telephone systems .cloud

Voice Recording

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Operating Instructions

Basic Hotkeys

You can stop or start call recording at any point using hot keys. You can also have your phone button programmed to do these hot keys if required.

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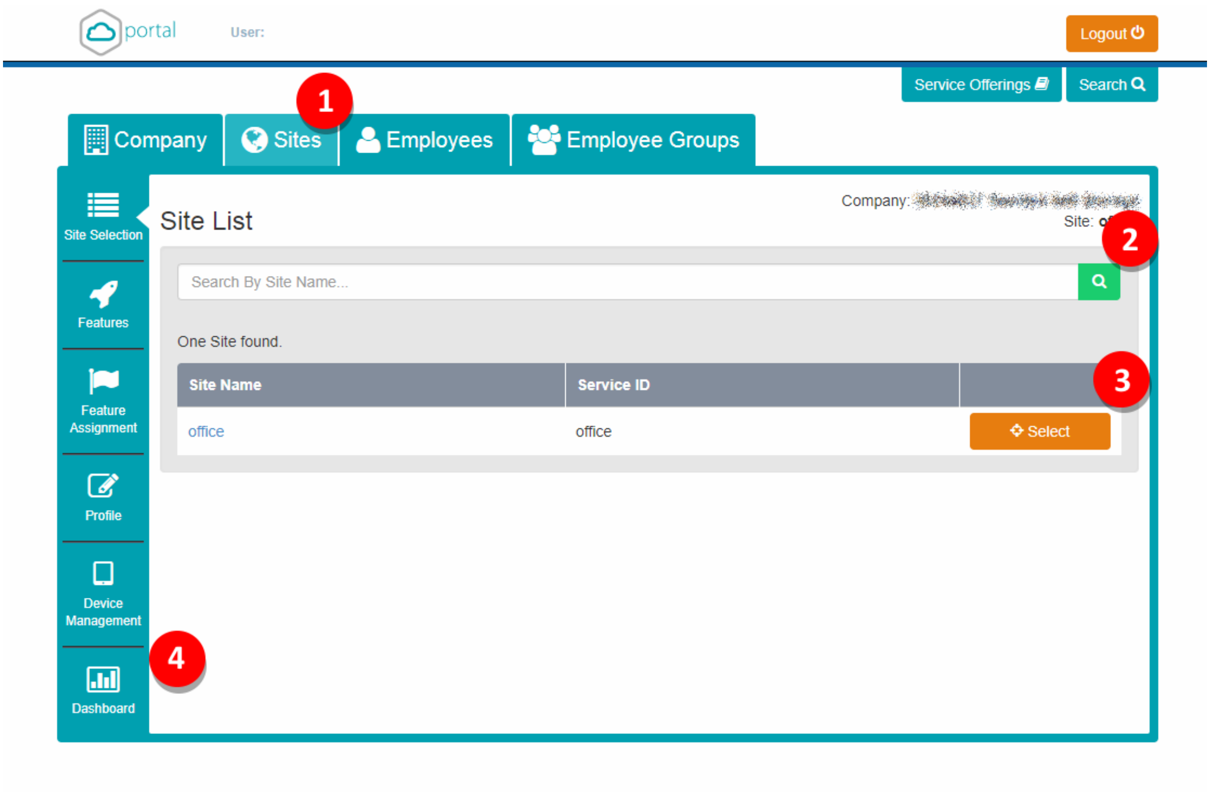
Portal Dashboards

The Business portal will display some key statistical information to the User that will allow them to see some high-level data on their recordings as well as allowing them to link straight through to the Voice Recorder. The Dashboard displays will only appear if the Sites and Users have Voice recording enabled.

Site Dashboard

Access the Site Dashboard by clicking on the Sites tab at the top, click the magnifying glass on the right, click the Select button on the Site, then click on the Dashboard button on the bottom-left.



A Site Administrator will see the following information on their Dashboard:

- **Total Subscribers** - will display the total number or Users with a Voice recording license
- **Details** - clicking this will open up the Voice Recording in a new window

User Dashboard

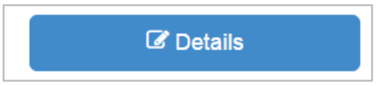
When a User Administrator logs in they will see the following information on their Dashboard:

- **Recorded Calls** - will display the last 10 recorded calls for the User
- **Calls in Progress** – will show any calls in progress.
  - Where **Always with Pause/Resume** is being used, the User can select the Red pause button to pause/un-pause the recording.
  - Where **On Demand** is being used, the User can select the Red Circle button to start the recording. They can also select the Red pause button to pause/un-pause the recording.

    - Where **On Demand with UI Start** is being used, the User can select the Red Circle button to start the recording and the black square to stop the recording at any time. They can also select the Red pause button to pause/un-pause the recording.
- **Details** - clicking this will open up the Voice Recording in a new window

Voice Recorder Login & Dashboard

To access the Voice Recorder application you simply need to click on the Details button from either the Business Portal Dashboard or from within the Feature.

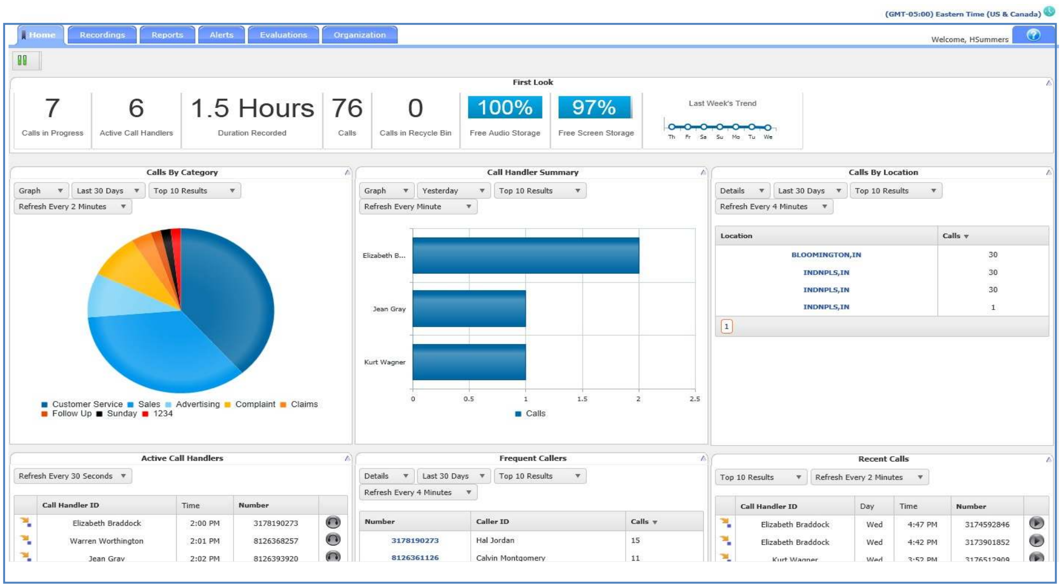


This will then sign the user directly into the Voice Recorder and will provide admin privileges based on their profile. Please be aware, CP Administrators will not be able to sign into the Voice Recorder for Data Protection reasons.

Home Page

The Home Tab or Dashboard provides you with a real-time view of the Voice Recorder data including information about the number of calls, active agents, etc. The Dashboard includes a First Look banner at the top of the page to give a quick overview of live and recorded calls and available storage. The dashboard is divided into seven distinctive panes that give you a pictorial and data overview of your company's current call usage: Calls by Category, Call Handler Summary, Calls by Location, Active Call Handlers, Frequent Callers, Recent Calls, and the Activity & Heat Map. Where applicable, the panes can be viewed as data or as a graph. Additionally, the panes can be reorganised or relocated by clicking on a pane, dragging it, and dropping it in the desired location on the Dashboard.

- Each pane can be collapsed by clicking on the arrow in the upper right corner of the applicable pane.
- Each pane can also be set to Auto refresh every 15/30 seconds or 1/2/4 minutes and will automatically size to your browser window.
- Refresh can be paused by clicking the Pause Button.



Activity & Heat Map

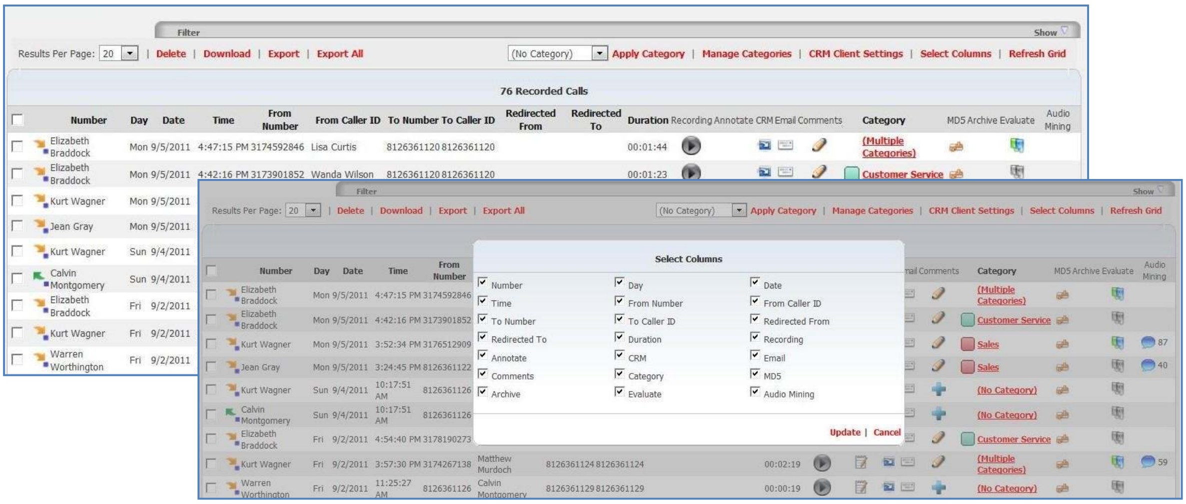
The Activity & Heat Map displays the call activity for the top 10 numbers by hourly intervals. The Activity & Heat Map can be filtered by Call Handlers, Calling Parties, or Called Parties. Additionally, the call activity can be displayed as Number of Calls or Call Duration (in minutes). The darker coloured blocks represent the higher volume call activity while the lighter coloured blocks represent the lower volume call activity. Each individual colour block is clickable and will take you directly to the Recorded Calls tab where are you able to view the call activity, listen to the recording, add a comment, etc. The Activity & Heat Map sits at the bottom of the Homepage.

Recorded Calls Page

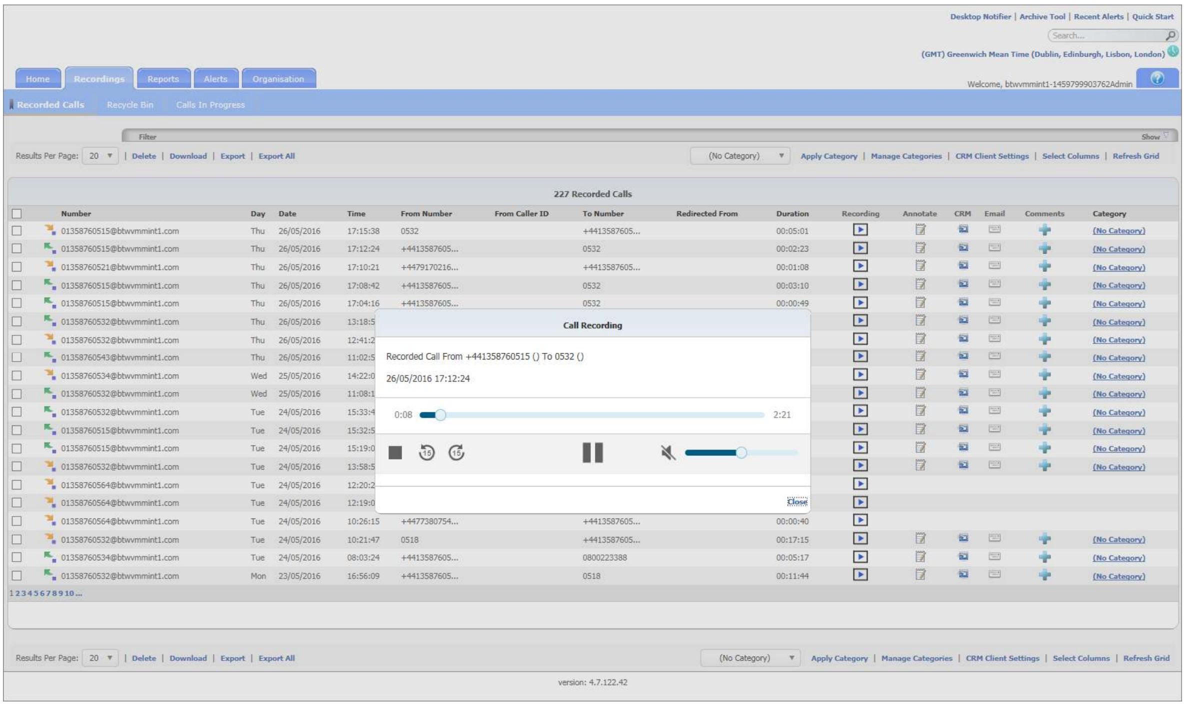
Recorded Calls can be accessed by clicking on the Recordings Tab on the top menu bar. In order to better manage the Recorded Calls page, you are able to select which columns are useful to you and should actually appear on the page

.

