SPSO staff from abusive or unacceptable calls;
- establish the facts in the event of a complaint either by a caller or SPSO member of staff and so assist in resolving it;
- provide an alternative accurate method of receiving a complaint for our office if the need is required.

In addition recordings may be used for training purposes, or to provide evidence for crime prevention purposes.

Staff can draw a particular recording to a manager's attention if they feel it is useful for evidence purposes in the event of a caller complaint or unacceptable caller behaviour.

## **3. Data protection**

Recordings constitute the personal data of both the caller and the SPSO staff member. Therefore, they will be managed in such a way that the rights of data subjects (callers and staff members) can be fulfilled, and all the obligations of the data controller (SPSO) are observed, as per SPSO's data protection policy.

Every caller is informed that the call will be recorded through a pre-recorded telephone welcome message before connection is made to a SPSO staff member.

A caller may request that their call is not recorded. In this situation the caller will normally be advised to contact SPSO either in writing or by email. In exceptional circumstances a caller who does not wish to be recorded will be transferred to a non-recorded phone (Pod). This decision will be made by a manager, when s/he judges that not doing so could cause distress to the caller.

Recordings will normally be retained for one month and then automatically deleted. Some recordings may be retained for longer than one month for the following reasons:

- If required to support a complaint being investigated by this office against a body under the SPSO's jurisdiction. In this case the recording will be retained until a decision has been recorded on the case and the expiry of any review period.
- If required for a complaint against a staff member. In this case the recording will be retained until the completion of the service delivery complaint procedure and the expiry of any review period. If necessary the recording will be retained until the end of any employment tribunal proceedings.
- Because the call has been identified by a member of the SPSO management team as valuable for staff training. In this case the recording will be retained until it is no longer useful for this purpose.
- If identified as evidence for the SPSO's procedure for dealing with unacceptable behaviour towards staff.

One separate, unrecorded line is available for private calls by staff in the Pod. Such calls will still be subject to the telephone usage policy.

A caller or a member of staff can make a subject access request for a recording. These recordings will be located by reference to the date and time of the call and the staff member's identity. Callers asking for the recordings of their calls will have to provide enough information about date, time and staff member to enable them to be found.

All reasonable attempts will be made to confirm that the identity of the individual making the subject access request matches the identity of the caller. If in doubt the final decision will be made by SPSO's data protection officer. The data protection officer will also balance the privacy of the caller or member of staff with the rights of the individual making a subject access request when coming to a decision.

A permanent copy of the recording will be provided in a format SPSO can reasonably expect the enquirer will be able to use taking account of the individual's preference (if any) and practicality and cost of preparation. Formats could include WAV, MP3 or other digital format, or a transcript.

#### **4. Access controls**

As per the requirements of SPSO's data protection policy, recordings will be accessible on the basis of need, in relation to the purpose to which the recording will be put (see list above).

Access (whether direct or by means of a copy) is controlled by the Head of Services (or an individual designated as having such powers by the Head of Services) who will grant it only if he or she is satisfied that it is:

- necessary for one or more of the purposes in this policy, or
- in fulfilment of a legal right of access (e.g., a subject access request), or
- both necessary and proportionate within the terms of an exemption to the Data Protection Act non-disclosure provisions (e.g., crime prevention).

***It is a breach of this policy to provide recordings to others, or to use or listen to them, other than for the purposes set out in this policy.*** It is also a disciplinary offence and will be dealt with under the appropriate provisions of the data protection policy and/or disciplinary policy and procedure.

