

This information is for internal use ONLY. Copies of this information should not be given to customers or any other external organisation.



Australian Government

Services Australia

Recording interactions 104-07020060

Currently published version valid from 17/07/2020 4:20 pm

Background

Do not share this information externally. See [Freedom of Information – Information Publication Scheme](#).

This document outlines information to support staff in handling instances when a member of the public, third party or nominee organisation makes recordings or takes photos during their interactions with the Department of Human Services. This includes using smart phones, cameras, live streaming services or any other recording device.

On this Page:

General information

The department does not permit a member of the public, third party or nominee organisation to record an interaction in the face-to-face or telephony environments with any type of audio, visual or audio-visual recording device, other than in exceptional circumstances (for example, as a reasonable adjustment for a customer's disability).

This policy is consistent with the department's:

- obligations under the Australian Privacy Principles to control and protect customer and staff information
- right as an occupier of premises to determine the circumstances under which a person is permitted to enter its premises

If staff become aware that a member of the public or a customer is recording their interaction, the staff member should:

- tell the person that recording is not permitted by the department
- ask the person to stop recording and to delete the recording
- if necessary, seek support from their leadership team
- **s 47E(c), s 47E(d)**

If a person refuses to stop recording, staff can direct them to leave the premises under Section 12 of Public Order (Protection of Persons and Property) Act 1971 Act. Where a customer is contacting via telephony channel staff can terminate the call, see the [Recording a phone call table](#) on the Process page.

s 47E(d)

Third party and nominee organisations

s 47E(d)

Such organisations are typically required to comply with Commonwealth, state or territory privacy legislation, and know and comply with any surveillance legislation applicable to their call recording practices.

s 47E(d)

Recording conversations in a service centre or via phone call

Conversations can occur when a customer calls a department Smart Centre to discuss their payment, or interacts with a staff member at a desk or waiting area in a service centre.

Given the nature of business related conversations on departmental premises or Smart Centres, where members of the public are regularly communicating information that is personal to them, it is likely that these types of conversations would be considered private conversations.

s 47E(d)

However, if the person is not a party to a private conversation, it is unlawful in all Australian states and territories to record audible conversations without the consent of each party of the conversation.

If a staff member believed that someone had unlawfully recorded an audio or audio-visual conversation at a service centre or Smart Centre, they can refer the matter to police for investigation and the possible laying of charges. A police report is an avenue open to all departmental staff.

s 47E(d)

If a customer remains at the service centre after they have been told to stop the recording and asked to leave, the leadership team needs to follow the instructions in Step 5 of the [Recording in a service centre](#) table on the Process Page.

Where a customer is contacting via telephony channel staff can terminate the call, see the [Recording a phone call table](#) on the Process page.

Recording visual content inside departmental premises

Visual content can include photographs, video recordings (with or without audio) or social media live streaming.

s 47E(d)

Recording content outside departmental premises

The outside of departmental premises can include footpaths or entrances outside service centres. It can also include any other location if the recording is made in connection with a staff member's employment.

s 47E(d)

The line manager should get advice and support from Regional Security Advisers (RSA) if there are concerns about the staff member's safety. See the [Resources](#) page for a link to the RSAs contact details.

The line manager can also get advice if relevant from Employment Law and Customer Compensation section (Legal Services Division), and the Media Branch. See the [Resources](#) page for contact details.

If the member of the public has a departmental record, document details of the interaction and their response and record an incident in appropriate departmental system.

s 47E(d)

Published recordings can include audio, visual or audio-visual recordings of staff or customers. They can be published on social media, websites, or in hardcopy format.

s 47E(d)

The [Resources](#) page contains links to contact details for staff seeking advice, and links to relevant intranet pages.

Related links

[About customer aggression](#)

[Customer aggression - Response](#)

[Reporting, recording and escalating incidents of customer aggression](#)

[Customer aggression and unreasonable customer conduct \(CS\)](#)

[Optical surveillance](#)

[Contact with Child Support customers](#)