- Select the **Select Columns** link at the top or bottom of the Recorded Calls page.
- Add or remove columns by placing /removing the check into the box next to the Column name.
- Select the **Update** link



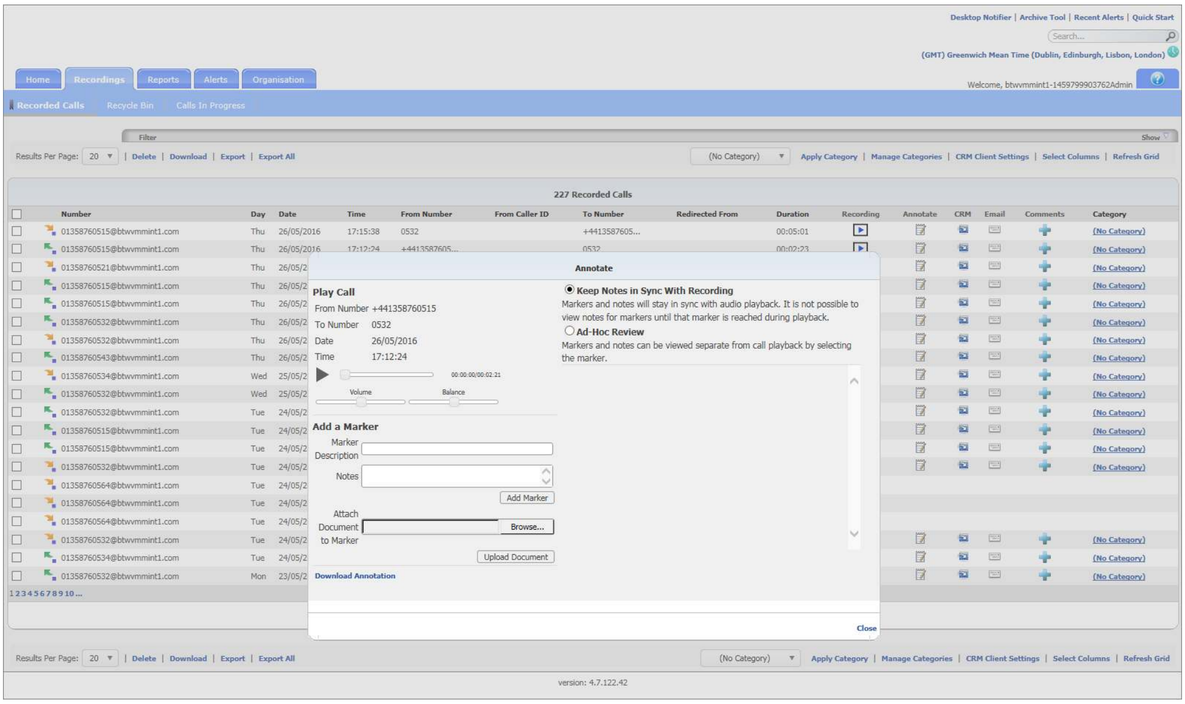
Play a Recorded Call



- Select a call and click on the icon that corresponds to that call. This will then open the recording and begin playing the recorded call file.
- Click on the **Close** button to return to the Recorded Calls screen.

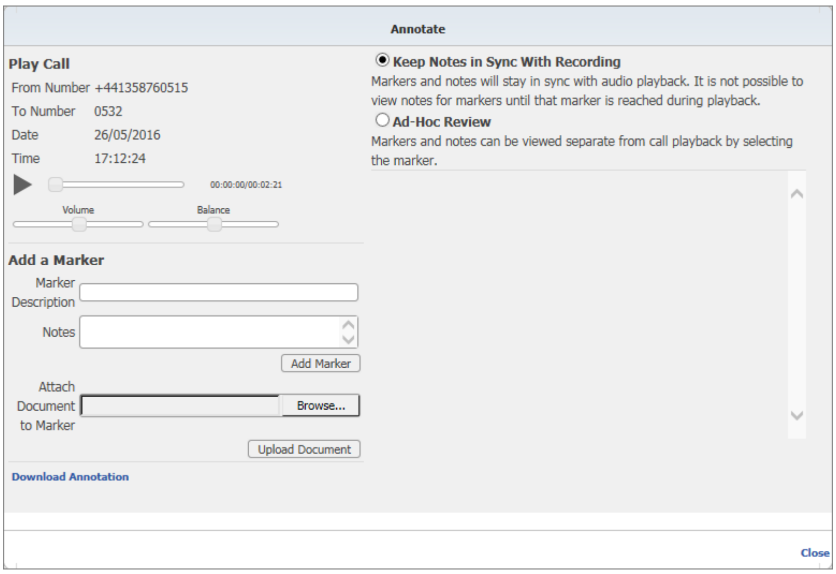
Add an Annotation

Annotations allow you to add comments and markers to specific parts of calls to indicate where in the call a notable event might have occurred. For example: a contact centre manager (or any other user) can find a notable event in a call and to mark it for future review with a comment. Additionally, you are able to upload pertinent documents to Annotations and download them for future reference.



- Select a call and click on the Annotation icon that corresponds to that call.
- Select the Play button to begin playing the recorded call.
- Enter any information in the Notes following paramters during the playback and the call will automatically pause

  Select the **Add Marker** button and it will save this annotaton against the correct timestamp in the recording.

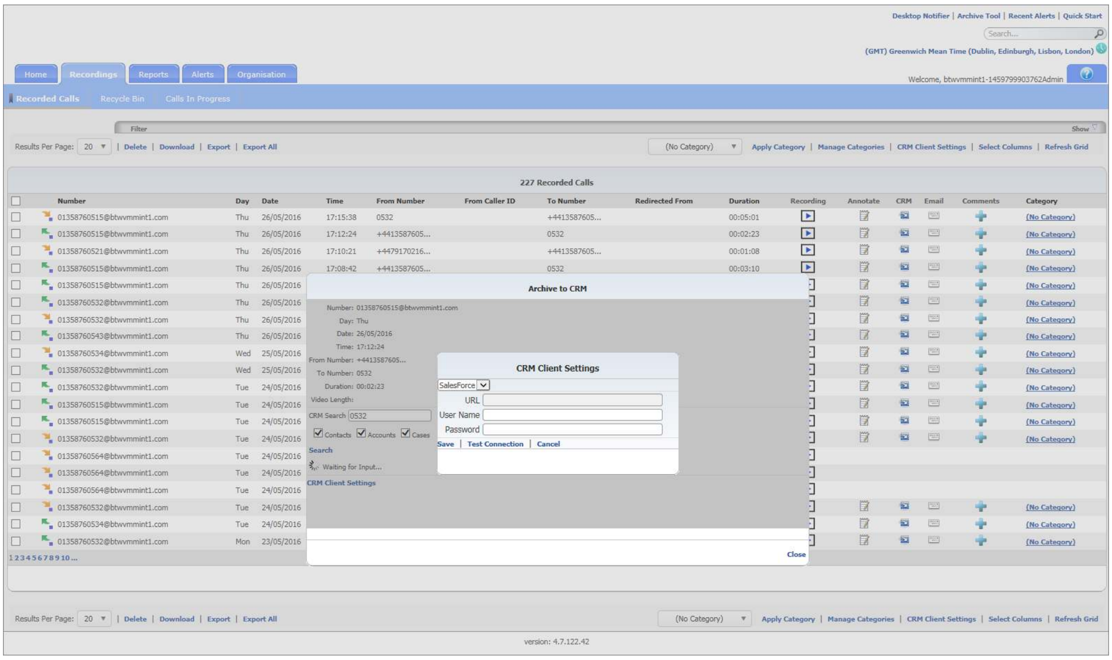


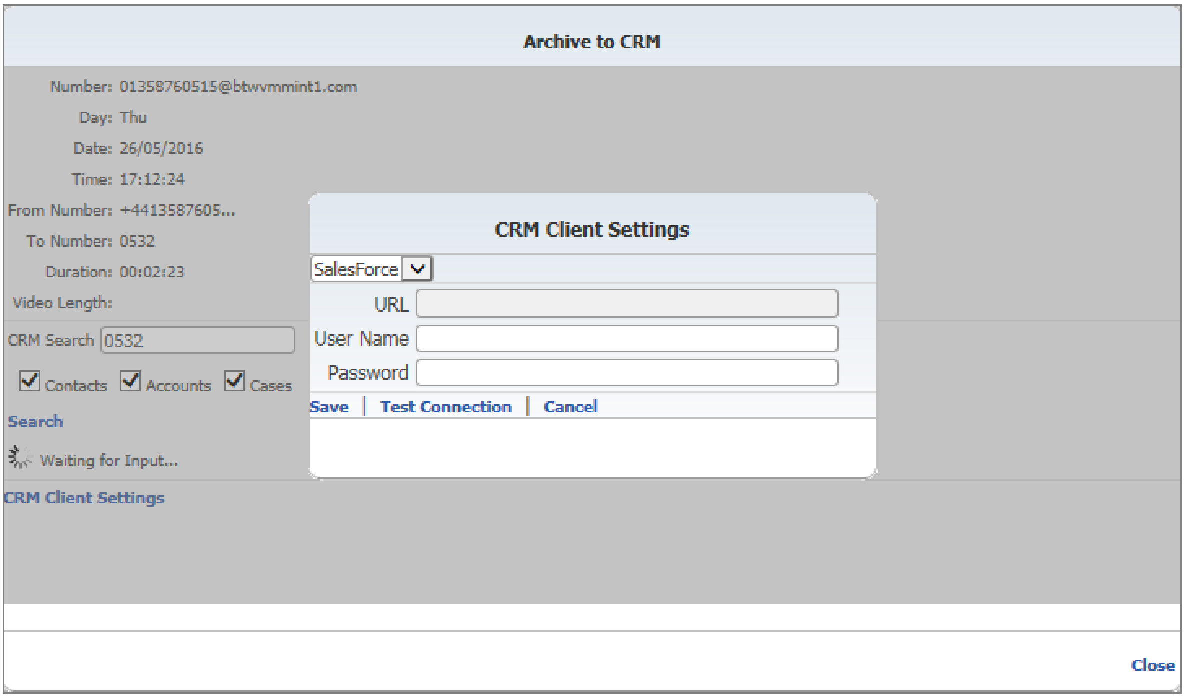
- Click the **Browse** button, next to the Attach Document to Marker field to upload any files. Select the document you wish to upload and associate with the annotation. Click **OK**.
- If you want to download the annotation you can by clicking the **Download Annotation** link followed by **Open**.

Upload to a CRM System

CRM allows you to connect the recording system with a CRM application such as Sugar and Salesforce.com to upload recorded call files to specific contacts in the CRM application. However, you can only have one active connection to a CRM application at a time. If you want to log into another CRM application, click CRM Client Settings, select the CRM application, and enter the credentials.