## **5. Staff protection**

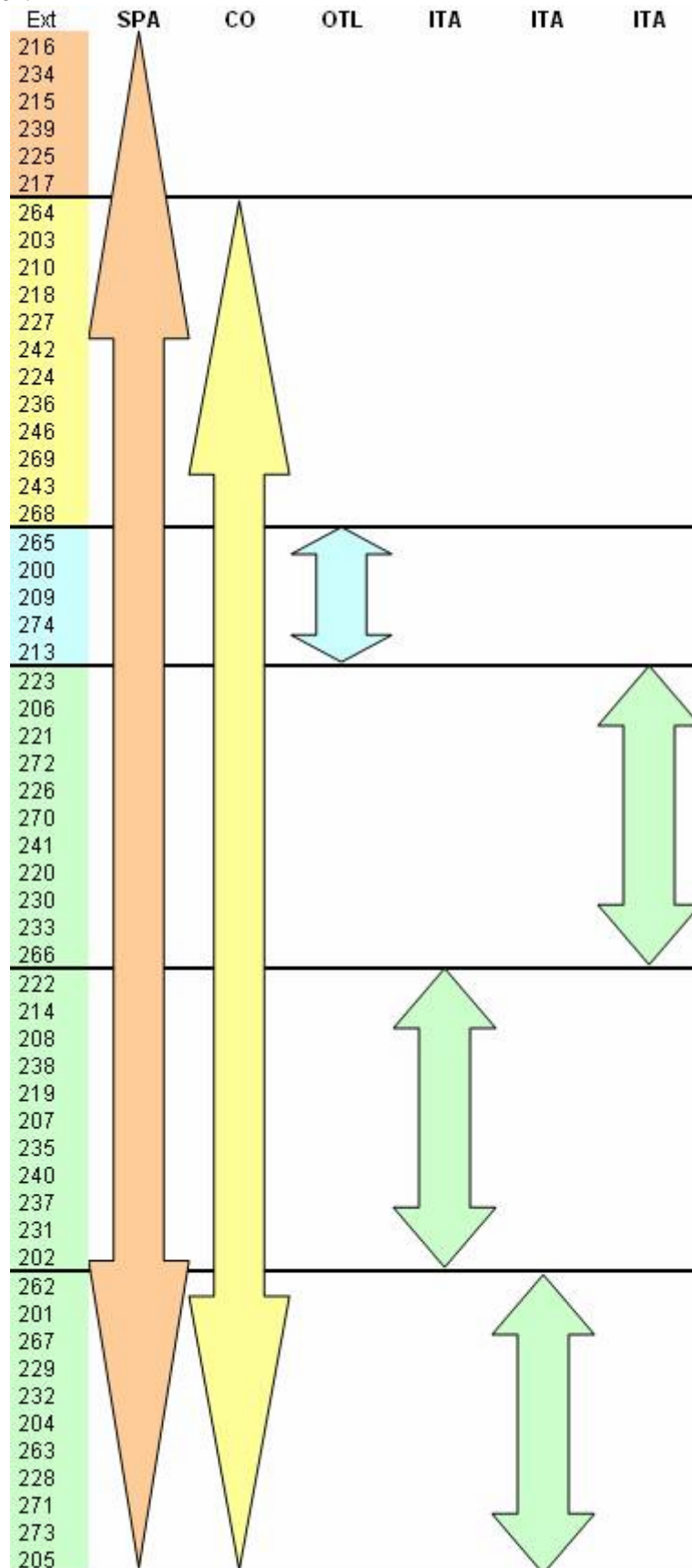
There is a risk that SPSO staff members receive calls which contain patterns of unacceptable behaviour. A recording may be used as evidence in this situation, or if legal action is appropriate, as per SPSO's procedure for dealing with unacceptable behaviour towards staff.

A recording may also be used as evidence in the event that a SPSO staff member receives abuse or otherwise unacceptable behaviour from an SPSO colleague. In this situation the recording will be made available to the colleague's line manager, to be investigated as per SPSO's disciplinary policy and procedure.

The decision as to whether a recording will be used as evidence in the situations outlined above will be made by the SPSO Head of Services (or an individual designated as having such powers by the SPSO Head of Services).

## Annex 1 Liquid Voice Recording Administration

- The Senior Personal Assistant and Compendium Officer are System Administrators
- The named users of the system have permissions within their group (as shown by the arrow). These permissions include: play; tag; add notes; download and move a call; create a folder; and run a report



## **Annex 2 Telephone Call Recording Solution – System details**

### **Objectives**

The proposed solution will provide call recording functionality for Scottish Public Services Ombudsman

The objectives of the proposed solution are to:

- Keep a record of communication
- Assist with dispute resolution
- Assist in training to improve customer service
- Protect the business and its employee
- Compliance

### **Call Volumes**

The Business Server is configured with 35,000 hours of recording capability and therefore will record up to 4 years of recordings before archiving is required. It can be set-up to over-write the oldest recordings with the latest if required to ensure there is always the required period of recordings available.

## **APPLICATIONS DETAILS**

### **Complete call recording**

Liquid Recording is a legally admissible call-recording solution which according to your requirements can record all or just a selection of calls. You can choose to record or not to record calls based upon the caller's phone number, user's extension, DDI, time of day or date.

### **Web based**

Using your web-browser, Liquid Recording can be accessed from any PC on the network without the need for installation of software.

### **Scalability**

A single installation can handle any number of phone systems, users, telephone lines or handsets.

**Multi-site Application** The system can record calls at any number of sites but will allow them to be managed and call recordings to be retrieved through a single interface from anywhere on your network. (Business upwards)

**Highly Resilient** Availability is maximised by using high quality hardware with built in redundancy. For complete peace-of-mind, the system has full support for clustering technology.

### **Reports**

Liquid Recording includes a complete call logging / reporting package for all your call analysis requirements. Reports on call volumes, call duration, response times, trunk utilisation, call costs, extension usage, team efficiency, call-routing and for call-tracing are all included.

### **Old call deletion**

The software can be set-up to automatically delete un-archived recordings after a certain number of days, weeks, months or years.

### **Archiving**

Important recordings can be archived. Once archived, recordings are kept indefinitely.

