

## Record Customers Telephone Conversations

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### Can I record my customers' telephone conversations?

Yes. This is a well established practice, but only if done in a correct and ethical manner.

### What is Ethical?

In the normal business situation you record your own calls for use in training, customer service or to resolve issues with customers and in these cases you know what was said because either you or one of your employees was a party to the call in the first place. The call will only be used within the company or perhaps with the customer. It does not seem to us that there is any ethical difference between having a telephone conversation and telling a colleague about it or having a phone conversation and letting a colleague listen to a recording of it.

We believe that there is a parallel between receiving a letter and telling a colleague about it, or letting them read the letter. The only difference between the colleague reading the letter or listening to the recording or being told about them is that by reading or listening to the original they know word for word what was said.

What is not ethical would be for someone else, for example a competitor, to bug your offices or phone lines and so to learn your commercial secrets. Note that in this case the competitor was not one of the parties to the original phone call, nor would they notify you that the call was being recorded.

UK law rightly makes such third party interception where neither party to the call knows that the call is being recorded illegal except by the Police for law enforcement, which is outside the scope of this page.

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### Factors in the Growth of Recording

Several factors have contributed to the growing practice of recording or monitoring telephone conversations at the work place in recent years. Within the financial services sector it has become widely accepted even where it is not strictly a regulatory requirement.

The growth of call centres has led to a significant expansion in the amount of business done by telephone. The need to ensure customer satisfaction, to train and supervise call centre staff, to achieve quality targets, to have a record of what was said in the event of a subsequent dispute - all these have inevitably led to widespread monitoring and recording of calls.

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### The Rules

Businesses and other organisations ARE permitted to record their customers' calls, with certain conditions.

Where organisations do feel it necessary to record or monitor calls - for whatever reasons - the rules under which they do so have been set by the Privacy of Messages condition of two major telecoms class licenses: The Self-Provision (SPL) and Telecommunication Services (TSL) licenses. **The most fundamental requirement of this condition has been that every reasonable effort is made to inform all parties to a telephone conversation that it may or will be recorded.**

Ofcom has explained the SPL and TSL condition in an explanatory guide. We have extracted the following:

- You should make every reasonable effort to inform all parties to a call that it may or will be recorded, silently monitored or intruded into. It is up to you how you do this and that acceptable options, depending on circumstances, might include:
  - Warning tones
  - Pre-recorded messages
  - Spoken warnings by the operator
  - Written warnings included in publicity material, telephone directories, contracts, terms of business, staff notices 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 where this is a realistic possibility.
- Ofcom also suggest following on a ruling from the European Court of Human Rights that staff are told of a phone that they can call from which will not be recorded.

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### **How Does Ofcom Notify its Customers?**

You may be concerned that your company should be giving a voice announcement before each phone call is put through to let callers know that the conversation may be recorded. Interestingly, Ofcom themselves do not give such a voice announcement that calls may be recording. They do however advertise it on their website as below:

**"Please note that calls to the Contact Centre may be monitored or recorded"**

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