

Telephone Recording Policy

1. Purpose

The purpose of this policy is to govern the procedures for call recording and the subsequent management of access and use of telephone call recordings. The implementation of recording of telephone calls follows NHS agreed protocols and preferred suppliers and has been implemented to support effective delivery of service to our patients and support the training of practice staff.

2. Scope

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

- Recorded information.
- Purposes of call recording.
- Data Protection.
- Access and availability.

3. Recorded Information

All calls from nominated extensions within the practice will be recorded, utilising the practice's call recording system. Patients will be informed about call recordings via this policy, which is available on the practice's website. Posters will also be displayed on waiting room TVs. Call recordings will be retained securely in the cloud by the suppliers system for up to 6 months.

Any recordings, which may need to be used for the purposes of criminal proceedings or longer term investigations that have been extracted from the system, will be kept in a secure place until any such proceedings/investigations have come to an end. At this point, they will be deleted.

Periodic reviews will occur to avoid unnecessary retention of recorded calls. Further information about our retention criteria is available in our records retention schedule.

4. Purposes of Call Recording

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

- Assist in the assurance of quality of the service the Practice provides to its callers.
- Assist in the management of the practice's patients care.
- Maintain an up to date and accurate patient record.
- To help protect practice staff from abusive and/or nuisance callers and provide evidence in assessing the serious of threats.
- To clarify the content of particular conversations in the event of concerns or a complaint either by a patient or a member of staff and assist in the resolution of it.
- Help identify staff training needs, manage the performance of Practice staff, and to support in the training of new and existing staff members; sStaff are made aware of this as part of practice induction).
- Assist in the Practices quality control to identify any issues in practice processes, and aid in addressing them.
- To provide evidence for criminal proceedings.
- To investigate fraudulent or inappropriate activity.
- Analyse and adapt to any pinchpoints in our service delivery.

5. Patients' Privacy and Dignity

We will abide by the GMCs guidance when making or using recordings. We will respect patients' privacy and dignity, and their right to make or participate in decisions that affect them. This means that we will:

- Give patients the information they want, or need, about the purpose of the recording.
- Where practicable, stop the recording if the patient asks us to, or if it is having an adverse effect on the consultation or treatment.

- Anonymise or code recordings before using or disclosing them for a secondary purpose, if this is practicable and will serve the purpose.
- Disclose or use recordings from which patients may be identifiable only with consent or other valid authority for doing so.
- Make appropriate secure arrangements for storing recordings (i.e.any retained for longer than 6 months).

6. Data Protection

Phone call recordings constitute the personal data of both the caller and the call operator. Therefore, all calls will be managed in such a way that the rights of the data subjects (callers and operators) can be fulfilled, and all obligations of the data controller (the practice) are observed, as per the practice's Information Governance policy. Every caller is notified that their call is recorded, and why, when calling the practice and before conversation is initiated. This will be done through a pre-recorded message in the practice's telephone welcome message.

A caller may request that their call is not recorded. In this situation, the caller will normally be advised to contact the practice either in writing, e-mail or in person by attending the practice. Recordings will normally be retained for up to 6 months and then automatically deleted.

Some recordings may be retained for longer than this for the following reasons:

- **The content of the call is required to provide effective medical care to our patients:** In this case the call may be retained indefinitely, but will be moved to the relevant patient's medical record. A transcription or summary of the call may also be made and attached with the audio recording.
- **The content of the call is required for a complaint:** In this case the recording will be retained until the completion of the complaint procedure and the expiry of any appeal period. If necessary the recording will be retained until the end of any tribunal proceedings.
- **The content of the call has been identified as evidence for Criminal proceedings or investigations:** In this case the recording will be retained for the duration of the investigation or process. Depending on the allegations the data subject(s) may or may not be notified of this processing. The recording(s) may be shared with law enforcement as evidence under Schedule 2, Part 1 of the Data Protection Act 2018.

7. Access and Availability

Internal access and playback of call recordings will be carefully controlled as per the confidentiality requirements of the practices Information Governance Policy. Members of staff with the appropriate authority can access call recordings. Access to calls may be made for specific and documented reasons in line with the purposes outlined within this policy. Browsing of call recordings for no valid reason is not permitted.

7.1 Subject Access Requests

Callers have the right to listen to, or have copies of, recordings made of their own calls. Under the right of access provision of the Data Protection Act 2018, any individual can request to hear and/or receive a copy of call recordings that they are involved in. Requests for call recordings are processed in compliance with data protection legislation, the practices Information Governance Policy and are subject to the one calendar month response time frame.

Requests for access can be submitted using the practices Subject Access Request form, in writing, or verbally/in person. The relevant recordings will be located by reference to the date and time of the call and the identity of the caller. Requesters may be asked to provide information about the originating telephone number, date and time of the call to aid in the call being found.

All reasonable attempts will be made by the practice to confirm that the identity of the individual making the subject access request matches the identity of the caller. Access may be refused if sufficient proof of identity is not provided. A permanent copy of the recording will be provided in a format the practice can reasonably expect that the requester will be able to use, taking account of the requester's preference (if any).

7.2 Rights of Erasure and Objection

Callers also have the right to request erasure of any recordings of calls they have participated in or to object to the calls recording in the first instance.

7.3 Erasure

This is not an absolute right and only applies in certain circumstances. Any requests for erasure received by the Practice are to be processed in compliance with data protection legislation and the practice's Information Governance Policy. We will not:

- Make, or participate in making, recordings against a patient's wishes, or where a recording may cause the patient harm.
- Disclose or use recordings for purposes outside the scope of the original consent without obtaining further consent (except when the content of the call has been identified as evidence for Criminal proceedings or investigations).

All reasonable attempts will be made by the Practice to confirm that the identity of the individual making the request matches the identity of the caller. Requests may be refused if sufficient proof of identity is not provided or if the Practice believes that the request is manifestly unfounded/excessive. The Practice will notify the requester with justification of this decision.

If the request stands, the Practice will erase all copies of the call recordings and notify the requester upon completion. If the call has been shared with any third parties, the Practice will notify each recipient and inform them of the erasure.

6.4 Objection

This is not an absolute right and only applies in certain circumstances. Any objections to processing received by the Practice are to be processed in compliance with data protection legislation and the practices Information Governance Policy. All reasonable attempts will be made by the Practice to confirm that the identity of the individual making the request matches the identity of the caller. Requests may be refused if sufficient proof of identity is not provided or if the Practice believes that the request is manifestly unfounded/excessive. The Practice will notify the requester with justification of this decision.

If an objection to the call being recorded is received (which would typically be during the phone call), the Practice should offer alternative methods of correspondence with the Patient. As the call is recorded automatically, the Practice should state this to the patient and offer that the call is deleted immediately (if it does not fit any retention criteria listed in the Practice's retention schedule).

Requests for erasure and objection can be submitted to the practice via the website or verbally (both in person and on the call itself).

7. Review

This policy will be reviewed every three years or more frequently where the contents are affected by major internal or external changes such as:

- Changes in legislation;
- Practice change or change in system/technology;
- Change in Senior personnel e.g. Practice Manager or Senior Partner or;
- Changing methodology.

Reviewed: 20 May 2024