



**MINISTRY OF SOCIAL
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

08 JUL 2015

Mr Cody C

fyi-request-2829-80407538@requests.fyi.org.nz

Dear Mr Cody C

On 10 June 2015 you emailed the Ministry requesting, under the Official Information Act 1982, copies of any notes, legislation, formal or informal policies of the Ministry of Social Development, acting as Work and Income, regarding the recording of conversations.

The Ministry of Social Development is a large organisation and conversations between staff and the public can occur in many different settings such as a phone call, in a service centre or site, or in a family's home. I have interpreted your request to refer to the Ministry's policy regarding the recording of calls to our Work and Income Contact Centre. However, if this is not correct, for instance you are interested in whether you can record a discussion during a Family Group Conference, please clarify this by emailing OIA_Requests@msd.govt.nz.

The Work and Income Contact Centre is a regular point of contact for both clients (known to Work and Income) and the general public (those seeking general advice and / or whom we have no client relationship with). All calls to the Contact Centre are recorded and retained for 90 days.

In addition, when a client calls the Contact Centre and it results in the provision or advice or an update to a client's file, a record of that action or decision is created on the client's file. The interaction itself is not required to be recorded. When the general public calls the Contact Centre for information, no record is created as no substantive action or decision was taken. This situation is reasonably comparable to obtaining information directly from Work and Income's website.

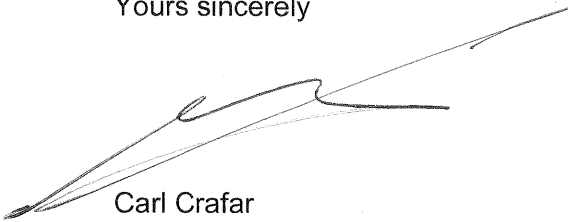
Contact Centre staff are well trained on the importance of record-keeping and to create a full and accurate record of the action or decision on the client record.

Work and Income's current practice is to retain call recordings for "quality and training purposes". A copy of the Ministry of Social Development Call Recording Policy is enclosed for your information.

I hope you find this information about the Ministry's call recording policy helpful. You have the right to seek an investigation and review of my response by the Ombudsman, whose address for contact purposes is:

The Ombudsman
Office of the Ombudsman
PO Box 10-152
WELLINGTON 6143

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carl Crafar', written over a light blue horizontal line.

Carl Crafar
Associate Deputy Chief Executive, Service Delivery

Ministry of Social Development Call Recording Policy

Call Recording Policy

The Ministry of Social Development records client calls to and from its call centres. Call information is used primarily to monitor and improve the quality of services and directly supports the management and training of call centre staff. In some cases the stored information may be used to provide verification of individual calls.

This policy reflects the Ministry's obligations to respect clients' and their families' rights to privacy and confidentiality. It complies with the Privacy Act 1993 and the Public Records Act 2005 and has been developed following consultation with the Office of the Privacy Commissioner.

Purpose of the Policy

This policy ensures that, in collecting call information, the privacy of clients is protected and that call information is treated properly as a public record.

The policy sets out how the Ministry:

- complies with the Privacy Act in its collection and use of call information and, in particular, complies with the Act's requirement to inform clients that information is collected and the reasons for that collection
- keeps call information secure and assigns responsibility for its protection
- stores, archives and disposes of the information as required by the Public Records Act.

Our Obligations

All private individuals have the right under the Privacy Act to know that information is being collected about them and to understand what it will be used for. The Privacy Act also restricts the use of information that is collected in that the agency collecting the information must inform the individual of all the uses to which the information will be put. Furthermore, the information must only be collected for lawful purposes connected with the functions and activities of that agency. Having advised the individual of the reasons why the agency is collecting the information, the agency is then restricted to only those uses.

Recorded calls are defined by the Public Records Act 2005 as "public records" and are regarded as part of the client record. The Ministry has obligations, set out under the Public Records Act, in respect of how it stores, archives and eventually disposes of all information that the Act defines as a "public record".

