

# Ombudsman call recording Policy

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Version 4

## Document information

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## What this policy is about

This policy is about the use of recording devices to make audio recordings (whether or not they also include visual recording) (**recordings**) of conversations between Ombudsman officers and members of the public.

It covers:

1. what happens when someone wants to record, or attempts to record, their conversation with an Ombudsman officer
2. why the Ombudsman records certain calls or other conversations with the Complaints and Resolution branch, and how those recordings are stored and disposed of, and
3. our approach to members of the public who send, or ask about sending, recordings of any kind to our office.

## What isn't covered by this policy

This policy doesn't cover any workplace surveillance of the Ombudsman's office under the *Workplace Surveillance Act 2005* or any video or other security arrangements in public areas of our office to keep Ombudsman officers and visitors safe (including any use or CCTV).

This policy also does not apply to any interviews of examinations that the Ombudsman may conduct as part of an investigation, inquiry or review, or to voicemail messages.

## Who this policy applies to

This policy applies to all Ombudsman officers, and to all individuals and public and private entities having dealings with Ombudsman officers or other dealings with the Ombudsman office.

### 1. Conversations with the Ombudsman's office

The Ombudsman and Ombudsman officers **do not consent** to individuals or entities recording conversations with the Ombudsman or any Ombudsman officer. This includes phone calls, calls made using audio-visual technology or face-to-face conversations. Recording these conversations may amount to a criminal offence under the *Surveillance Devices Act 2007* (NSW).

We do not consent to recording because the Ombudsman:

- must maintain the confidentiality of all communications made in connection with the exercise of Ombudsman functions, and
- cannot ensure the confidentiality or integrity of any recording that a person might make.

If you tell the Ombudsman or an officer of the Ombudsman that you are recording or intend to record the conversation, or we reasonably believe you are recording the conversation, we will remind you that recording is not permitted and that the call or other conversation will have to be ended if you decide to record or continue to record the call or other conversation.

If you refuse to stop recording the conversation, or we reasonably believe you are still recording the conversation, we will tell you that we are ending the conversation but are willing to continue the conversation at another time once you indicate that you will not record future conversations.

If you believe you need to record a conversation in order to have a record of what is discussed, we will try to assist you by providing you with another method of providing you with a record of the conversation.

## 2. Ombudsman office call recording

Our office records all calls made to our Complaints lines. A caller is told, when they call, that the conversation is being recorded.

These recordings are stored securely and separate from any records relating to the individual caller's record of contact with our office, and are securely disposed of within 6 months – 12 months of being recorded.

During the time that call recordings are kept, they may only be accessed with the authorisation of a member of the Ombudsman's Executive, and only for the following purposes:

- for quality assurance and training purposes
- where a caller is reasonably believed to have made a threat of harm to anyone (including self-harm) or other security or welfare incident, and it is necessary to provide information about the call or a recording of the call to Police or another public authority
- where there is a dispute about what a complainant was told by an Ombudsman officer, or a complaint about the conduct of an Ombudsman officer, and it is appropriate to access and listen to the recording for the purposes of resolving the dispute or responding to the complaint.

In the vast majority of cases, calls are securely destroyed without them having been accessed.

If a caller to the Complaints line asks an Ombudsman officer not to record the call, the Ombudsman officer will consider whether, in the circumstances, it is appropriate to make an exception to the call recording process. If a decision is made not to record the call, arrangements will be made for the caller to contact the Ombudsman's office through another line.

## 3. Recordings and complaints or reports

Sometimes people contacting our office with a complaint or disclosure:

- tell the office they have made a recording that supports or is evidence of the thing they are reporting or complaining about, and
- want to send the recording to our office, or proceed to send the recording to our office

**Ombudsman policy is not to listen or watch any recordings of conversations that are sent to the office by a person making a complaint or report.** The Ombudsman will not take into account a recording that a person has sent to our office in support of their complaint or report, because:

- we cannot know whether the recording was made unlawfully, in breach of the *Surveillance Devices Act 2007*, and
- we cannot verify the authenticity or integrity of the recording.

## Ombudsman approval

A handwritten signature in black ink, appearing to read "Paul Miller". The signature is written in a cursive style with a large initial 'P' and 'M'.

Paul Miller  
**NSW Ombudsman**