

**GUIDELINES ON VOICE MONITORING
OR RECORDING OF TELEPHONE
SERVICES**

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GUIDELINES ON VOICE MONITORING OR RECORDING OF TELEPHONE SERVICES

1. Introduction

These guidelines detail the procedures followed by staff whenever voice monitoring or recording is undertaken on a telephone service or a telecommunications system. The guidelines set out Corporate Policy, legislative obligations and the decision making process for service quality and network maintenance and complaints handling purposes.

2. Coverage

In these guidelines:

- reference to voice monitoring involves listening to a voice communication passing over a telecommunications system or line;
- reference to voice recording involves recording on tape of a voice communication passing over a telecommunications system or line.

The guidelines do not deal with the use of call charge analysis equipment (CCA/E) and CLI facilities for monitoring service usage which is currently dealt with in Company policies on unwelcome calls and metered call dispute procedures. Information generated through the use of CCA/E and CLI facilities must be handled in accordance with Company Privacy Policy.

Also they do not deal with monitoring or interception for law enforcement purposes.

Finally, they do not deal with transactions involving payment of accounts by credit card over the telephone.

3. Policy

The Company has a Privacy Protection Policy containing ten principles. The Policy is at Attachment A. The following elements of that Policy are relevant to these voice monitoring or recording guidelines.

- Telecom Australia respects the rights of customers and the general community to privacy protection and accords highest priority to the protection of personal privacy alongside customer service.
- Our relationship with each customer, business and residential, is individual and private. To this end Telecom will abide by all provisions of statute law relating to telecommunications privacy matters. Telecom accepts the privacy principles set out in Federal legislation and commits

- We will vigorously defend the security of our telecommunications network and will take active technical and other steps to ensure the privacy of whoever uses it. Any monitoring of communications will be kept to an absolute minimum necessary to ensure the operation, maintenance or integrity of the network. Extended voice monitoring or voice recording for network maintenance operation purposes will only be undertaken with the consent of the customer.

4. Legislation

The Telecommunications Interception Act contains restrictions on activities involving the listening to or monitoring of communications. Sub-section 6(1) of the Act defines an interception of a communication in the following way:

".....interception of a communication passing over a telecommunications system consists of listening to or recording, by any means, such a communication in its passage over the telecommunications system without the knowledge of the person making the communication."

Sub-section 7 of the Telecommunications Interception Act provides the following exceptions in respect of telecommunications interception:

- "Interception of a communication under a warrant", and
- "an act or thing done by an employee of the carrier in the course of his duties for or in connection with--
 - (i) the installation of any line or the installation of any equipment, used or intended for use in connection with the telecommunication service or the operation or maintenance of the telecommunication system;"
- "the interception of a communication of another person lawfully engaged in duties relating to the installation, connection or maintenance of equipment or a line".

The purpose of these exceptions is to allow employees of carriers to conduct the day to day business of the organisation. It is this area of activity to which these guidelines relate.

Any request for interception action from a law enforcement agency must be referred to the Corporate Secretariat, which will respond to such a request where a warrant has been properly issued. This includes any emergency requests made under section 30 of the Telecommunications (Interception) Act.

Procedures for dealing with unwelcome and life threatening calls are covered by Telecom's "Policy and Procedures for Unwelcome Calls".

5. Installation/Connection/Operation/Maintenance Activities

The legislative framework and the Company's policy position clearly anticipates that monitoring of customer lines is necessary for the purposes of conducting a telecommunications business. Monitoring is permitted for the purpose of ensuring that a connection has been made, that service quality is adequate and where it occurs incidentally in the operation, maintenance and installation, and or connection of equipment or a service, or a system.

It is the responsibility of Business Units to ensure that where monitoring occurs in these situations, that all elements of Company Privacy Policy and our legislative obligations are fully complied with. The elements that would need to be specifically covered include that any monitoring is either random or brief, such as that undertaken by a 1100 operator or from the test desk, and that any information obtained incidentally by such monitoring should not be retained nor disclosed by an employee.