- Select a call and click on the icon that corresponds to that call.
- Select the CRM from the drop-down list.
- Enter the following information:
- URL
    - **User Name** – your user name used to access the CRM application
    - **Password** – your password used to access the CRM application



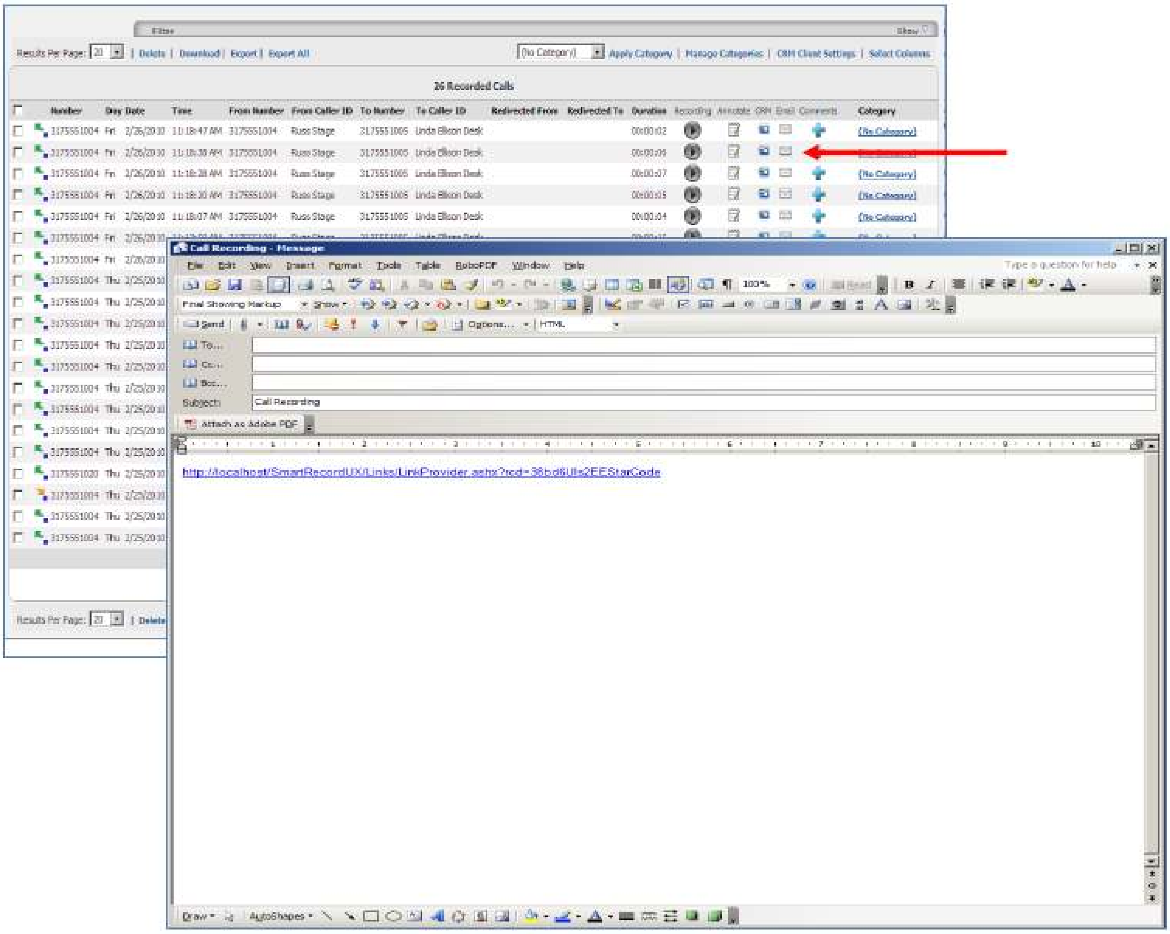


Once you have performed steps 2 & 3 the first time, you will not be asked to enter the information again.

- Click Test Connection.
- Click **Save** to save your credentials.
- If applicable, select the contact(s) receiving the uploaded call.
- Enter the following information:
- **Subject** – Please remove.
- **Note** – Customer wants to be removed from contacts.
- Select the **Upload to CRM** link.

Email a Recorded Call

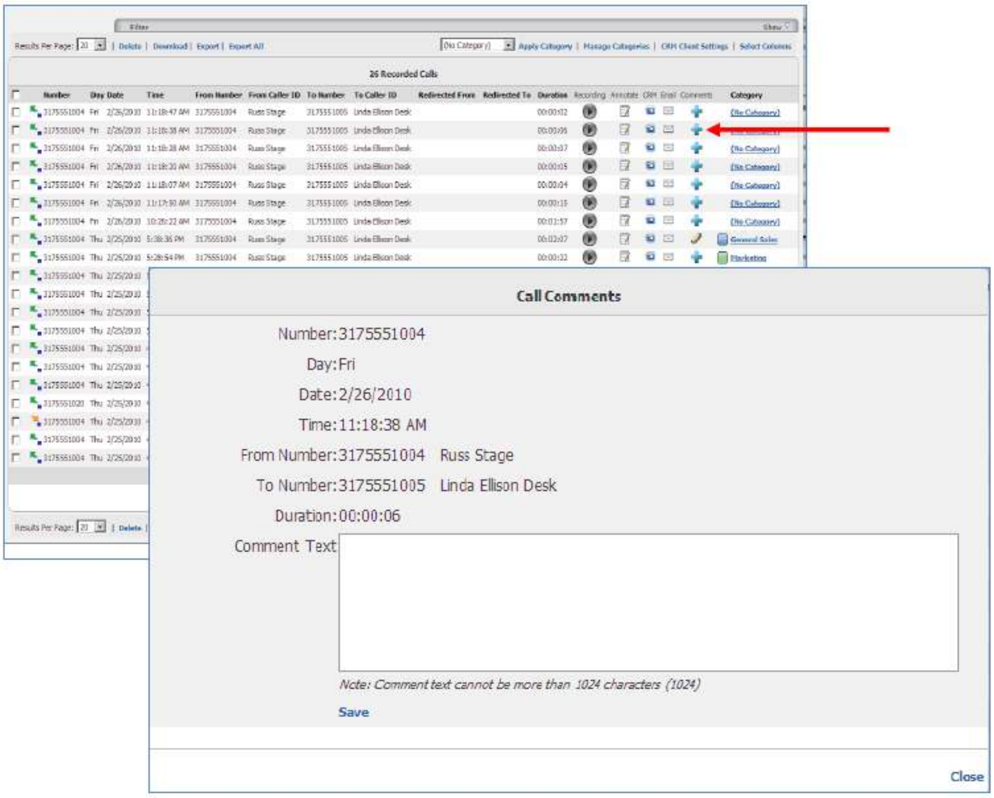
Situations will occur where you need to send a specific Voice Recording to a person that may not have access to the application or just for emphasis. In these instances, you have the ability to email the recorded call to that recipient. Although, there will not be an email option for any calls that have been deleted. You will still see the call detail but there will not be a recording associated with it.



- Select a call and click on the Email icon that corresponds to that call.
- Enter the email address(es) of the recipients.
- Click **Send.**

Add Comments to a Recorded Call

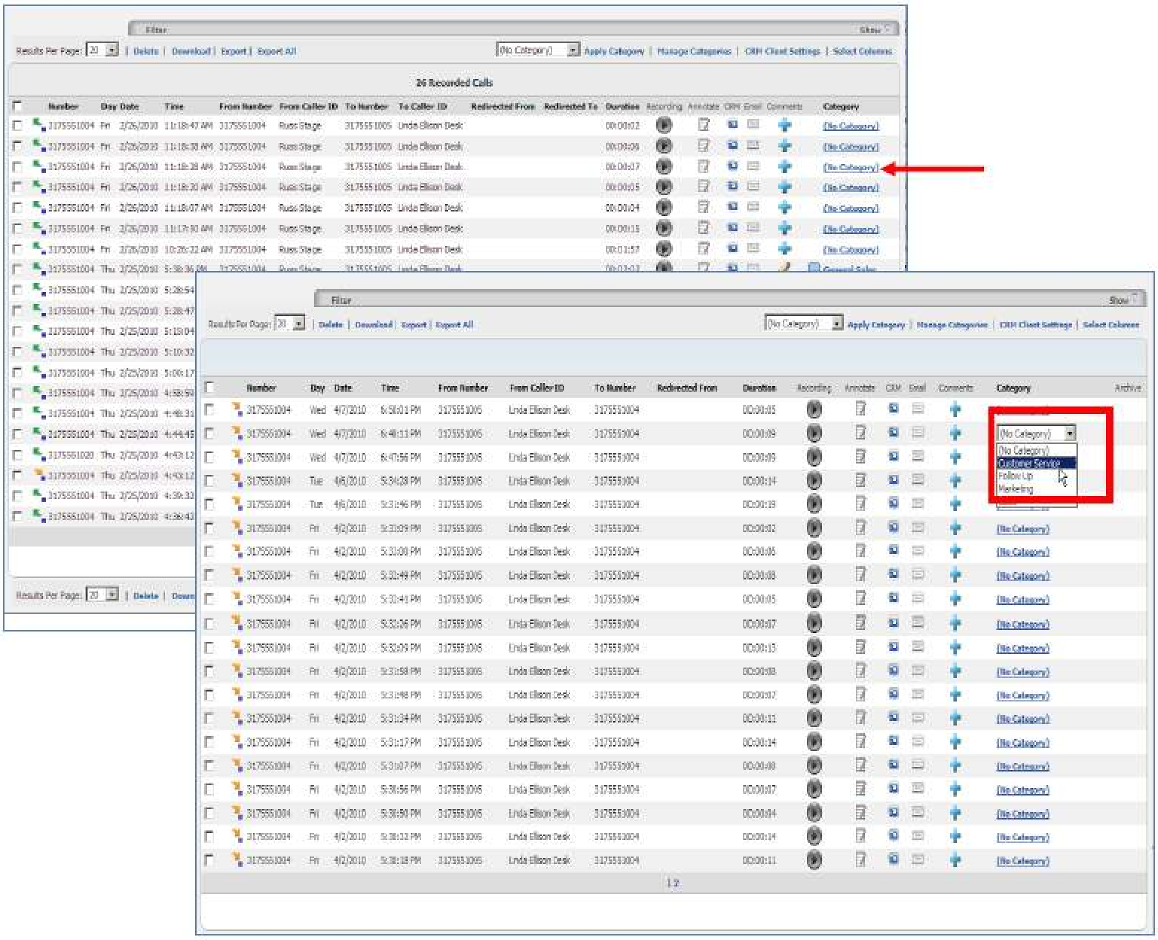
From the Recorded Calls screen you can add comments to each of the calls. A + icon indicates there are currently no comments associated with the corresponding recorded calls file. While a pencil icon indicates there are currently comments associated with the recorded calls file.



- Click on the + icon that corresponds to the call you wish to add comments.
- Enter the following information:
    - Comment
- Click **Save**.

Categorise Recorded Calls

The ability to create categories for calls is beneficial to agents and managers because it allows them to categorise calls into areas unique to their business (for example: geographic region or customer satisfaction). You are then able to filter calls or run reports based upon these call categories.



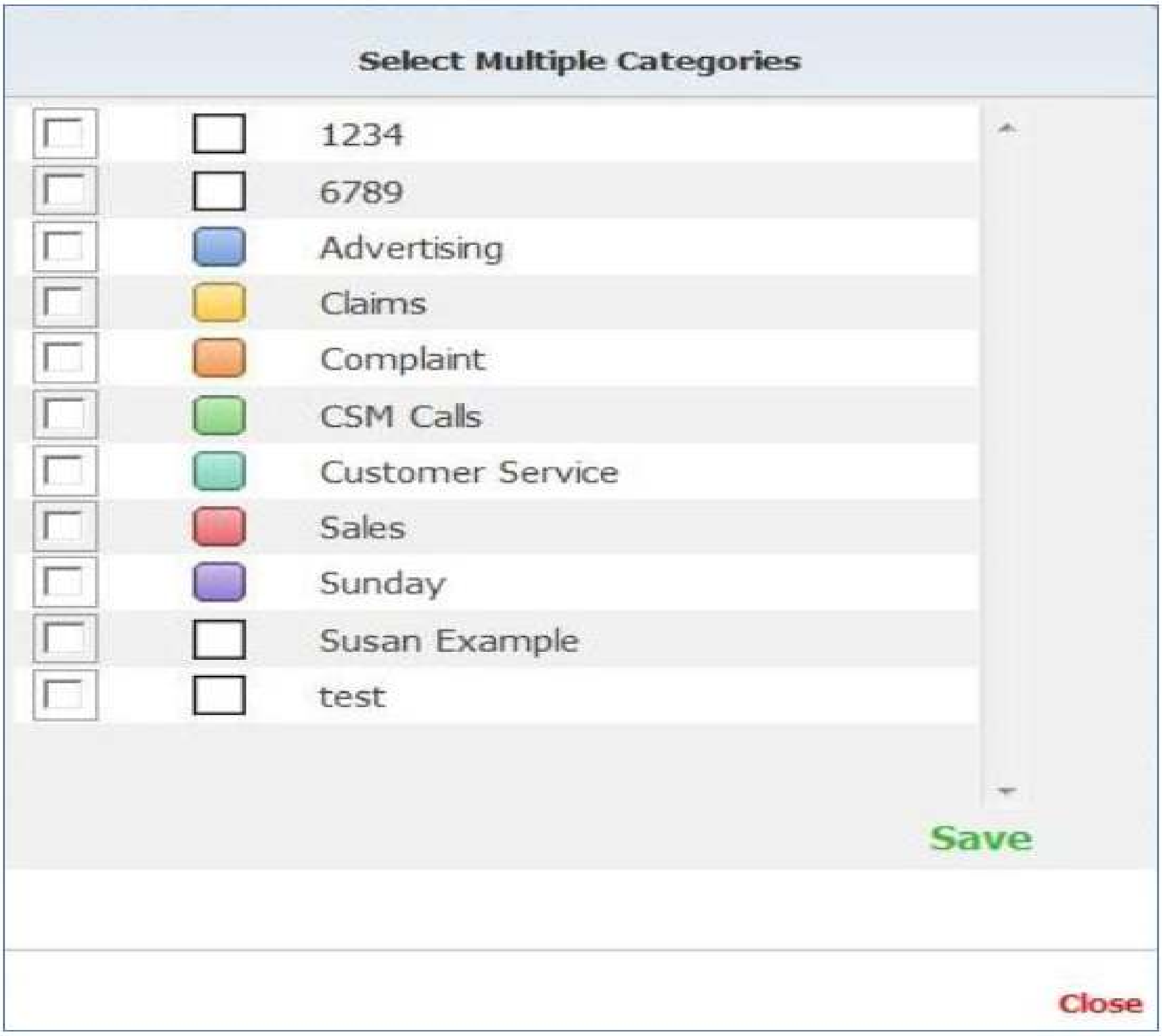
- Click the **Category** link that corresponds to the call you wish to categorise.
- Select the category from the drop-down list.