Policy Provisions

Call recording

- (a) The technology used to record and retrieve voice calls has been provisioned as an infrastructure service (SSI) as a component of the IPCC (IP-based contact centre) functionality.
- (b) Each business group using the IPCC service may define the agent extensions for recording.
- (c) All calls on defined extensions will be recorded.
- (d) An information message will be inserted prior to an agent answering a call and can be business group specific.
- (e) Calls to the Ministry's allegation line will not be recorded

Call Storage and retrieval

- (a) Call storage will be provisioned as an infrastructure service (SSI) as a component of the IPCC (IP-based contact centre) functionality.
- (b) Each business group using the IPCC service stores calls on the production platform for 90 days. After the 90 day window all calls will be archived.
- (c) Stored voice calls will be regarded as client data and be subject to data management and security policies.
- (d) For business improvement, training feedback and process analysis, access to call recordings will be by CSR, Quality Coach and Managers within a contact centre and business group, reflecting the current situation in MSD contact centres.
- (e) For any other purposes access to call recordings must be authorised by the business group DCE and Risk & Assurance.
- (f) All calls will be archived and will only be disposed of pursuant to an agreed retention and disposal schedules (as yet, this schedule is yet to be agreed with the Chief Archivist).

Client Awareness

Principle 3 of the Privacy Act states that, where an agency collects personal information directly from the individual, the agency shall take reasonable steps to ensure that the individual concerned is aware of (amongst other things):

- The fact that the information is being collected,
- The purpose or purposes for which the information is being collected;
- The intended recipients of the information; and
- The name and address of the agency that is collecting the information and that which will hold the information.

Any service line that is recording calls informs clients of the fact and purpose of the recording. It does so in a way that reasonably ensures existing clients are made aware that calls are being recorded and, on an ongoing basis, that new clients are made aware of the same. The measures for each implementation are signed off by the Ministry's Chief Legal Advisor. Some guidelines for ensuring client awareness are set out below.

When call recording is first implemented, all clients using the call service will need to be made aware of the fact that their call is being recorded. This can be achieved in a number of ways, for example, IVR messages or scripting may be used for all clients,

to ensure all clients using call centre services are made aware that their call is being recorded.

On an ongoing basis, taking "reasonable steps" to ensure that clients are notified of call recording is likely to require two or more of the following:

- (a) Written communication such as flyers, brochures and mailings.
- (b) Website content, placed on the service line website in a place where it can be readily seen or accessed.
- (c) IVR messaging.
- (d) Use of a scripted statement by the CSR as part of the call.

For notification of callers that the call is being recorded a message will be inserted on the IVR or queue for that business group.

The purpose for call recording is *for verification and accuracy of calls and content, and to support contact centre staff development and management.* Attached are examples of statements to inform clients of the purpose of Call Recording.

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OFFICIAL INFORMATION ACT

Appendices

Appendix A - Standard formulation for client communications regarding call recording

Appendix B - Information Privacy Principle 3, from the Privacy Act 1982

Appendix C - Section 18, Public Records Act 2005

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Appendix A Standard formulation for client communication regarding call recording

Web site (recommended)

Call Recording Privacy Statement

As part of the Ministry's commitment to providing the best possible service to our clients, we record telephone calls that are answered (and made) in our call centres. This allows us to improve staff performance, improve overall service as well as having an accurate record of the call and the content of it.

We record phone calls:

- To ensure we have an accurate record of your call, which may be needed to assist further actions or if there is a dispute;
- For staff training purposes, to ensure the information we provide to you is consistent and accurate.

The Ministry is committed to protecting your personal information. It will hold your information securely and only disclose it with the appropriate authority.