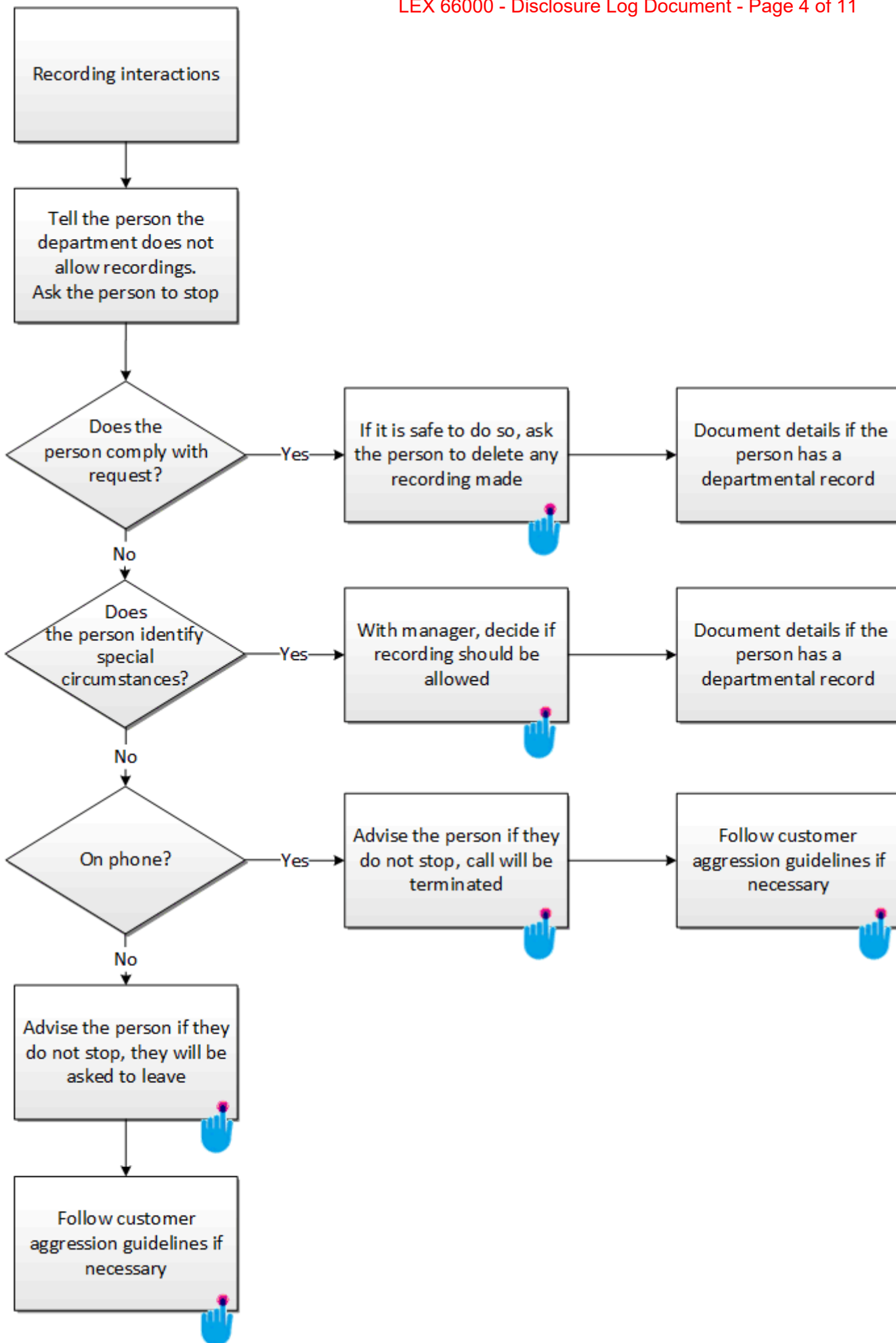
Process Summary

Flowchart

Recording phone calls, visual and audio visual

This image provides a summary of what Service Officers should do if a member of the public is recording or taking photos in a service centre, or recording their phone conversation.

Note: [a text based version of the following process summary image is available.](#)



Process

This page contains information to support staff in situations where members of the public and/or customers are making a recording or taking photos during interactions with the Department of Human Services.

The department does not permit a member of the public to record an interaction in the face-to-face environment with any type of audio, visual or audio-visual recording device, other than in exceptional circumstances.

s 47E(d)

For further information and advice, contact the [Customer Aggression Prevention Security \(CAPS\) team](#) and [Employment Law and Customer Compensation section \(Legal Services Division\)](#).

On this Page:



[Recording staff and/or customers in a service centre](#)

[Recording a phone call with a staff member](#)

[Intention to or published recording of staff or customers](#)

Recording staff and/or customers in a service centre

Table 1: This table explains what Service Officers are to do when a member of the public is taking photos or recording using a smartphone, camera or other recording device in a service centre.

