

Awareness Documentation: Call Recording, Notification and Legal Compliance

Many Evolved Office HPBX customers take advantage of the call recording capabilities of the system for quality assurance or training purposes.

The [Evolved Office: Call Recording](#) is “total recording” solution for designated phones. In other words – all calls are recorded. This includes inbound and outbound calls to/from internal or external parties. Given the architectural benefits of the Evolved Office: HPBX, calls that are delivered to an alternative location through mobility features like “Anywhere” or “Remote Office” are also seamlessly recorded.

Organizations record calls for a few key reasons:

- **Training** – by accessing call recordings, leadership has the ability to listen to “real customer calls” where the staff’s performance is not impacted (positively or negatively) by the knowledge that a particular call is being reviewed. Leadership can identify improvement opportunities and provide coaching to their staff. Moreover, staff that exceeds performance expectations can be used as the role model for others – for instance a great salesperson’s calls might be shared with other Sales staff to demonstrate “how to close a sale”.
- **Quality Assurance** – many organizations have dedicated Quality Assurance or Quality Monitoring staff that “score” calls in various areas such as soft skills, phone etiquette, product knowledge, and system usage. This staff can produce quantitative metrics for all staff in an efficient manner by leveraging the call recordings to find the specific call types that need to be measured.
- **Dispute Resolution** – completing a business transaction over a phone often involves the customer acknowledging or agreeing with specific terms. In some instances, the customer may dispute the transaction or specific aspects of that transaction. The call recording effectively serves as the “contract” between the organization and the customer. In those instances, the recording is used to resolve the dispute between the 2 parties.

Legal Compliance Considerations

One-Party Notification

Call recording is governed by both Federal and State laws, please consult with your Legal Counsel for your state’s specific requirements. In all cases, at least one party on a call must be notified that a call is being recorded. This is typically the employee of the organization that is performing the call recording. An organization typically requires written or electronic acceptance by the employee that serves to clearly designate that the employee is aware that their calls are being recorded. This addresses the organization’s compliance with call recording for One Party Notification.

It is a good customer service practice to notify the customer that their call may be recorded at the very beginning of the call. Most organizations customarily state “Your call may be recorded for quality assurance or training purposes” or some variation of that message as early as practical in the customer call flow.

All Party Notification

Some states require that all parties to a call be notified that recording is actively occurring. This requirement means that both the employee and the caller need to be notified that their call is being recorded. This introduces some additional complexity into the notification process so that caller is always notified accordingly. In addition to the Employee acknowledgement and the “Your Call May be Recorded” message that is played on every inbound call, organization must also notify the calling party on every outbound call too. This adds burden and typically human intervention to ensure the all parties are notified on every call. Please consult your Legal Counsel for guidance on the compliance activities that are appropriate for your organization.

Evolved Office HPBX: Considerations

There are different techniques that can be applied to meet your specific call recording notification requirements. The Evolved Office HPBX provides several capabilities to help organizations maintain compliance with these regulations.

1. **Auto Attendant** – customers that implement an Auto Attendant have the ability to notify every caller that their call may be recorded immediately. This message can be incorporated into the message that notifies the caller the organization they reached and their phone menu options. This ensures that every caller to an organization’s main number will receive the appropriate notification regarding call recording.
2. **Evolved Office Call Center**– customers that have purchased Evolve IP’s call center capabilities can leverage several different system features for the caller notification:
 - a. **“Mandatory Entrance Message”** — a message that is located inside a call center queue and ensures that every inbound call will hear a message before they speak with an agent. This mandatory message is typically a notification about the recording of the call.
 - b. **“Inbound Comfort Message”** – a message that can be played periodically while a customer is waiting in the call center queue to be answered.
 - c. **“Outgoing Comfort Message”** – a message or more commonly a “beep” that is played periodically during outbound calls that implies a call is being recorded. This is achieved through the implementation of a programmable “soft key” on each phone that automatically conferences the employee with a call center queue configured to play the periodic message. Depending on your state and Legal Counsel’s interpretation of the appropriate regulations, this approach may or may not meet your obligations.

Summary

The most conservative approach to meeting the call recording obligations is to notify every inbound and outbound caller that their call may be recorded. This, in addition to ensuring that the employees are fully aware that their calls will be recorded. This meets the higher standard required by the All Party Notification regulations.

In all cases, your Legal Counsel can provide the interpretation and guidance necessary for your organization’s unique situation. Evolve IP does not certify that the methods listed above meet your specific legal requirements.