

## GDPR solution guide

GDPR has raised many questions with our customers, this guide discusses how it correlates to the circle.cloud solution. This guide does not constitute legal advice and we recommended you seek independent advice to ascertain your role within the supply chain.

### Call Recording – Need for Consent?

Call recording is now only lawful under the following reasons.

1. The people involved in the call have given **consent** to be recorded
2. Recording is necessary for the fulfilment of a contract
3. Recording is necessary to comply with a legal obligation
4. Recording is necessary to protect the interests of one or more participants on a call
5. Recording is in the public interest, or necessary for the exercise of official authority
6. Recording is in the legitimate interests of the recorder unless those interests are overridden by the interests of the participants in the call

Most organisations call recording will fall into category 1, you must now provide explicit **consent** for the call to be recorded. Whilst point 6 could be argued in a few situations, it has already been stated publicly that training and monitoring does not fall into point 6, therefore it falls into point 1. This is a significant change to the current DPA rules. We recommend that any inbound calls to a user on our platform that has call recording on, provides a pre-announcement prompt to obtain **consent**. For example:

*'Please note that calls may be recorded for training and monitoring purposes, if you are happy for your call to be recorded, please [press # after the tone]'*

Customers making outbound calls from our platform that are recorded are more difficult. The company should ensure that a process is implemented to inform the person they are calling that they are being recorded and gain their **consent**. Best practise would be to include the fact that calls could be recorded to any communication medium. Irrespective of whether you are relying on "consent", "legitimate interests" or any other legal basis the individual must be informed of the fact that their call will be recorded and the reason for such recording.

### Right to be forgotten – Call Recording

Should an end user establish their right to be forgotten then the ramifications will be far deeper in other areas of the customers business. Eg removal from databases, CRM, documents. Our call recording solution offers a simple portal for a supervisor to search based on DDI and then erase any call recordings from that telephone number.

#### GDPR:

The General Data Protection Regulation becomes enforceable from the 25<sup>th</sup> May 2018. It's designed to give control back to citizens and residence of the EU. It's applicable to anyone who processes personal data whether they do so as a data controller or data processor.

### **Right to be forgotten – Call Reporting**

circle.cloud must keep call logs due to its legal obligations as a telephony/utility provider, these supersede the GDPR legislation. This does not require us to retain the recordings beyond the purpose, indeed we do not retain the content. Such logs are retained for a year from the date of the call.

### **Right Of Access – Call Recording**

Should someone request access to their recordings the portal is provided to share these recordings via an email link. This link maintains the integrity and security of the recording as it does not leave the call recording platform and will expire within 24hrs of sending.

### **Right Of Access – Call Reporting**

The end users have a right to know how their data is being processed and can request access to their personal data, circle.cloud provide portals to the group administrators. The admin can run reports on DDIs and demonstrate the activity to the end user.

### **Controllers and Processors**

GDPR applies to ‘controllers’ and ‘processors’.

- A controller determines the purposes and means of processing personal data.
- A processor is responsible for processing personal data on behalf of a controller.

As a circle.cloud customer, you will be a controller as you have decided to use our service incorporating our call recording service.

circle.cloud always act as a processor or sub-processor of the data. Having already built a highly secure and resilient platform for processing customer data, the role of our platform doesn’t change under GDPR.

### **Further Reading**

For a wide understanding of GDPR of you and your customers’ responsibilities further information can be found here.

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

#### **Personal Data**

GDPR applies to ‘personal data’ meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

This definition provides for a wide range of personal identifiers to constitute personal data, including name, identification number, location data or online identifier, reflecting changes in technology and the way organisations collect information about people.