

Vidicode UK GDPR White Paper

GDPR: Its Effect On Call Recording



What is GDPR?

The General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) is a regulation by which the European Parliament, the Council of the European Union and the European Commission intend to strengthen and unify data protection for all individuals within the European Union (EU). It also addresses the export of personal data outside the EU.

The GDPR aims primarily to give control back to citizens and residents over their personal data and to simplify the regulatory environment for international business by unifying the regulation within the EU. When the GDPR takes effect, it will replace the DPA (Data Protection Act).

The regulation was adopted on 27 April 2016. It becomes enforceable from 25 May 2018.

How does GDPR effect companies that wish to record their calls?

Consent under the GDPR must be a freely given. It must be specific, informed and an unambiguous indication of the individual's wishes. There must be a clear affirmative action – consent cannot be inferred from silence, pre-ticked boxes or inactivity.

Consent must also be separate from other terms and conditions, and you will need to provide simple ways for people to withdraw consent.

Remember that you can rely on other lawful basis to record callsapart from consent.

A list of lawful reasons to record calls are given below:

- ❖ When is it lawful to record calls under GDPR?
- ❖ Consent of the recorded subject. There is a more defined list of special categories from the [ICO](#)
- ❖ Call recording is necessary for the performance of a contract with the subject or to take steps to enter into a contract



- ❖ Call recording is necessary for compliance with a legal obligation
- ❖ Call recording is necessary to protect the vital interests of a subject or another person
- ❖ Call recording is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller
- ❖ Call recording is necessary for the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject

How does GDPR effect call recording for regulated firms, where call recording is required for compliance and other legislative reasons?

In short...It doesn't. If you record calls for one of the 6 reasons stated above under "lawful reasons to record" then all you need to do is ensure you know which reason is the basis for you to record and note this for ICO, Audits and GDPR compliance references.

Which Vidicode UK call recording solutions comply with GDPR?

Vidicode UK has unique technology in our [Apresa](#) (SIP & IP), [BRI](#) & [PRI](#) recording solutions, which enable calls to be recorded automatically whilst at the same time providing both the agent and or customer with the ability to be able to control whether recording of the call proceeds or not.

If you are sending and receiving faxes, why not look at our [fax server](#) solutions, for secure and confidential fax transmissions.



Useful Sources:

<https://ico.org.uk/media/about-the-ico/consultations/2013551/draft-gdpr-consent-guidance-for-consultation-201703.pdf>

<http://www.eugdpr.org/>

<https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/the-right-to-object/>