Note: categories are specific to the User that created them. Other Users (including Admins) are not able to see what category a user has assigned to a particular call.

Category Assignment

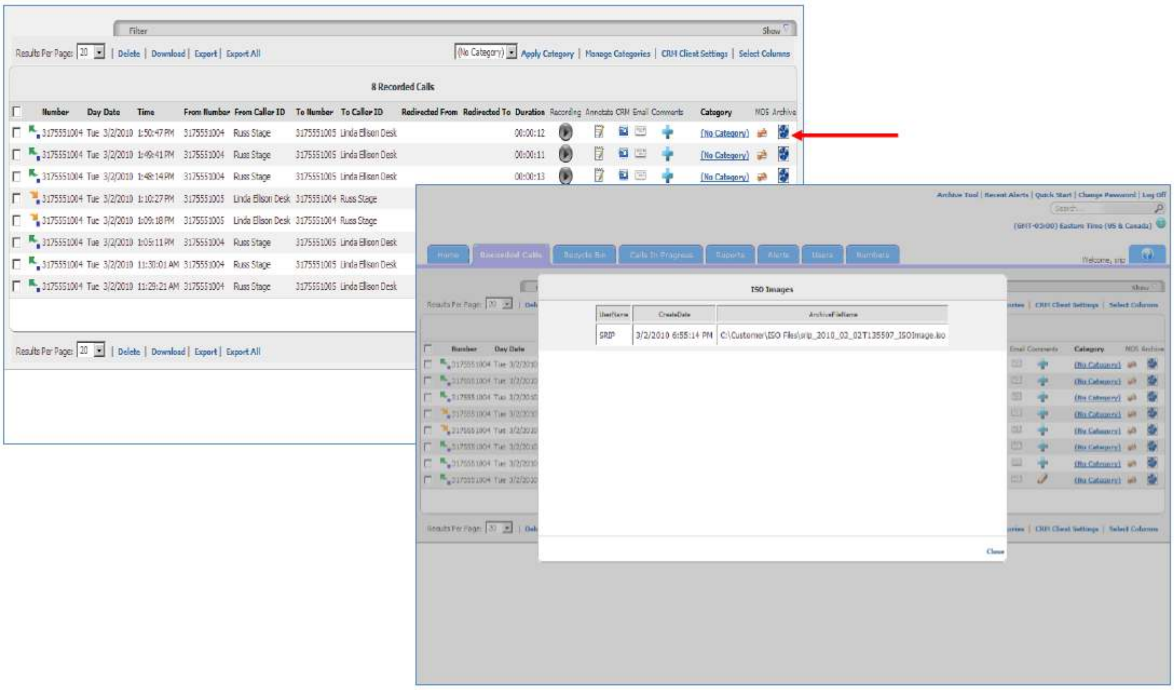
Category assignment of recorded calls is permitted after the creation of categories. When assigning a category to a call:

- Select the **No Category** hyperlink
- Choose a category from the list provided
- Select the **Save** hyperlink



Archive

Clicking on this specific icon will display a list of ISO images that contain specific Voice Recordings. The ISO image will identify the user that archived the call, the date and time, and the file path to where it was archived.



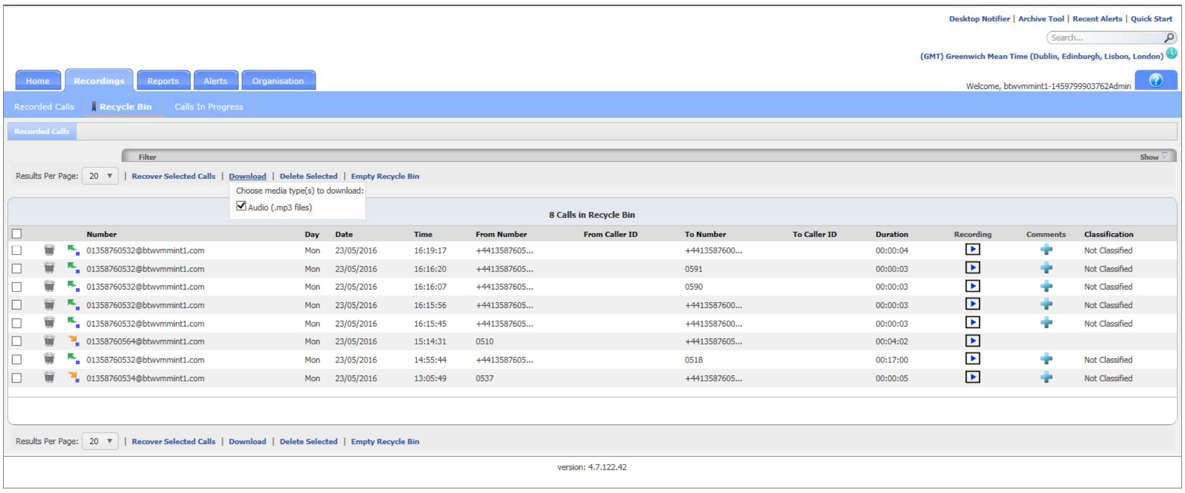
Recycle Bin

The Recycle Bin is intended to be a "checks and balance" system when deleting recorded call files. When you delete a recorded call file, it is placed into the Recycle Bin. The recorded call files in the Recycle Bin will remain there until you permanently delete them from the application or until the System removes them as per normal storage criteria. There will be times that you accidentally delete a recorded call file, or have deleted a recorded call file that actually must remain in the Recorded Calls tab. In these instances, you are able to recover a particular call or calls to the Recorded Calls tab as long as they have not been deleted from the Recycle Bin.

You also have the ability to download batches or multiple recorded calls as a zipped file from the Recycle Bin tab. This is useful in instances where you need to send a batch of recorded calls to another person or want to save them for future reference.

When it comes to deleting files permanently from the Recycle Bin, you have two options: delete selected files or empty the Recycle Bin in its entirety. While the recorded call file (or recording) is deleted from the system, a copy of the actual call detail record remains in the Recorded Calls tab but cannot be seen unless you have the Show Calls without Recordings filter turned on. Since all calls with a recording count against your allocated storage limit, it is good practice to empty your Recycle Bin from time-to-time. Before doing so, it would be reasonable to verify that all calls in the Recycle Bin can be permanently deleted. **Once they have been deleted from the Recycle Bin, they can no longer be recovered.**

Recover a Recorded Call

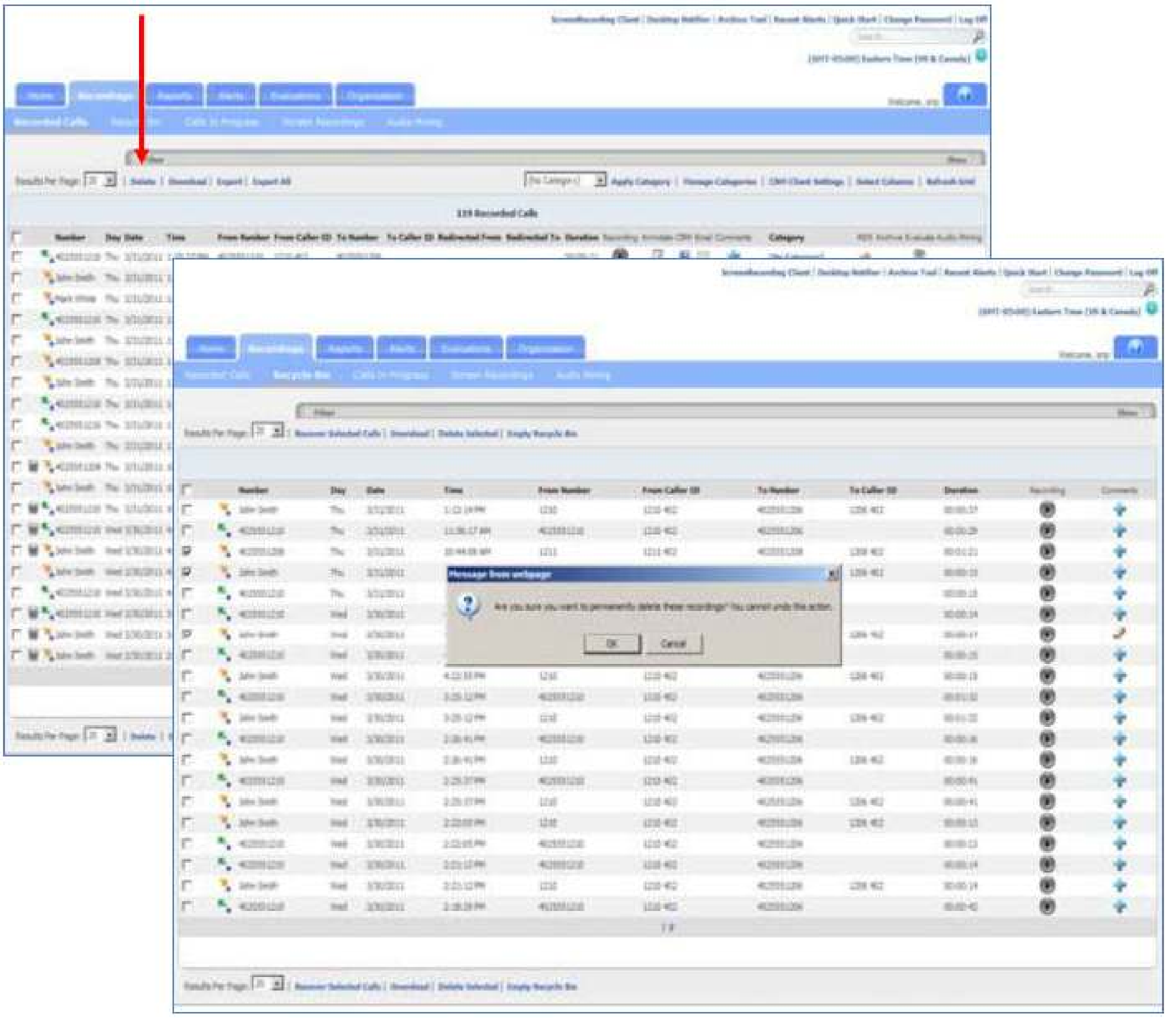


Delete Recorded Calls - Permanently

To permanently delete voice recordings, follow the steps below:

- Select the specific call or calls you wish to delete by clicking in the corresponding option box to the left of the Number column.
- Select the **Delete Selected** link. To delete all calls in the Recycle Bin, select **Empty Recycle Bin.**

- Click **OK.**

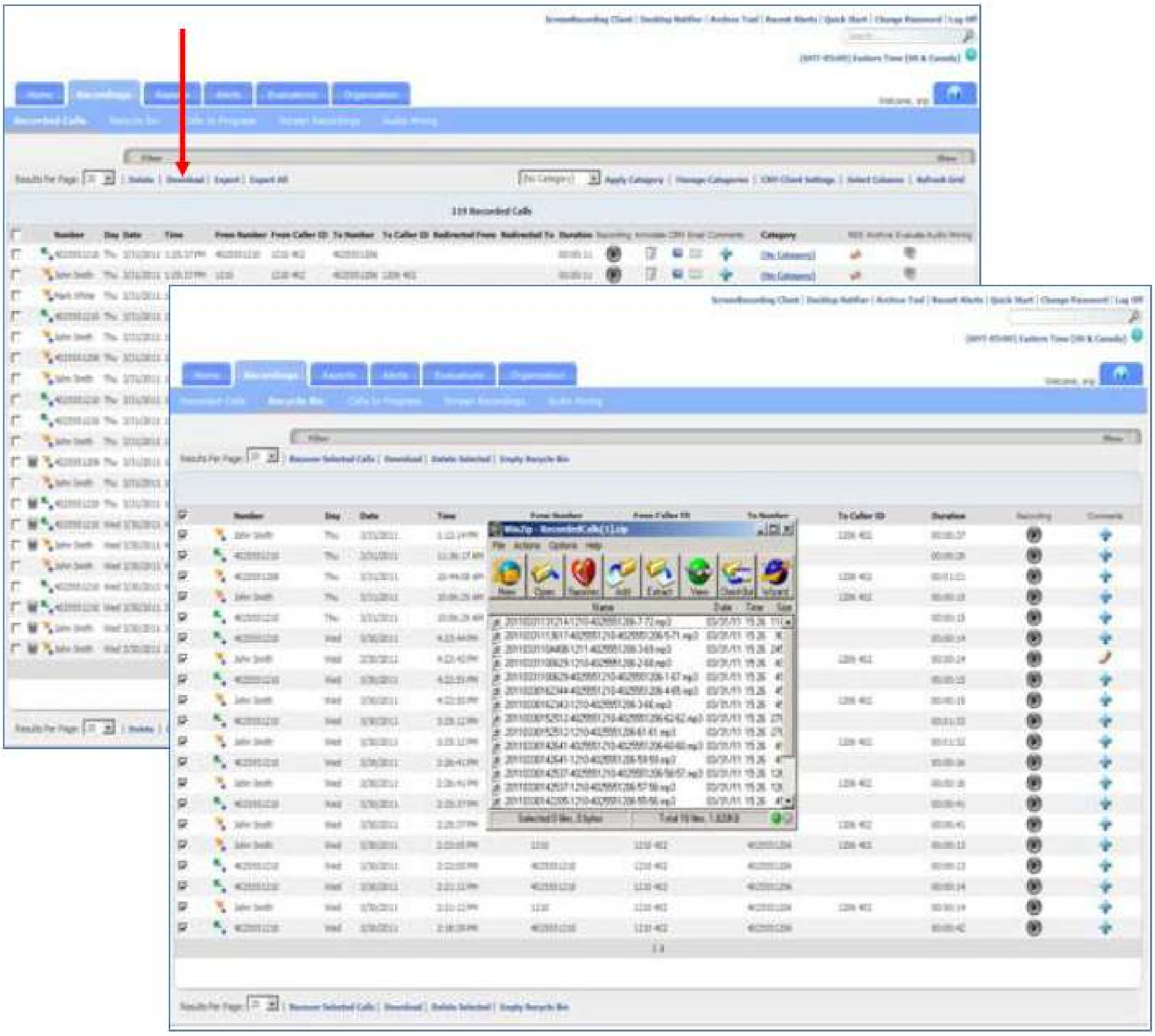


Download a Recorded Call

To download voice recordings, follow the steps below:

- Select the specific call or calls you wish to download by clicking in the corresponding option box to the left of the Number column.
- Select the **Download** link.

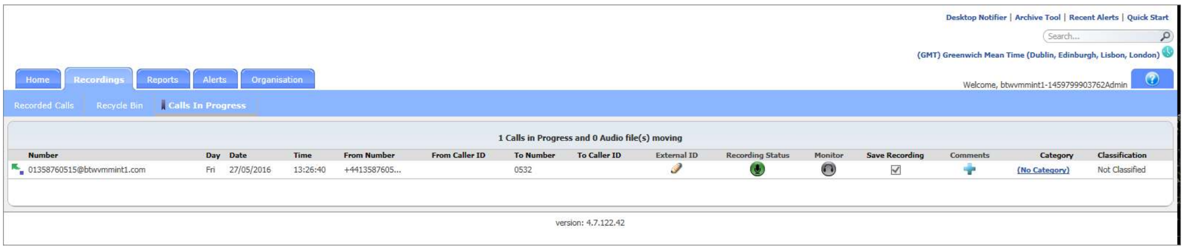
- You have the option to either Save the files or Open and view them.



Calls in Progress

The Calls in Progress screen displays all calls that are currently being recorded. From the Calls in Progress screen you can monitor a call in progress allowing you to listen in on a call without the other call participants hearing you. You are also able to save a recording “on the fly” from this screen if a particular Number has been set as Do Not Record by the Group Administrator. And as with the Recorded Calls tab, you can add notes or categorise calls in progress. In order to better manage this screen, all column headers can be sorted by clicking on the applicable column header. Click once to sort the column in ascending order and click one more time to sort the column in descending order. The following information is displayed on the Calls in Progress screen:

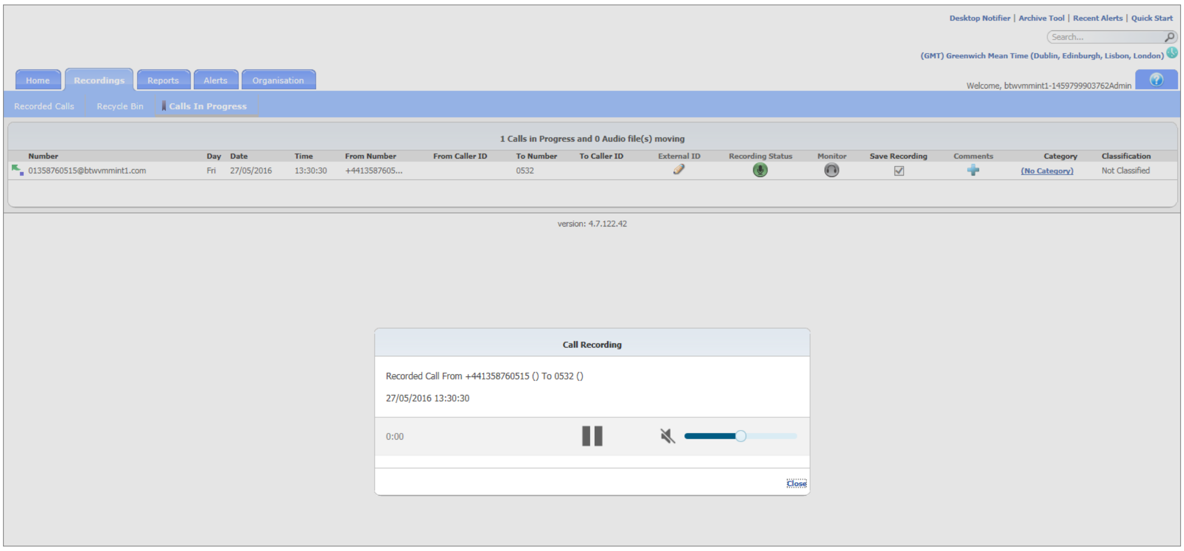
- Number – the Number or description associated to the call
- Day – the day of the week that the call originated
- Date – the date the call originated
- Time – the time the call originated
- From Number – the originating number
- From Caller ID – displays the name or number of the person that originated the call, if caller ID is available
- To Number – the terminating number
- To Caller ID – displays the name or number of the To Number, if caller ID is available
- Monitor – provides a monitoring button that corresponds the that particular call in progress
- Save Recording – identifies if the recording is to be saved when the call is complete
- Comments – allows the user to add comments to associate with the call
- Categorise – allows the user to categorise calls into areas unique to their business
- External ID – allows the user to assign a call ID unique to their business
- Recording Status – will always show a green microphone symbol for active recorded calls
- Monitor Icons – allows call to be streamed in near real-time while being recorded
- Classification – allows the user to assign a call classification unique to their business



Monitor a Call

Monitoring a call is easy and can occur at any point in the call. Monitoring is used in situations such as: training, behaviour issues, or legal reasons. The other participants in the call are never aware that it is being monitored.

- Click on the Number displayed for Call In-Progress
- Select the specific call you wish to monitor and click on the  icon.



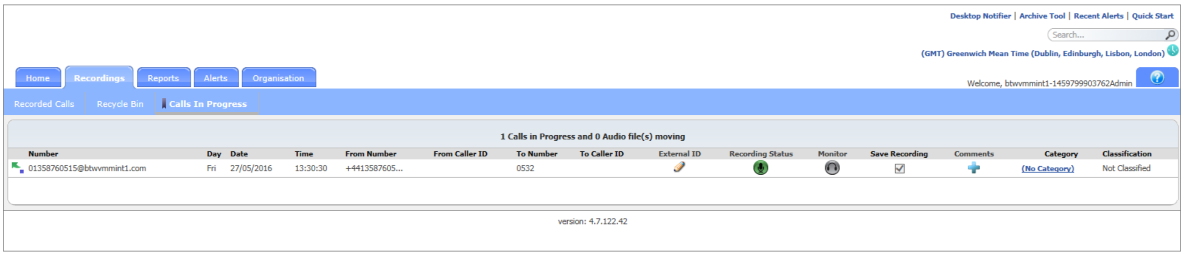
Please be aware that there is a slight delay due to the signal reaching the GUI but it is only a slight delay (>1 sec). If monitoring calls is a permanent required business function, the customer should be using the HV.Select ‘Call Barge In’ feature and not the monitoring function within the Voice Recorder.

Record a Call in Progress

By default, all calls to and from a Number are recorded and saved. The Group Administrator does have the option to override this default. For the calls that aren't set up to be saved, you can, on a one-time-basis, save them on the fly by clicking in the Save Recording option box while the call is in progress.

Click once in the option box of the call that you wish to record. A checkmark should appear in the option box

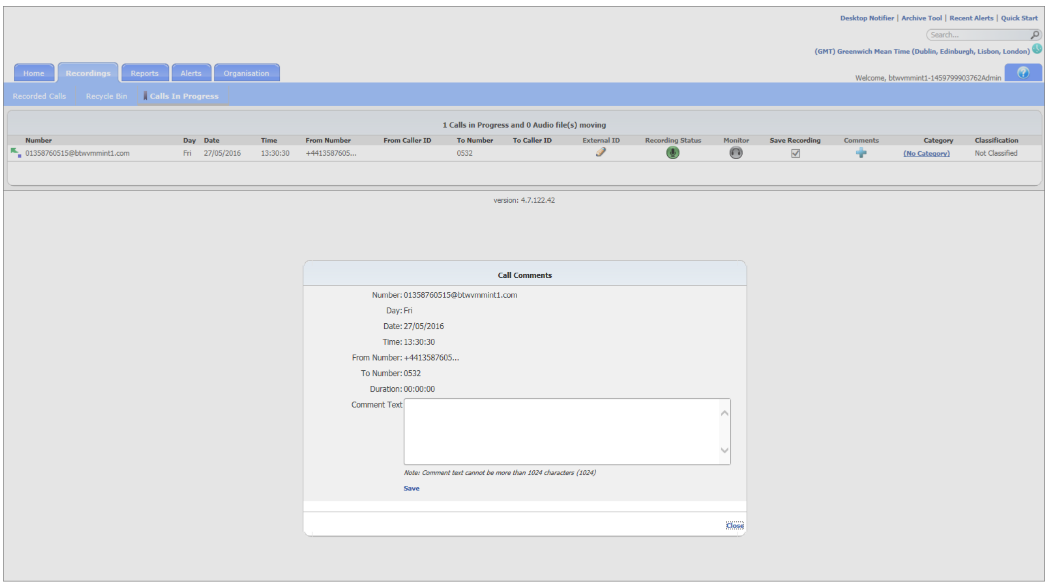
Clicking in the Save Recording option box will only record this call. It will not record all calls going forward for this Number.



Add Comments to Calls in Progress

From the Calls in Progress screen you can also add comments to each of the calls. A  icon indicates there are currently no comments associated with the corresponding calls in progress call file. A icon  indicates there are currently comments associated with the corresponding call file.

- Click on the icon that corresponds to the call you wish to add comments.
- Enter the following information:
    - Comment



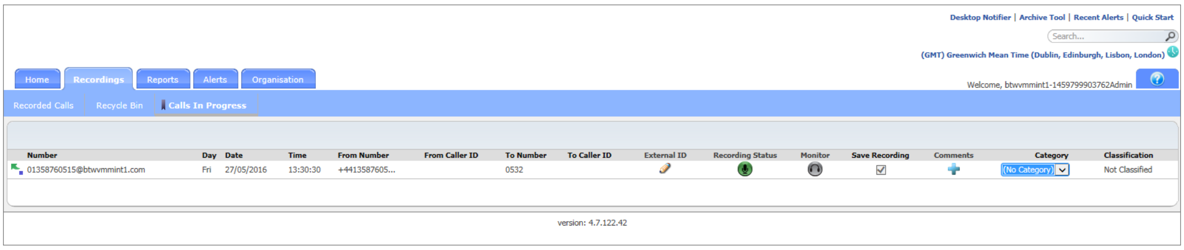
- Click **Save**.

Categorise Calls in Progress

The ability to create categories for calls is beneficial to agents and managers because it allows them to categorise calls into areas unique to their business (for example: geographic region or customer satisfaction). You are then able to filter calls or run reports based upon these call categories.