You can request access to and correction of the personal information we hold about you by contacting one of the following business groups

Work and Income	0800 559009
StudyLink	0800 889900
Datamatch	0800 909333
Debt	0800 558008
Community Service Card	0800 999999
International Services	0800 777117
War Pension Services	0800553003

If you have any privacy queries or concerns, please write to:

Privacy Officer
Ministry of Social Development
P O Box 12 136
Wellington

Fax: 64 4 918 0099

Email: information@msd.govt.nz

Script for IVR Message or Telephone Call

"Calls are recorded for the purposes of accuracy and staff training"

Suggested Text for Pamphlet or Brochure

Call Recording Privacy Statement

As part of the Ministry's commitment to providing the best possible service to our clients, we record telephone calls answered in our call centres. This allows us to assist staff performance, improve overall service as well as having an accurate record of the call and the content.

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Appendix B Principle 3, Privacy Act – Collection of information from subject

(1) Where an agency collects personal information directly from the individual concerned, the agency shall take such steps (if any) as are, in the circumstances, reasonable to ensure that the individual concerned is aware of –

- (a) The fact that the information is being collected; and
 - (b) The purpose for which the information is being collected; and
 - (c) The intended recipients of the information; and
 - (d) The name and address of –
 - i. The agency that is collecting the information; and
 - ii. The agency that will hold the information; and
 - (e) If the collection of the information is authorised or required by or under law –
 - i. The particular law by or under which the collection of the information is so authorised by required; and
 - ii. Whether or not the supply of the information by that individual is voluntary or mandatory; and
 - (f) The consequences (if any) for that individual if all or any part of the requested information is not provided; and
 - (g) The rights of access to, and correction of, personal information provided by these principles
- (2) The steps referred to in subclause (1) of the principle shall be taken before the information is collected or, if that is not practicable, as soon as practicable after the information is collected.
- (3) An agency is not required to take the steps referred to in subclause (1) of this principle in relation to the collection of information from an individual if that agency has taken those steps in relation to the collection, from that individual, of the same information or information of the same kind, on a recent previous occasion.
- (4) It is not necessary for an agency to comply with subclause (1) of this principle if the agency believes, on reasonable grounds–
- a. That non-compliance is authorised by the individual concerned; or
 - b. That non-compliance would not prejudice the interests of the individual concerned; or
 - c. That non-compliance is necessary –
 - i. To avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment – of offences; or
 - ii. For the enforcement of a law imposing a pecuniary penalty; or
 - iii. For the protection of the public revenue; or
 - iv. For the conduct of proceedings before any court or Tribunal being proceedings that have been commenced or are reasonably in contemplation; or

- d. That compliance would prejudice the purposes of the collection; or
- e. That compliance is not reasonably practicable in the circumstances of the particular case; or
- f. That the information –
 - i. Will not be used in a form in which the individual concerned is identified; or
 - ii. Will be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the individual concerned.

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Appendix C Section 18 Public Records Act 2005

The Public Records Act 2005 does not distinguish between electronic records and other records. A *record* is defined extremely widely as meaning information, whether in its original form or otherwise, including a document, a signature, a seal, text, images, sound, **speech, or data compiled, recorded, or stored, by means of any recording device or process, computer, or other electronic device or process.** A *public record* is a record or a class of records, in any form, in whole or in part, created or received (whether before or after the commencement of the Act) by a public office in the conduct of its affairs.

Section 18 of the Act provides that no person may dispose of, or authorise the disposal of, public records except with the authority of the Chief Archivist, given in accordance with the provisions of the Act. In practical terms this authority is obtained by the establishment of a written Retention and Disposal Authority, the terms of which are agreed by the respective department and the Chief Archivist.

The Ministry has yet to finalise any Authority with the Chief Archivist relating to electronic records. There are, therefore, no specific stipulations as yet on how long we must keep this information before we can destroy it, although regard should be had to the general principle that the Ministry should create and maintain full and accurate records in accordance with normal, prudent business practice, and that such records should also be accessible over time.

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