

# Recordings by claimants during interviews, telephone calls etc

## [General](#)

### [Claimant publishes recording on the internet](#)

### [Text to include in letter to a claimant intending to publish, or who has published telephone/video recordings on the internet](#)

## **General**

Claimants may seek to record a telephone conversation or an interview with DWP either openly or covertly using digital recording devices such as cameras, microphones and mobile phones. There are a number of reasons why the Department should stop this happening in open plan public spaces. Jobcentre Plus has particular guidance on this [here](#).

A key concern is that if the claimant is visiting DWP premises such as a Jobcentre, and is using, or intends to use, their recording equipment, in an open plan area they could record other claimants' personal information. This is not acceptable.

**If the claimant insists on recording their interview, a private interview room must be used.** Where such a facility is not available on site and no other solution is possible, arrangements to use an alternative Jobcentre Plus office will need to be considered.

**Staff should also be aware that interviews can be recorded where it is a "reasonable adjustment" requirement under the Equality Act 2010. If necessary speak to your local Disability Equality Adviser who can facilitate this.**

If a claimant indicates that they intend to make a recording of a conversation or interview and staff involved are uncomfortable about being recorded, the matter should be raised with local management. Another member of staff who is less concerned about being recorded can take the call or conduct the interview. This may take time and a future appointment may be necessary.

A claimant may resort to threatening to record, or actually record, telephone calls or interviews as a last resort if they are unhappy about the way they have been dealt with by DWP. It may be more appropriate to resolve the underlying service issue in which case they may not feel the need to record their dealings with DWP.

**Letter to be issued to a claimant *before* a recording takes place (bear in mind the possible need for alternative formats (where available) for disabled claimants).**

You should alert the claimant that recording a conversation, may mean that they take on legal obligations they are not aware of. **A letter [\[here\]](#) should be issued to the claimant before the interview begins. (Or in the case of already recorded telephone conversations as soon as possible afterwards).**

### **Claimant publishes recording on internet**

In spite of guidance and warning notices about claimants not making recordings in open plan public spaces, some may well do so without permission and they may occasionally publish videos, photographs, voice recordings etc of interviews or conversations with DWP staff on the internet.

If so they are exceeding the private and domestic use of such information permissible under the Data Protection Act 1998. In this event, you should write to the claimant adapting the letter below (for example, change the first sentence to read; *It has come to the attention of the Department that you intend to/have published on the internet recordings of your business with DWP.*)

Consider contacting the relevant Internet Service Provider (ISP) and ask them to remove any such recording. Often the ISP will comply and remove the content, though the claimant may still post the recording on a different website.

The benefits of contacting the ISP(s) may be outweighed by the lack of impact the content will have and so may not be proportionate or justifiable. However, this will depend on the nature of the material and each case must be judged on its merits. The Complex Case Advisory Service can advise in individual cases where material has been published without consent and members of staff have concerns about their own personal privacy or health and safety.

For guidance about the Department's own routine recording of telephone calls with claimants please [click here](#).

### **Text to include in letter to a claimant intending to publish, or who has published telephone/video recordings on the internet:**

You have asked to have your interview with Departmental officials recorded. It is your right to do so.

However, you should know that you are entitled to record your business with DWP if the recordings are to be used by you for **domestic purposes only**, that is your personal, family, or household affairs (including recreational purposes),

Publishing the recordings on the internet, or in any other way, may not be treated as a domestic purpose and may indicate that you are acting in law as a data controller under the Data Protection Act. If you intend to make the

contents of your recording publicly available you need to notify the Information Commissioner of your actions.

The Information Commissioner is Parliament's independent regulator of the Data Protection Act and he may take formal enforcement action to ensure your compliance with the Act. **It is a criminal offence for a data controller to process personal information if they have not registered this with the Information Commissioner.**

\*[Please confirm to me that you have understood this letter and that no [further] use of the material will be made on the internet. If not we intend to alert the Information Commissioner to your unacceptable behaviour].

\*[If you are not satisfied with the service that you have experienced from Jobcentre Plus/ PDCS\* then arrangements can be made for you to discuss your concerns with a senior manager. Please let me know if you wish to arrange such a meeting.]

\* delete as appropriate