Disclosure is also prohibited under section 88 of the Telecommunications Act 1991, subject to specific public interest exceptions, a breach which could attract a penalty of up to two years imprisonment.

Monitoring is conducted in connection with the IDD service in order to observe service quality. This monitoring which does not involve recording is consistent with ITU-T (CCITT) recommendation E.420 which recommends that administrations draw up a program for observation and tests designed for assessment of service quality. The procedures followed by the Company to observe service quality by observation of small segments of IDD calls is in accordance with ITU-T Recommendation E.422.

In relation to the Maritime service, there is 24 hour taping on all call and emergency frequencies. This procedure is performed at the request of the Australian Maritime Safety Authority as part of the requirements of the International Convention for Safety of Life at Sea. Tapes are retained for 30 days except where an incident has occurred in which case they may be retained for a longer period.

Calls to E000, the emergency service telephone number, are recorded by emergency service organisations.

Where there is any doubt in the mind of the staff member as to whether monitoring contemplated falls within the scope of this policy, the matter should be referred to the authorised officer relevant to your Business Unit.

6. Monitoring in Response to a Customer Complaint

These guidelines should be considered in conjunction with Telecom's policy on complaints handling.

In service complaints where faults are difficult to locate, it may be necessary to consider voice monitoring, and in some cases voice recording, of that customer's line.

It is Company policy that before voice monitoring takes place the customer's written consent must be obtained. That written consent must be obtained in the form shown at Attachment B. It is Company policy that any monitoring of this nature will be conducted by using aural observation (i.e. by a duly authorised staff member physically listening to a voice communication passing across the particular telecommunications system or line which is the subject of the complaint).

Where a staff member is considering voice monitoring, approval must first be obtained from the authorised employee as required in section 8 of this Guideline.

In addition, the privacy of the B parties, that is the party who is involved in telecommunication with the customer who's service is being investigated, must be observed. This means that in any monitoring situation the equipment used in that process must contain pip-tone as required by AUSTEL Technical Standards 5.9.3. In obtaining the initial consent from the customer it must be made clear to that customer that pip-tone will be used where monitoring takes place.

Where it has been decided to undertake voice monitoring, the authorised employee shall inform the exchange supervisor in writing that monitoring has been approved. The message shall include the time frame for the monitoring procedure. Upon completion of the monitoring the exchange supervisor must confirm in writing to the authorised officer that monitoring has concluded. Any further monitoring must be supported by a fresh authorisation.

Voice recording to assist in the diagnosis and substantiation of faults is not permitted except in the following circumstances:

If a customer specifically requests Telecom in writing to undertake voice recording to assist in the diagnosis or substantiation of faults, the matter should be raised with the Legal Directorate for consideration and formal recommendation. Voice recording may only be approved by written sign-off by the Chief Executive Officer, the Group Managing Director of the Commercial and Consumer Division or the Group Managing Director, Network and Technology, after receiving written advice from Telecom's Legal Directorate. Security arrangements (covering both physical and privacy aspects) to be applied in each case, the period of the recording and the identity of all officers proposed to have access to the recording will need to be documented and submitted as part of the approval process. Analysis of the recording will be confined to the approved technical analysis and no copies or transcripts of recorded information are permitted. On completion of analysis and within 30 days the tapes will be erased. At the customer's request, Telecom will hold the tapes up to 2 months for customer assessment of Telecom's analysis. Supervisory staff responsible for implementing approved recording arrangements are to ensure compliance with security and policy parameters approved in respect of monitoring arrangements.

The provisions of Section 88 of the Telecommunications Act 1991 prohibiting disclosure of information also apply in respect of voice monitoring and recording.

7. Equipment

It is a requirement of these guidelines that any equipment used in the monitoring of a customer's service in accordance with Section 6, either by recording or by aural observation, must emit an audible pip-tone in accordance with the relevant AUSTEL Standard.