### **Searching**

Recordings can be easily searched for, located and played back. Searches can be performed on call date, call time, call duration, user who took the call, team who took the call, extension, caller's phone number, called number, call-direction and notes.

### **Folder indexing**

Just like emails in Outlook, call recordings can be arranged into folders for quick retrieval.

## **Notes**

Notes can be added to any recording. You can later search on and view these notes.

## **Email**

Send a copy of a recording via email.

## **Save recordings**

If needed, recordings can be saved to a file.

## **Audit history**

A full audit history is kept for each recording including creation, adding of notes, deletion, playback, archiving, emailing and saving to disk.

## **Own recording access**

Users can be given access to their recordings, allowing them to review their own calls without the assistance of a supervisor or manager.

## **Windows security**

The system supports windows security, avoiding the need for users to remember any additional passwords.

## **Variable playback speed**

Call recordings can be sped up or slowed down when played back.

## **Independent playback (option)**

The caller's and user's audio can be played back independently, making it much easier to understand the conversation.

## **Backup**

Recordings can be backed up to DVD, LTO/DLT/VXA tape, WORM disks or on-line.

## **Passive**

The system is entirely passive. Any interruption or problem with the call-recording solution will not affect the operation of the phone system.

## **HARDWARE DETAILS**

Dell Tower Server, 1GB Ram, 160 or 250Gb SATA Hard Drive, Pentium Xeon Processor, 25,000 or 35,000 hours of Audio Capacity

## **TRAINING**

### **Supervisor/ user training**

A lot of consideration has gone into making the software as easy to use and intuitive as possible. This makes training much less of an issue than with similar products. Training is done informally by the engineer after an installation.

### **Administrator training**

This is usually targeted at IT staff and will include discussion on backup, security, disaster recovery and support procedures. This usually takes ½ day and can be provided for up to 3 persons at a time.

## **MAINTENANCE**

Each server is installed with a special monitoring application for 14 days that will automatically notify the help desk if it detects a problem. This means that we have often fixed an issue before the customer realises there is a problem.

## **Annex 3 Relevant OFCOM FAQ**

### **Recording and monitoring telephone calls or e-mails**

*A general overview of interception, recording and monitoring of communications*

The interception, recording and monitoring of telephone calls is governed by a number of different pieces of UK legislation. The requirements of all relevant legislation must be complied with. The main ones are:

- Regulation of Investigatory Powers Act 2000 ("RIPA")
- Telecommunications (Lawful Business Practice)(Interception of Communications) Regulations 2000 ("LBP Regulations")
- Data Protection Act 1998
- Telecommunications (Data Protection and Privacy) Regulations 1999
- Human Rights Act 1998

*It is not possible to provide comprehensive detail of that legislation here. Any person considering interception, recording or monitoring of telephone calls or e-mails is strongly advised to seek his/her own independent legal advice and should not seek to rely on the general information provided below. It should be borne in mind that criminal offences and civil actions may occur when the relevant legislation is not complied with. Accordingly, Ofcom accepts no liability for reliance by any person on the following information.*

### **Can a business or other organisation record or monitor my phone calls or e-mail correspondence with them?**

Yes they can, but only in a limited set of circumstances relevant for that business which have been defined by the LBP Regulations. The main ones are:

- to provide evidence of a business transaction
- to ensure that a business complies with regulatory procedures
- to see that quality standards or targets are being met in the interests of national security
- to prevent or detect crime to investigate the unauthorised use of a telecom system
- to secure the effective operation of the telecom system.

In addition, businesses can monitor, but not record, phone calls or e-mails that have been received to see whether they are relevant to the business (ie open an employee's voicemail or mailbox systems while they are away to see if there are any business communications stored there). For further information see the [DTI website](#) where the LBP Regulations are posted.

However any interception of employees' communications must be proportionate and in accordance with Data Protection principles. The Information Commissioner has published a Data Protection Code on "Monitoring at Work" available on its website [here](#). The Code is designed to help employers comply with the legal requirements of Data Protection Act 1998. Any enforcement action would be based on a failure to meet the requirements of the act - however relevant parts of the Code are likely to be cited in connection with any enforcement action relating to the processing of personal information in the employment context. Accordingly this Code of Practice and the Data Protection Act must also be considered by any business before it intercepts employees' communications.

### **Do businesses have to tell me if they are going to record or monitor my phone calls or e-mails?**

No. as long as the recording or monitoring is done for one of the above purposes the only obligation on businesses is to inform their own employees. If businesses want to record for any other purpose, such as market research, they will have to obtain your consent.

### **What do I do if my calls have been recorded unlawfully?**

Under RIPA it is a tort to record or monitor a communication unlawfully. This means that if you think you have suffered from unlawful interception of your phone calls or e-mails you have the right to seek redress by taking civil action against the offender in the courts.