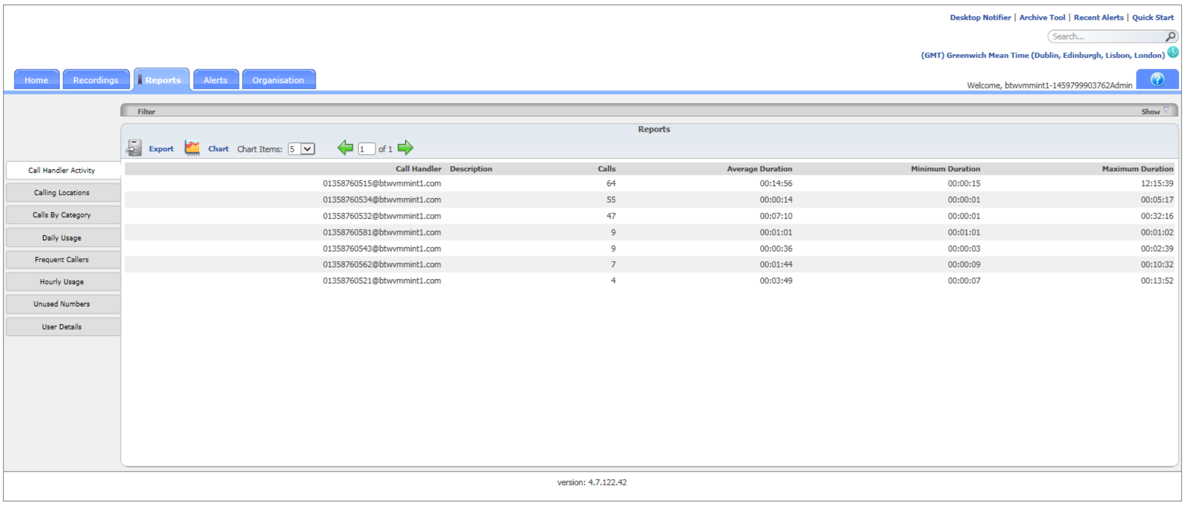
- Click the **Category** link that corresponds to the call you wish to categorise.
- Select the category from the drop-down list.

Note: categories are specific to the User that created them. Other Users (including Admins) are not able to see what category a user has assigned to a particular call.



Reports

There are eight reports included in the application that assist the user with administration activities. The reports identify information that can be found on the dashboard, or Home tab, but in more detail. Reports can be viewed as text or in a graphical format. You also have the ability to export reports and save them to your own PC. Additionally, you can filter on information in the reports such as number, date, and time.

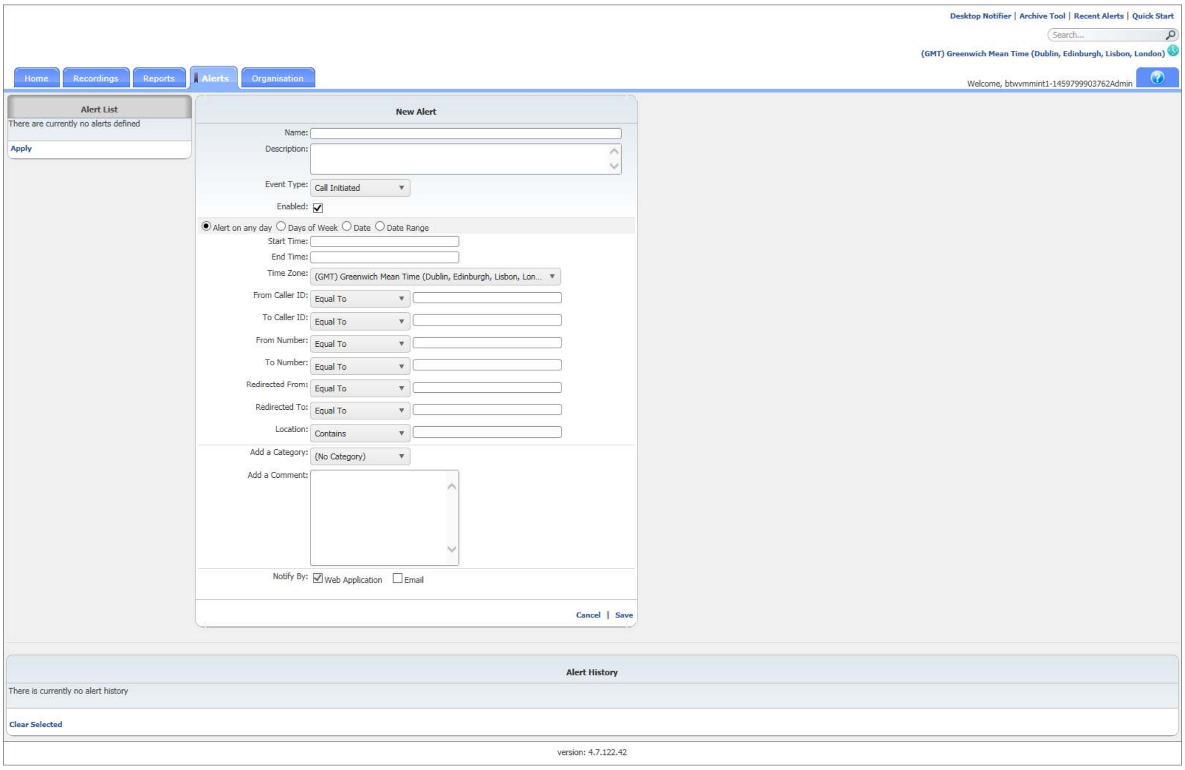


Alerts

Alerts can be created based on specific call conditions. When those conditions are met, you will be notified either on screen using the Desktop Notifier application or via email with the pertinent details; so that you can address any issues or make any necessary changes to current policies or procedures. Additionally, a history of the alerts that have executed is available from the Alerts tab. You can also view any recent alerts by clicking on the Recent Alerts link on the top right side of the end user application window.

Alerts will be temporarily disabled if they begin to cause excessive logging/emailing resulting in possible network congestion. In such cases, an email will be sent to the owner of the alert.

Additionally, the Alerts tab displays a list of alerts that have occurred under the Alerts History section. You have the ability to clear the Alert History by selecting the alert(s) and clicking the Clear Selected link. You can also view a list of recent alerts by clicking on the Recent Alerts link located at the top of the application page.



Create an Alert

For example, enter the following information:

- **Name** – Emergency Calls
- **Description** ,This alert is for emergency calls.
- Select **Call Initiated** as the Event Type.
- Verify the alert is **Enabled**.

- Select **Alert on any day**.
- Enter or select the following information:

  • **Start Time** – 00:12:00 a.m.

  • **End Time** – 00:12:00 p.m.

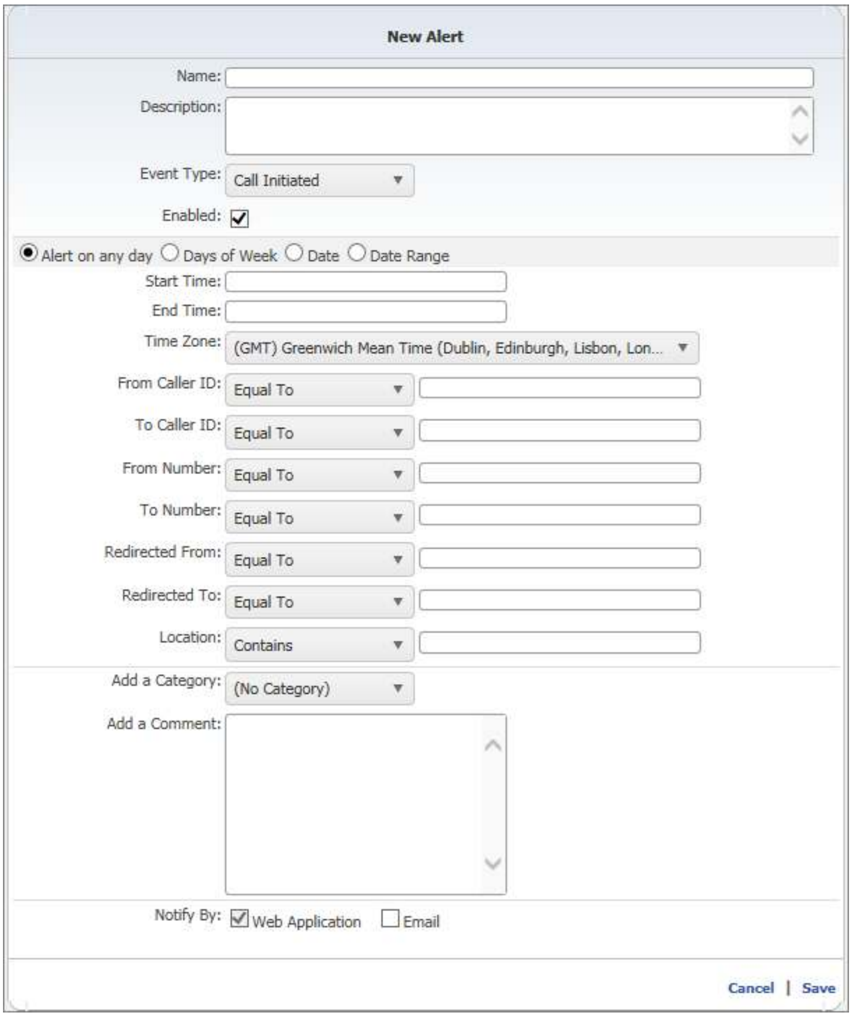
  • **Time Zone** – (GMT -05:00) Eastern Time (US& Canada)

  • **Originating Digits** – Equal to 911

- Select a category from the **Add a Category** drop down list.
- Enter the following information:

  • Add a Comment – **These calls are emergency calls made from within the building.**

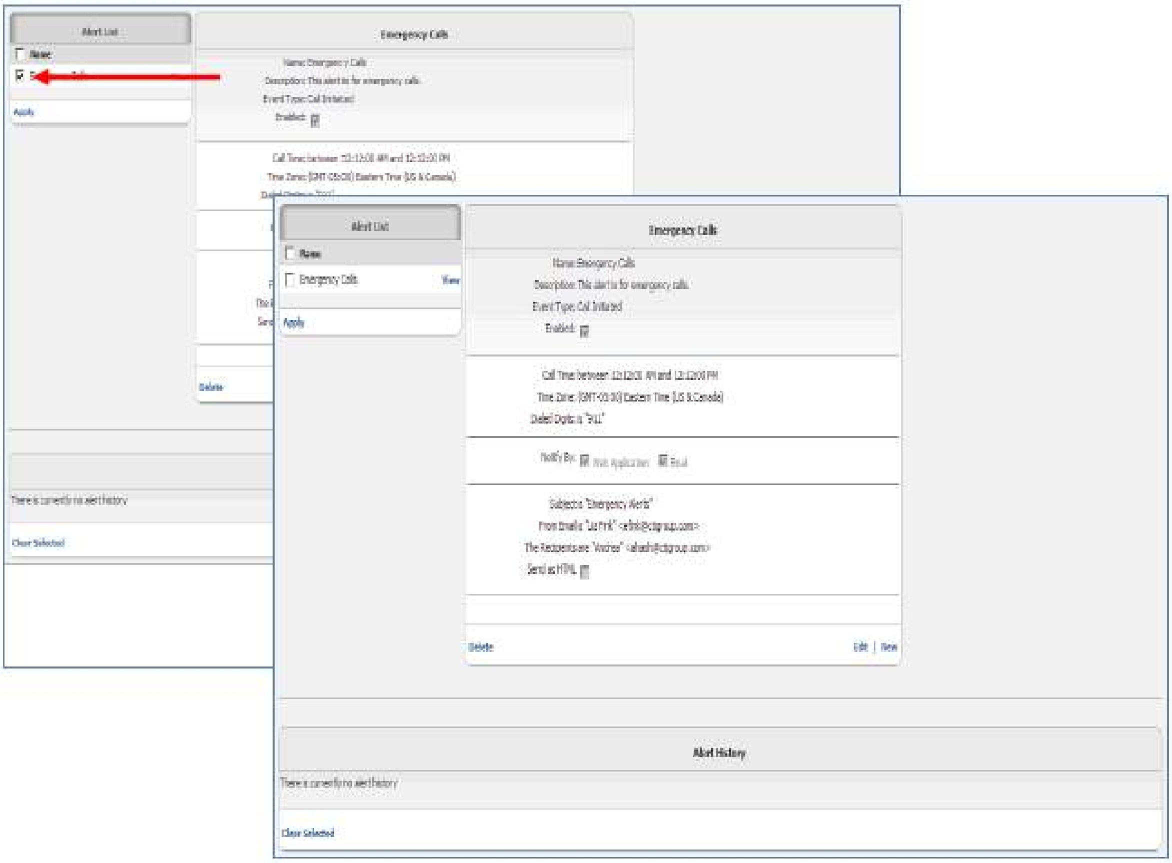
- Select **email** by clicking in the option box.
- Select **Save**.



Disable an Alert

The obvious reason that an alert is disabled is that it is no longer being used. Another less obvious reason, an alert is temporarily disabled by an Administrator because it was causing too many emails to be sent out, potentially causing congestion on the email server. Since alerts can be reused, they should not always be deleted. If an alert was temporarily inactivated because too many emails were being generated, the alert should be edited before it is reactivated.