8. Authorised Employees

The Group Managing Director of each Business Unit must, in their Business Unit authorisations, appoint a senior manager to approve individual monitoring requests. The appropriate manager is to ensure that Business Unit work practices and Business Unit instructions are consistent with Telecom's legal policy and ethical obligations in respect to voice monitoring activities.

In respect of voice recording, the approval of the Chief Executive Officer, the Group Managing Director of the Commercial and Consumer Division or the Group Managing Director, Network and Technology must be obtained in accordance with Section 6 of these guidelines.

9. Audit

In accordance with the provision of Telecom's Privacy Protection Policy, the observance of these guidelines will be monitored by an independent audit process referred to in the Privacy Protection Policy. A yearly report on the audits conducted and the outcomes will be made available to the public. Customer privacy safeguards will be adhered to in the preparation of the reports.

10. Policy Coordination

The Corporate Secretariat has responsibility for this Policy. Enquiries relating to the Policy should be directed to the Manager, Corporate Policy in the Corporate Secretariat. Enquiries on the application of privacy policy to Telecom products and services should be directed to Group Manager, Office of Customer Affairs in the first instance.

PRIVACY PROTECTION - TELECOM POLICY

- 1: Telecom Australia respects the rights of customers and the general community to privacy protection and accords highest priority to the protection of personal privacy alongside customer service.
- 2: Our relationship with each customer, business and residential, is individual and private. To this end Telecom will abide by all provisions of statute law relating to telecommunications privacy matters and obligations arising out of any agreement with its customers. Telecom accepts the privacy principles set out in Federal legislation and commits itself to meet best international practice in this regard.
- 3: We will vigorously defend the security of our telecommunications network and will take active technical and other steps to ensure the privacy of whoever uses it. Any monitoring of communications will be kept to the absolute minimum necessary to ensure the maintenance or integrity of the network. Extended voice monitoring or voice recording for network operation and maintenance purposes will only be undertaken with the consent of the customer.
- 4: We will set clear restrictions on the amount and nature of information we ask from new or existing customers. We will allow such information to be used only for the purpose for which it was collected or to improve customer service.
- 5: We will not disclose information about our customers unless it is clearly in our customer's interest and with his or her consent. In common with most countries, Australian law requires telecommunications networks, subject to proper process, to supply specific information in cases of emergency, to help in the prevention or prosecution of crime and the handling of nuisance calls, and for some other reasons determined by the government. We will comply with such orders provided they are legal.
- 6: Telecom undertakes to take all steps that are reasonable in the circumstances to ensure that customer information is secure from any unauthorised access or disclosure.
- 7: We will give explicit consideration to any privacy issues that might be associated with the introduction of a new telecommunications service.
- 8: We will use our best endeavours to educate our customers about the possible privacy implications of any new telecommunications service that Telecom offers.
- 9: We recognise that wherever feasible customers should be permitted to choose among various degrees of privacy protection with respect to telecommunications services.
- 10: To ensure observance of this policy Telecom will institute a regular independent audit process reporting directly to the Chief Executive Officer. A yearly report on the audits conducted and their outcomes will be made available to the public.

REQUEST TO UNDERTAKE CALL MONITORING

I request that Telecom monitor telephone calls made to or from my telephone service beginning on / / and ceasing on / /

I request that monitoring be conducted

- . Aurally* or
- . Tape recorded.*

I understand that:

Monitoring will only be undertaken between the dates specified and for the purpose of the detection and rectification of transmission faults.

A pip tone will be heard when call monitoring is being undertaken.

No information about the content of any calls monitored will be disclosed by a Telecom employee outside of Telecom. Tape recordings will be erased on completion of the testing process and within 30 days, unless I request their retention, for a period up to two months for assessment of Telecom's analysis.

Customer's Name
(Please Print)

Signature Date / /

Telephone Number (...)

* Delete which ever is not applicable. It is Telecom policy that call monitoring should be conducted aurally by authorised staff within a telephone exchange unless a customer specifically requests that monitoring be carried out by tape recording.

.....
.....Telecom Use Only

Accepted

.....
(Authorised employee)

To.....

Monitoring Completed

..... / /
(Authorised employee)