Step	Action
1	<p>A person is seen to be recording or says they are recording + Read more ...</p>  <p>Tell the person:</p> <p>'The Department of Human Services does not allow you to record conversations or take photos in service centres.'</p> <p>(Refer to signage if available)</p> <p>'I will be unable to help you with your business until you stop recording.'</p> <p>The person</p> <ul style="list-style-type: none"> • complies with the request, go to Step 2 • does not comply with the request, <ul style="list-style-type: none"> ◦ If the person identifies they have a need to record the interaction due to their exceptional circumstances, go to Step 3 ◦ Otherwise, go to Step 4 • queries about the department's use of recording technology, go to Step 7
2	<p>Ask for the recording to be deleted + Read more ...</p>  <p>'Thank you for stopping your recording. Can you please delete any recordings you have made.'</p> <p><small>s 47E(c), s 47E(d)</small></p> <ul style="list-style-type: none"> •

s 47E(c), s 47E(d)

-
-

If the person complies with the request to stop recording, document details of their response as part of the interaction documentation.

Procedure ends here.

3

Exceptional circumstances where a person can record + Read more ...



It is not possible to list 'exceptional circumstances'. These are a result of situations that are unusual, uncommon or special. Each situation must be assessed on a case-by-case basis.

Generally, exceptional circumstances would exist if stopping the recording of the interaction would cause an unintentional effect that led to the person being placed in hardship or vulnerable situation.

s 47E(d)

Alternative options, for example printing a hard copy of any file notes made during the interaction, should also be considered before consenting to the recording.

Service Officers should seek support from their manager in making this decision.

s 47E(d)

If the person has a departmental record, document details of the interaction and their response.

4

Recording does not stop as requested + Read more ...



Tell the person:

'If you continue to record this interaction you will be asked to leave.'

If the person stops recording, [go to Step 2](#).

If the person continues to record:

They should be asked to leave. Any staff member can request a person to leave the premises. Service Officers should seek support from their manager.

s 47E(c), s 47E(d)

-
-

An authorised person is to advise the person:

'I am an authorised person for the purposes of paragraph 12(2)(c) of the Public Order (Protection of Persons and Property) Act 1971, and I am directing you to leave by virtue of the powers conferred under that Act. You will be liable to prosecution if you do not comply with this direction.'




If the person has a departmental record, document details of the interaction and their response, and record an incident in the appropriate departmental system.

See the [Public Order Act intranet page](#) for information.

See [References](#) page for a link to this legislation.


5





Customer continues to record and refuses to leave the premises + Read more ...



	 <p>s 47E(d)</p> <ul style="list-style-type: none"> • • • ◦ • • • Go to Step 6
6	<p>s 47E(c), s 47E(d)</p> 
7	<p>If asked about the department's use of recording technology + Read more ...</p>  <p>Tell the person:</p> <p>Call recording</p> <p>'The department uses call-recording for quality assurance and training purposes, including retrieving calls for complaint resolution, review of decisions and for Freedom of Information requests.'</p> <p>Closed Circuit Television (CCTV)</p> <p>'CCTV is installed to help protect staff, customers, visitors and resources from unlawful and anti-social behaviour. CCTV also helps by improving the existing security features within the site and, in turn, helps in the collection of evidence when required.'</p> <p>If the person has a departmental record, document details of the interaction and their response.</p>

Recording a phone call with a staff member

Table 2: this table explains what Service Officers should do when a member of the public says they are planning to record or have recorded a phone call.



Step	Action
1	<p>Caller says they are recording or plan to record the call + Read more ...</p>  <p>Tell the person:</p> <p>'The Department of Human Services does not allow you to record conversations and I do not give my consent for you to record this conversation.'</p> <p>The person:</p> <ul style="list-style-type: none"> • complies with the request, go to Step 2 • does not comply with the request:


	<ul style="list-style-type: none"> ◦ If the person identifies they have a need to record the interaction due to their exceptional circumstances, go to Step 3 ◦ Otherwise, go to Step 4 <ul style="list-style-type: none"> • queries about the department's use of recording technology, go to Step 6
2	<p>Ask for the recording to be deleted + Read more ...</p>  <p>'Thank you for stopping your recording. Can you please delete any recordings you have made.'</p> <p>Note:</p> <ul style="list-style-type: none"> • s 47E(c), s 47E(d) • If the person has a departmental record, document details of the interaction and their response <p>If the person complies with the request to stop recording, document details of their response as part of the interaction documentation.</p>
3	<p>Exceptional circumstances where a person can record + Read more ...</p>  <p>It is not possible to list 'exceptional circumstances'. These are a result of situations that are unusual, uncommon or special. Each situation must be assessed on a case-by-case basis.</p> <p>Generally, exceptional circumstances would exist if stopping the recording of the interaction would cause an unintentional effect that led to the person being placed in hardship or vulnerable situation.</p> <p>s 47E(d)</p> <p>Service Officers should seek support from their manager in making this decision.</p> <p>If the person is a customer, record details on their record of the interaction and their response.</p>
4	<p>Recording of call does not stop as requested + Read more ...</p>  <p>Tell the person:</p> <p>'If you do not confirm that you will not be recording this conversation, I will have to terminate the call.'</p> <p>If the person does not confirm:</p> <p>'I am terminating the call now.'</p> <p>Politely end the call.</p> <p>For more information, see:</p> <ul style="list-style-type: none"> • Telephone Standards (CLK or MED), or • Terminating a call table in Contact with Child Support customers <p>If the person has a departmental record, document details of the interaction and their response and record an incident in appropriate departmental system.</p>
5	<p>Caller says they have recorded the call + Read more ...</p>  <p>If a person records a phone call without telling the staff member until the end of the conversation, tell the person:</p> <p>'The Department of Human Services does not allow you to record conversations and I do not give my consent for you to record this conversation.'</p> <p>'Can you please delete any recording you have made.'</p>

	If the person complies with the request to stop recording, document details of their response as part of the interaction documentation. Include specific reference that consent was not given.
6	<p>If asked about the department's use of recording technology + Read more ...</p>  Tell the person: <p>Call recording</p> <p>'The department uses call-recording for quality assurance and training purposes, including retrieving calls for complaint resolution, review of decisions and for Freedom of Information requests.'</p> <p>Closed Circuit Television (CCTV)</p> <p>'CCTV is installed to help protect staff, customers, visitors and resources from unlawful and anti-social behaviour. CCTV also helps by improving the existing security features within the site and, in turn, helps in the collection of evidence when needed'</p> <p>If the person has a departmental record, document details of the interaction and their response.</p>
7	<p>s 47E(c), s 47E(d)</p> 

Intention to or published recording of staff or customers

Table 3: this table explains what action should be taken when staff become aware that a member of the public is intending to or has published audio, visual or audio-visual recording of staff or customers. For example, on social media, websites or in hardcopy format.

Step	Action
1	<p>Stated intention to publish + Read more ...</p>  If a person states they intend to publish the recording, tell them: <p>'The Department of Human Services does not allow you to record conversations or take photos in service centres.'</p> <p>Note:</p> <ul style="list-style-type: none"> • s 47E(c), s 47E(d) • • • Point out relevant signage if available <p>If the person has a departmental record, document details of the interaction and their response and record an incident in appropriate departmental system.</p>
2	<p>Recording has been published + Read more ...</p>  If a person states they have published the recording, or a Service Officer becomes aware that this has happened: <ul style="list-style-type: none"> • Service Officer should tell their line manager • If needed, the line manager can consult with the Regional Security Advisor • s 47E(c), s 47E(d)

	See Resources page for contact details
3	<p>s 47E(c), s 47E(d)</p>  <ul style="list-style-type: none">••••

References

Policy

[Audio and Audio Visual policy](#) intranet page

Legislation

Links to the Federal Register of Legislation site point to a 'Series' page which lists all available historical versions. Navigate to the appropriate legislative reference(s) listed below by selecting the 'Latest' compilation at the top of the list.

[Public Order \(Protection of Persons and Property\) Act 1971, section 12, Additional offences on Commonwealth premises](#)

[Surveillance Devices Act 2004](#)

[Telecommunications \(Interception and Access\) Act 1979](#)

[Privacy Act 1988, Schedule 1 -Australian Privacy Principle 11 - security of personal information](#)

Resources

Contact details

[Media Branch](#)

[Customer Aggression Prevention Security \(CAPS\) team](#)

[Regional Security Advisers \(RSA\)](#)

For help from the Employment Law and Customer Compensation section (Legal Services Division) with customer aggression and counterproductive behaviour, or legal advice on the issue of customers and/or organisation making recordings, email CUSTOMER.AGGRESSION

Intranet links

[Customer Aggression Prevention](#)

[Customer aggression guidelines](#)

s 47E(c), s 47E(d)

[Public Order Act](#)

[Personal security](#)