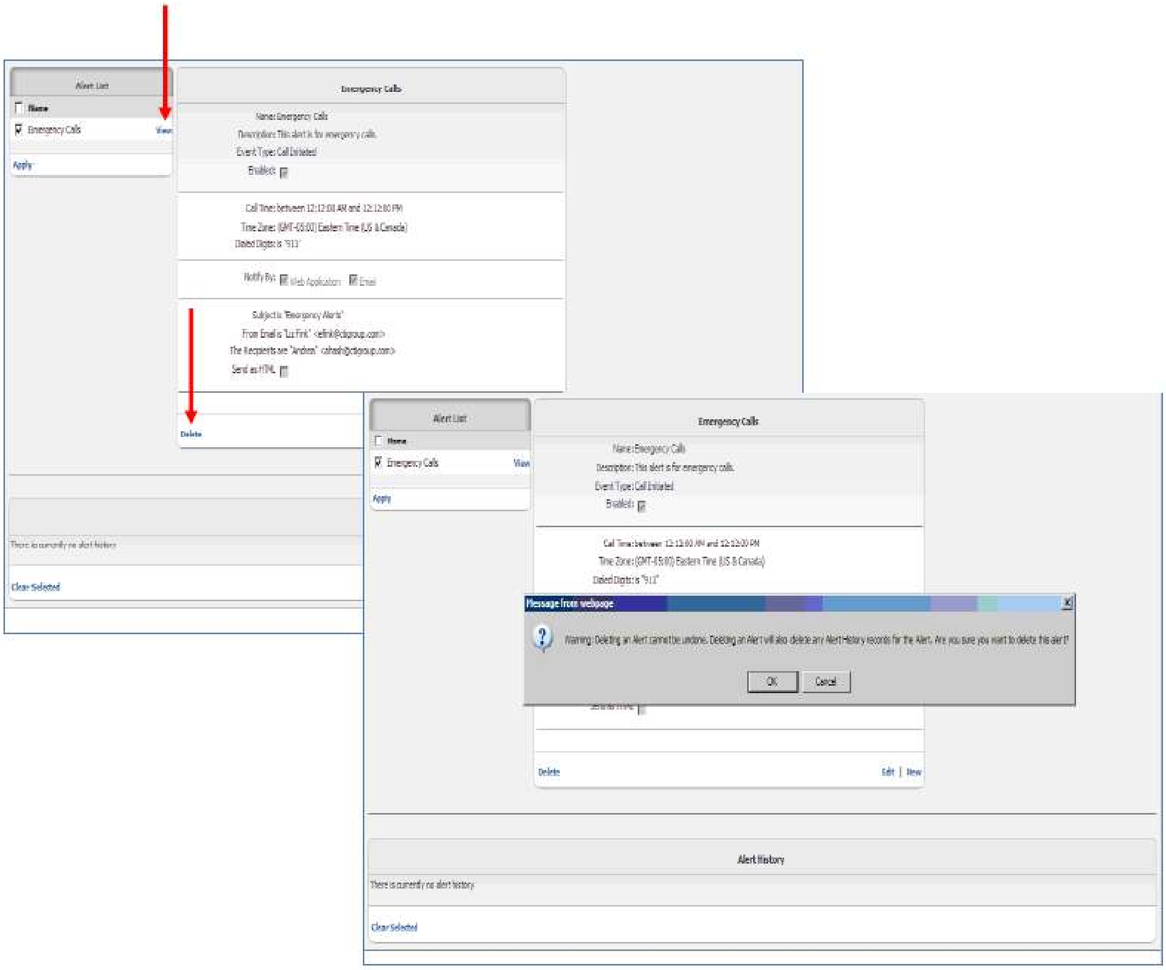
- Click in the **Active** option box that corresponds to the alert.
- Select **Apply**.



Delete an Alert

- Select the View link that corresponds to the alert.

- Select **Delete**. Select **OK**.



Recent Alerts

You can view up to 20 of the most recent alerts by clicking on the Recent Alerts link on the top right side of the end user application window. The default view is to show 15 recent alerts; however, you can change the default by clicking on the Results per Page drop down and selecting from the available options. While you have this dialog box open, you will be notified of any new alerts. New alerts will first appear at the bottom of the dialog box and you will also hear a chime.

Pausing Calls for PCI Compliancy

The Voice Recorder provides PCI DSS compliance. PCI DSS requirement 3.2 stipulates that card validation codes and values must not be stored other than for transaction authorisation. The Voice Recorder therefore provides the facility to pause and restart recordings using DTMF codes entered by the agent during the call. To use Pause and Resume, the following policy needs to be set against the users Voice Recording feature:

- Always with Pause/Resume
- On Demand
- On Demand with UI Start

It is not supported on the following polices, and the buttons will not be displayed:

- Always
- Never

When credit card data is about to be given the agent keys the code 48 into their handset or uses the buttons available on the Calls in Progress screen on the Business Portal to pause the recording. When the credit card details have been completed the agent enters the code 49 on the handset or uses the buttons available on the Calls in Progress screen on the Business Portal to restart recording. Both parties will hear the DTMF tones when the code is entered using the phone. This sequence is available as default, and does not need to be configured in the Voice Recording portal.

Note: It is the agent's responsibility to ensure that the DTMF code is entered at the correct times to pause and resume recording. For further information on PCI Compliance visit:

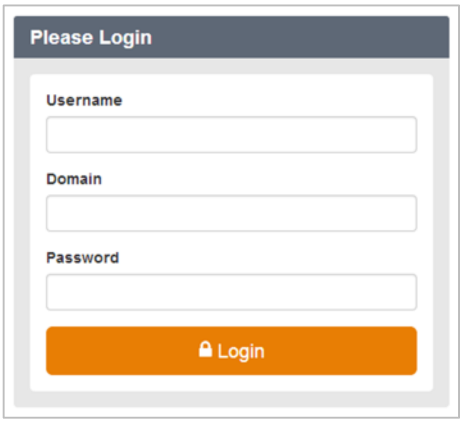
www.pcisecuritystandards.org

Below are the steps the user can take when using Pause/ Resume function from our Polycom and Yealink phone range. The behaviour on other handsets may be slightly different.

Pausing Calls from the Business Portal

The simplest way to pause a call is to use the Business Portal Dashboard as it allows a simple click of a button to pause the recording, as opposed to using the handsets which first require you to put the call on hold.

- Log into Business Portal



- Navigate to the Dashboard and locate the Calls in Progress box which will show you any calls in progress that are being recorded.

- If On Demand is set, then the user will now see a Pause button appear, allowing the call be paused/resumed.

- If On Demand with UI Start is set, then the user will see the pause button alongside the Stop button, allowing the call be paused/resumed.

- Once a call is recorded, the button will update and a red strikethrough will appear. To unpause, simpy click the button.

Pausing Calls from Polycom VVX Phones

Option 1

- Press the **Hold** softkey on the IP Phone
- To pause the recording, key in ***48** on the IP Phone dialpad, followed by the **Dial** softkey
- Message received “Your Voice Recording has been Paused successfully”
- Press the **Resume** softkey to continue with call.
- To resume the recording, key in ***49** on the IP Phone dialpad, followed by the **Dial** softkey
- Message received “Your Voice Recording has been Resumed successfully”
- Press the **Resume** softkey to continue with call.

Option 2

- Press the **Transfer** softkey on the IP Phone
- To pause the recording, key in ***48** on the IP Phone dialpad, followed by the **Send** softkey
- Message received “Your Voice Recording has been Paused successfully”
- Press the **Resume** softkey to continue with call.
- To resume the recording, key in ***49** on the IP Phone dialpad, followed by the **Send** softkey
- Message received “Your Voice Recording has been Resumed successfully”
- Press the **Resume** softkey to continue with call.

Pausing Calls from Yealink T4x Phones

Option 1

- Press the **Hold** softkey on the IP Phone
- To pause the recording, key in ***48** on the IP Phone dialpad, followed by the **Okay** softkey
- Message received “Your Voice Recording has been Paused successfully”
- Press the **Resume** softkey to continue with call.
- To resume the recording, key in ***49** on the IP Phone dialpad, followed by the **Okay** softkey
- Message received “Your Voice Recording has been Resumed successfully”
- Press the **Resume** softkey to continue with call.

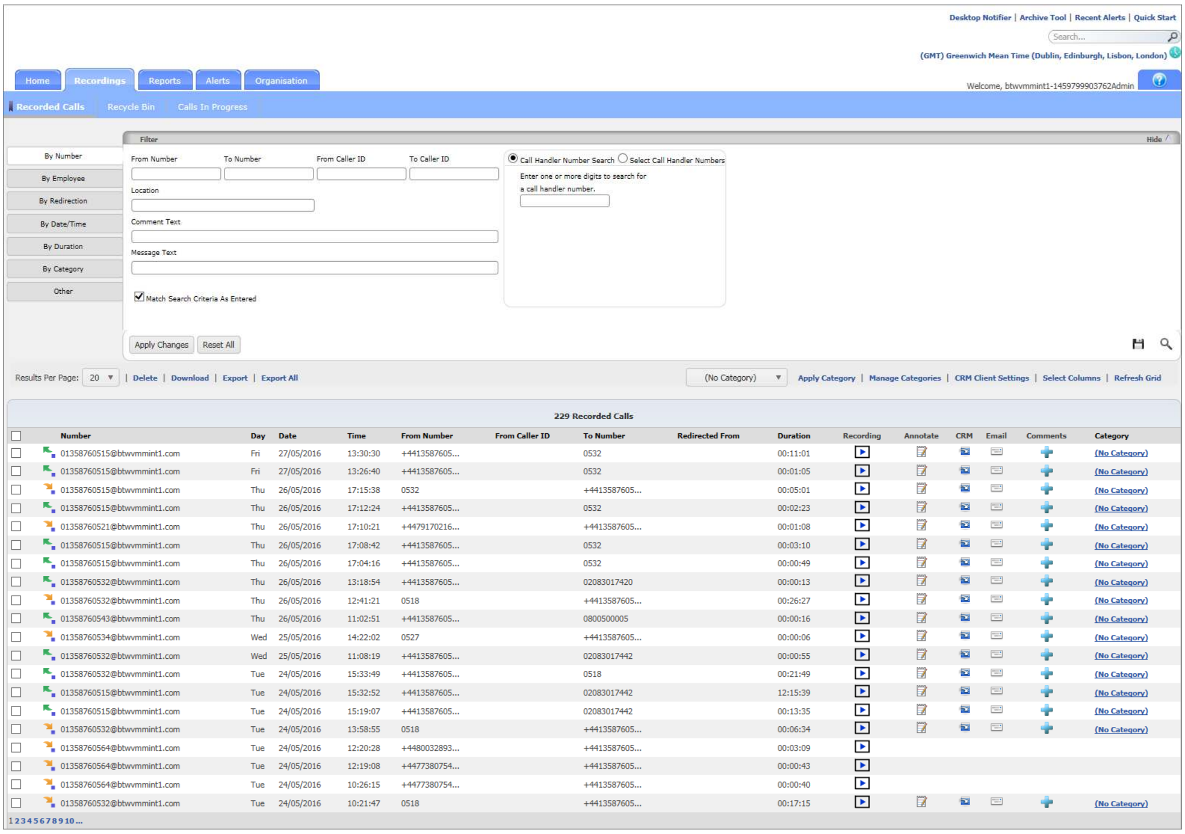
Option 2

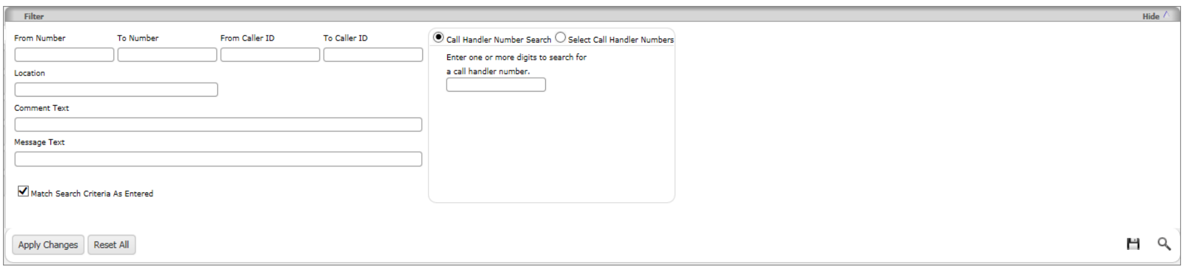
- Press the **Transfer** softkey on the IP Phone
- To pause the recording, key in ***48** on the IP Phone dialpad, followed by the **Ok** softkey
- Message received “Your Voice Recording has been Paused successfully”
- Press the **Resume** softkey to continue with call.
- To resume the recording, key in ***49** on the IP Phone dialpad, followed by the **Ok** softkey
- Message received “Your Voice Recording has been Resumed successfully”
- Press the **Resume** softkey to continue with call.

Apply a Filter

Number, Employee, Redirection, Date/Time, Duration, Category or Other (or a combination of all) filters or advanced searches located below the Home, Recorded Calls, Recycle Bin, Calls in Progress, and Reports navigation tabs can be applied to the screen to assist in searching and displaying only the information pertinent to your current needs. Note: You do not have the option to filter by category under the Reports tab. For example:

- Click on Recordings Tab
- Click on Filter bar or the Show dropdown to the left
- Select the **By Date/Time** tab.
- Select **Yesterday** from the drop-down list.
- Click **Apply Changes** to apply the filter.



