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## Recording of our Activities

### 1. Introduction

- 1.1 When acting on behalf of North East Lincolnshire Council it is possible that a person or organisation may record your conversation or meeting, or there may be a requirement for us to make a recording.
- 1.2 The term 'recording' within this guidance refers to any means by which a record can be made of interactions between us and others, most commonly, audio, video and photographs.
- 1.3 In accordance with Data Protection legislation, everyone has the right to record their own conversations for their own use or to record public meetings. In these circumstances, there is no requirement for them to notify us of the recording or to obtain consent.
- 1.4 When acting on behalf of the Council there should be no reason in the majority of cases to refuse any recording.
- 1.5 This guidance provides information on the different circumstances when recording may take place.

### 2. Recordings by individuals and other parties

- 2.1 Everyone has the right to record their own conversations, however in practice, recording telephone conversations or meetings may make those taking part uncomfortable and so may not be helpful to the discussions. As a result, rather than making a recording, it may be preferable to:
  - a) arrange for notes to be taken which may be circulated and agreed afterwards. In the case of a meeting it may be suitable to have another person present to take the notes; or
  - b) for questions or issues to be put in writing, and a written response provided.

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- 2.2 If a meeting is to be recorded, then both parties should receive a copy of the recording. The Council may be able to assist with this.
- 2.3 If an individual subsequently decides to make a recording available to others (e.g. someone not party to the original call or meeting nor the intended recipient of the original communication), then they should first seek the consent of the Council to do this and provide us, if appropriate, with a copy of the recording. Failure to do this may be a breach of data protection legislation.

### 3. Recordings made by us

- 3.1 **Recording telephone conversations** – The Council’s telephone system is capable of recording conversations. The circumstances when conversations can be recorded are set out in section 3 of the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 (LBP Regulations). These circumstances include:
- a) to evidence facts;
  - b) to ascertain compliance with regulatory procedures;
  - c) to ascertain if standards or targets are being met (and to assist in training);
  - d) in the interests of national security;
  - e) the prevention or detection of crime; or
  - f) to investigate or detect unauthorised use of a telecommunications system.
- 3.2 Our Privacy Notice and ‘Contact Us’ page on the website, include statements about the recording of telephone calls.
- 3.3 To comply with the Payment Card Industry Data Security Standards (PCI DSS) and good practice, payment details are **not** recorded.
- 3.4 **Recording of non-public meetings/interviews** - If we are intending to record a meeting then we will normally inform the attendees the meeting is being recorded and the purpose for which it is being recorded.

### 4. Recording of public meetings

- 4.1 We support the principle of transparency and encourage filming, recording and taking photographs at meetings open to the public. We also welcome the use of social media to communicate with people about what is happening at a meeting.
- 4.2 At the beginning of a public meeting, the Chair will make an announcement if the meeting is being recorded by us or that it may be recorded by a third party. Meeting agendas and / or signage will also notify attendees of this.
- 4.3 Whilst there is no requirement for third parties to notify us in advance, the Chair of the meeting will have absolute discretion to terminate or suspend any of these activities if, in their opinion, continuing to do so would prejudice proceedings at the meeting.

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- 4.4 By contacting our Communications team before a meeting, we may be able to provide assistance with regard to location and set up, particularly if using large equipment or you have any special requirements, such as additional lighting or flash photography. Such requests will be subject to practical considerations and the constraints of specific meeting rooms.
- 4.5 The circumstances in which the Chair can terminate or suspend could include:
- a) Disturbance of the meeting;
  - b) The meeting agreeing to formally exclude the press and public from the meeting due to the confidential nature of the business being discussed;
  - c) Where it is considered that continued recording / photography/ filming / webcasting might infringe the rights of any individual or otherwise disrupt proceedings; or
  - d) When the Chairman considers that a defamatory statement has been made.
- 4.6 The focus of any recording should be on the proceedings of the meeting and those acting in an official capacity with consideration given to the privacy of the members of the public in attendance.
- 4.7 It is expected that those recording meetings will not edit any media in a way that could lead to misinterpretation or misrepresentation of the proceedings. This includes refraining from editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.

## 5. Recordings for the purposes of investigations

### Noise complaints

- 5.1 If North East Lincolnshire Council receives a complaint in relation to noise disturbance (e.g. loud music or barking dogs), we have a statutory duty to take such steps as are reasonably practicable to investigate the complaint.
- 5.2 As part of the investigation, efforts will be made to witness the noise, this can be by diary sheets, reactive or programmed visits, or the use of audio monitoring devices.
- 5.3 Audio monitoring devices will only be deployed when appropriate, by either placing the device
- a) in the affected premises with the consent of the occupier; or
  - b) outside the source premises without the knowledge of the occupiers of the source premises.
- 5.4 Complainants and the complainees, will have been informed about the possible use of an audio monitoring device as part of the investigation process.

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- 5.5 Neither of these methods of monitoring require authorisation under the Regulation of Investigatory Powers Act 2000 (RIPA).
- a) the device placed in the affected premises with the consent of the occupier, is not covert and so would not be directed or intrusive; and
  - b) the device placed outside of the source premises, is unlikely to be directed as it is unlikely to result in the obtaining of private information about a person, and is unlikely to be intrusive as the recording device is outside of the source premises and is recording the noise as it is heard outside of the source premises.
- 5.6 Officers will study the results of the recordings after removal from the premises, in a secure and confidential environment.
- 5.7 Any noise captured by the monitoring devices relating to criminal or unlawful activity could be provided to the appropriate agency for further action.
- 5.8 In accordance with data protection legislation, recordings will be kept for no longer than is necessary.

### **Police and Criminal Evidence Act (PACE) 1984**

- 5.9 Any interviews of a person suspected of having committed an offence will be undertaken in accordance with the procedures of PACE (Police and Criminal Evidence Act 1984).

## 6. Further reading

- **Regulation of Investigatory Powers Act 2000 (RIPA)**  
<http://www.legislation.gov.uk/ukpga/2000/23/contents>
- **Telecommunications (Lawful Business Practice)(Interception of Communications) Regulations 2000 (LBP Regulations)**  
<http://www.legislation.gov.uk/uksi/2000/2699/contents/made>
- **Data Protection Act 2018**  
<https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>
- **Telecommunications (Data Protection and Privacy) Regulations 1999**  
<http://www.legislation.gov.uk/uksi/1999/2093/schedules/made>
- **Human Rights Act 1998**  
<http://www.legislation.gov.uk/ukpga/1998/42/contents>

Ofcom are the communications regulator in the UK, and their guidance on the recording of telephone conversations is available here

<http://www.ofcom.org.uk/static/archive/oftel/consumer/advice/faqs/prvfaq3.htm>