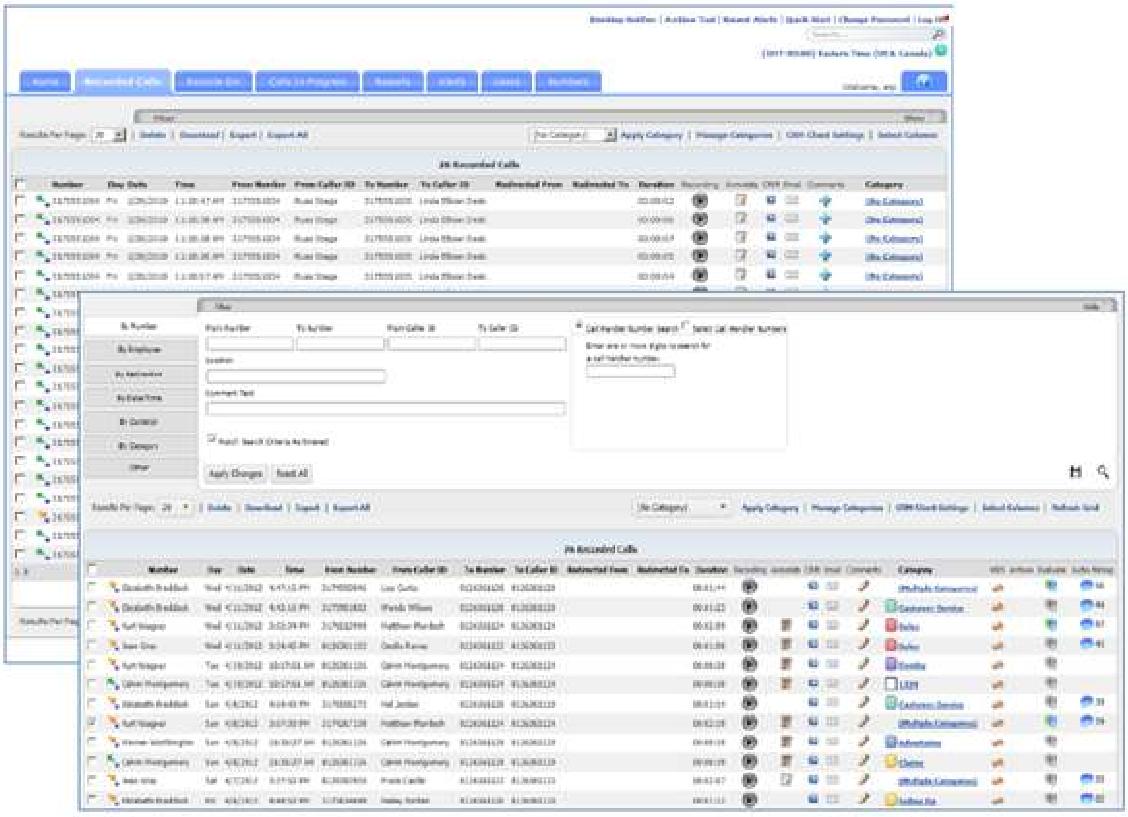


Searching

The Search feature allows you to search any part of the call record (Number, Duration, Time, Comments, etc.) on the Recorded Calls screen in order to find a specific call record.

For example: if there are 10 pages of recorded call files on the Recorded Calls screen and I need to find a specific call record that I know has a comment associated with it that has the word *helpdesk* in it, I can search for that word to find that call record. You can also use a wild card (%) to replace part of the word or Number for which you are searching. For example:

- Type the word **Customer** in the Search field.
- Click the **View Search Results** link.



Archive Tool Guide

This document describes the applications that perform the task of archiving audio and video recordings to a local computer.

Access to the Archive Tool

To access the active tool, follow the standard process for accessing your call recordings from the site tab.

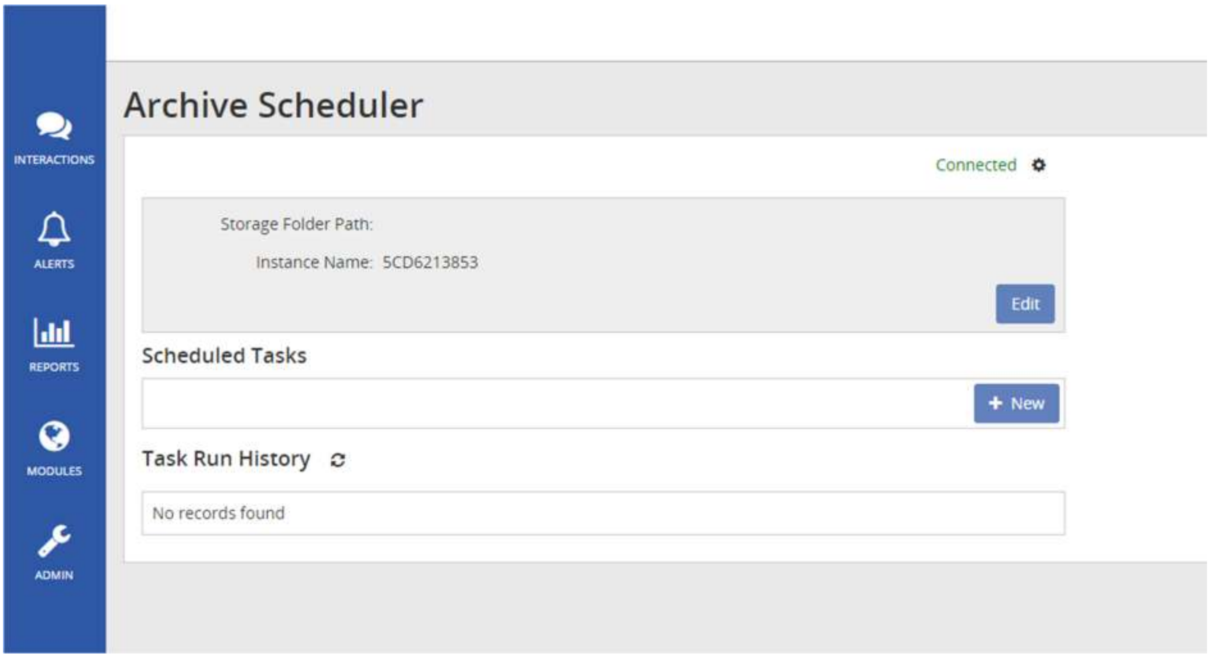
Once in the call recordings system, select Modules from the left hand side.

Choose Archive Scheduler.

The first time you visit this page, it will ask you to download the Archive Scheduler software for Windows.

This will download ClientServiceSetup.exe to your local computer. Run and install the software.

Now, when you visit the Archive Scheduler, you will see the following screen:



Edit the Archive Scheduler to choose a Local Path on your computer, where you would like to save the recordings.

Within the Schedule Tasks section, create a new schedule for downloading the files. Ensure you only tick the days and hours which you need it to run.

UK Regulations on Voice Recording

The following guidelines are drawn up by Ofcom and they provide guidance only. Businesses considering interception, recording or monitoring of telephone calls or e-mails are advised to seek their own independent legal advice and should not seek to rely on the general information provided below. The regulations governing the recording of calls in the UK are covered by different pieces of UK legislation. The main regulatory sources to consider are:

- Regulation of Investigatory Powers Act 2000 ("RIPA") - http://www.legislation.hmso.gov.uk/acts/acts2000/20000023.htm
- Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 ("LBP Regulations").
- Data Protection Act 1998 - http://www.hmso.gov.uk/acts/acts1998/19980029.htm
- Telecommunications (Data Protection and Privacy) Regulations 1999. - http://www.legislation.hmso.gov.uk/si/si1999/19992093.htm
- Human Rights Act 1998 - http://www.hmso.gov.uk/acts/acts1998/19980042.htm

In addition to the above legislation certain industry regulators also provide guidance on Voice Recording. The following list is not exhaustive:

- **Financial Service Authority (FSA)**. From March 2009, firms have had to record all telephone conversations and electronic communications relating to client orders and the conclusion of transactions in the equity, bond, and derivatives markets. The recording solution must:
    - Be an integrated recording and storage solution for risk management, along with compliance with all local and international regulatory requirements;
    - Contain clear audit trails for corporate compliance;
    - Provide easy extraction of recordings to meet business needs and assist in investigative processes.
- **Payment Card Initiative (PCI)**. Major incidences of high profile credit card or credit data loss seem to make the news on a regular basis. All service providers who handle, transmit, store, or process information concerning any of these cards, or related card data, are required to be compliant with PCI (Payment Card Initiative), whilst providing data protection compliance to EU and EEC standards.
- **ICSTIS**. Responsible for regulating premium rate services in the UK, which include content, promotion and overall operation.

- **Direct Marketing Association (DMA)**. The DMA in the UK set out guidelines for members to ensure good practice for customer contact campaigns.

Legislation Summary

The following provides a set of questions and answers around Voice Recording legislation.

For what reasons can I record my customer's calls?

The Lawful Business Practice [LBP] Regulations specify conditions upon which calls may be recorded. These are to:

- Provide evidence of a business transaction.
- Ensure that a business complies with regulatory procedures.
- See that quality standards or targets are being met in the interests of national security.
- Prevent or detect crime to investigate the unauthorised use of a telecom system.
- Secure the effective operation of the telecom system.

The LBP regulations can be found on the DTI website.

Do I need consent from my callers to record calls?

No, provided the recording is to meet one of the above conditions and you are not intending to make the recording available to a third party. If you are recording for any other purpose, such as marketing or market research, you will need consent from the third party. If you are intending to make the recordings available to a third party, then you must make every reasonable effort to inform all parties to a telephone conversation that it may or will be recorded.

How do I advise callers that they may be recorded?

The particular means by which you choose to do this are not specified. Acceptable options, depending on circumstances, might include warning tones, pre-recorded messages, spoken warnings by the operator or written warnings included in publicity material, telephone directories, contracts, terms of business, etc. It may not always be possible to warn first-time callers with whom you have had no previous contact but what is important is that you have a systematic procedure in place which provides the necessary information wherever this is a realistic possibility. In these cases Voice Recording is authorized on the basis that there is reasonable grounds to believe the caller has consented.

Do I need to notify my employees that calls are recorded?

Yes. Businesses can monitor, but not record, phone calls to see whether they are relevant to the business (i.e. open an employee's voicemail or mailbox systems while they are away to see if there are any business communications stored there). Companies and organisations that routinely record telephone calls must ensure that their employees are able to make personal calls that are not also recorded under the same system. Staff must also be made aware that personal conversations could be recorded on their telephone and must have access to a separate telephone on the premises where they can make and receive personal calls that are not recorded.

What is the relevant legislation?

Regulation of Investigatory Powers Act 2000 ("RIPA")

An interception is only lawfully carried out if one of the following applies:

- The person intercepting the call has reasonable grounds for believing that it has the consent of both the caller and the intended recipient of the call to intercept; or
- The interception is carried out by a business in compliance with the Lawful Business Practice Regulations (see below.)

The Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 (the "Regulations")

Interception is authorised if the business which is intercepting the call has made all reasonable effort to inform potential users that their communications may be intercepted, and the interception is then carried out:

- To establish the existence of facts (e.g. to evidence a business transaction);
- To assess or demonstrate that standards "which ought to be achieved" are achieved (e.g. quality control and training standards);
- To prevent or detect a crime, or for purposes of national security;
- To assess compliance with regulatory practices or procedures applicable to the business;
- To investigate or detect unauthorised use of the communications system; or
- To determine whether communications are relevant to the system controller's business.

The Data Protection Act 1998 ("DPA")

Recording (and use of recordings) where you can determine the identity of either party to the call, either directly from the recording or from other information, would require you to first:

- Have informed that party how the recording would be used;
- Obtain consent for the recording to take place (This may be implied from the fact that the customer has been notified and not objected, but you should obtain explicit consent if the call reveals any information classified as sensitive by the DPA, i.e. details of race/ethnic background, political opinion, religion, trade union membership, physical/mental health, sexual life, offences committed or legal proceeding bought.)

- The obligations in relation to processing of that data also apply, so that the data must be kept for longer than necessary, under secure conditions and must be accessible to the customer at their request.

The Employment Practices, Data Protection Code

The code states that employees should be informed about any monitoring of their calls and that their consent should be obtained (as required under the DPA.)

Human Rights Act 1998

The Act provides that "everyone has the right to respect for his private life and family life, his home and his correspondence". To ensure that this right is protected employees whose calls are monitored should be given access to a private line over which personal calls can then be made, during their lunch break for example.

Telecoms License obligations – The Service Provision License

Private and business use of a telephone system is regulated by certain DTI licenses. These include a similar requirement to that set by the Regulations that "every reasonable effort" to inform parties to a telephone conversation that recording may take place should be made.

Do businesses have to advise 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. Businesses wanting to record for any other purpose, such as market research 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 emails you have the right to seek redress by taking civil action against the offender in the courts.