



GUIDELINE

**MONITORING OF COMMUNICATIONS FOR NETWORK
OPERATION AND MAINTENANCE**

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Participants

The following representatives were involved in developing these Guidelines:

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The Call Monitoring Working Group operated under the auspices of the ACIF Consumer Codes Reference Panel, members of which were regularly consulted in the development of the guidelines.

1. Background

The *Telecommunications (Interception) Act 1979* Cth (“TIA”) expressly prohibits the interception of a communication passing over a telecommunications system, except in certain limited circumstances, and regulates the subsequent use of any information obtained as a result of that interception.

These guidelines contain recommended procedures to be followed when monitoring and recording voice or non-voice communications is undertaken in the course of installation, operation or maintenance of a network.

2. Scope

These guidelines apply to:

- carriers and their employees;
- carriage service providers and their employees;
- telecommunications contractors and their employees; and
- persons lawfully engaged in duties relating to the installation, connection or maintenance of telecommunications equipment or a line

These guidelines do not deal with:

- interceptions carried out under warrants;
- participant monitoring or recording;
- the use of Call Charge Analysis Systems;
- the recording of emergency calls or maritime emergency frequencies;
- interceptions undertaken for the detection and or prevention of fraudulent use of a carrier’s or carriage service provider’s networks;
- interception for the identifying or tracing of any person who has contravened, or is suspected of having contravened or being likely to contravene, a provision of Part VIIB of the Crimes Act 1914; or
- emergency requests to intercept communications in accordance with section 30 of the *TIA*.

3. Definitions

In these guidelines, the following words have particular meanings:

'A Party'	the person making the call.
'B Party'	the person receiving the call.
communication	includes conversation or messages whether in the form of speech, music or other sounds, data, text, visual image or signals or visual images.
extended voice monitoring	monitoring of a voice communication for a period exceeding twenty seconds in duration.
extended non-voice monitoring	monitoring of a non-voice communication for a period exceeding ten minutes in duration.
identifiable customer	a customer who is identifiable in that part of the end to end network where individual plant is allocated to an individual customer's service or where information is to be filtered in a manner that permits the identification of an individual customer's service.
interception	the listening to, reading or recording of a communication during the course of its passage over a telecommunications system.
non-voice communication	any communication which is not a voice communication.
monitoring	the listening to or reading, but not the recording, of a communication passing over a telecommunications system.
recording	the recording of a communication on magnetic tape or any other medium.
voice communication	any communication involving speech or music.

4. Conduct of interception

- 4.1 The monitoring or recording of voice or non-voice communications for the purposes of installation, operation or maintenance of a network should be conducted in accordance with these guidelines and should have appropriate regard to:
- (a) the confidentiality of the communication;
 - (b) the privacy of any individuals concerned; and
 - (c) any internal privacy procedures or applicable industry codes and standards.

5. Organisation to develop internal authorisation procedures

- 5.1 Organisations should establish and implement internal procedures to ensure that the monitoring or recording of communications is only undertaken with the authorisation of a designated senior member of staff or his/her delegate.

6. Monitoring of voice communications & non-voice communications

- 6.1 Subject to [7.1 and 7.2], monitoring of voice communications for twenty seconds or less or monitoring of non-voice communications for ten minutes or less can be undertaken in the following circumstances:
- (a) to check the status of a line in the course of the installation, operation or maintenance of the network;
 - (b) to ensure that connection of or to a telecommunication service has been made or maintained;
 - (c) to investigate or monitor the service quality of a telecommunication service, including an international telecommunications service;
 - (d) where it occurs in the investigation of a customer complaint;
 - (e) to investigate or monitor network performance; or
 - (f) otherwise where it occurs incidentally in the operation, installation and maintenance of the network or in the connection of equipment or a service or a system.

7. Extended monitoring of voice & non-voice communications

- 7.1 Extended monitoring of voice and non-voice communications may be undertaken where the customer is readily identifiable, the customer has provided written consent, and the organisation's internal procedures for monitoring and recording have been complied with.
- 7.2 If the customer is not readily identifiable, extended monitoring should only be undertaken where prior authorisation has been given in accordance with the organisation's internal authorisation procedures.

8. Recording

8.1 Voice Recording

- 8.1.1 Voice recording where the customer is identifiable may be undertaken to assist in the diagnosis or substantiation of faults provided the customer's consent has been obtained and the recording is conducted in accordance with the organisation's internal procedures.
- 8.1.2 Voice recording is **not permissible** where the customer cannot be identified.

8.2 Non-voice recording

- 8.2.1 Non-voice recording may be undertaken to assist in the diagnosis or substantiation of faults or operation or maintenance of the network.
- 8.2.2 Non-voice recording where the customer is identifiable may be undertaken for purposes outlined in 8.2.1 provided the consent of the customer has been obtained and the recording is conducted in accordance with the organisation's internal procedures.
- 8.2.3 Non-voice recording where the customer is not readily identifiable is permitted for purposes outlined in 8.2.1 subject to internal authorisation.

9. Customer consent

- 9.1 Where the customer's consent is required for the monitoring or recording of communications it should be in writing, and should be obtained prior to any monitoring or recording taking place. In urgent fault conditions, the consent to extended monitoring of voice and non-voice communications or recording of non-voice communications (but not recording of voice communications) may be obtained verbally provided it is followed by written consent.
- 9.2 The customer is to be given [sufficient] information about the proposed interception to enable the customer to understand why the interception is necessary, whether monitoring or recording is involved and how any information collected during the course of the interception may be used.

10. Pip tones

- 10.1 In order to protect the privacy of the 'B party', a pip-tone in accordance with AUSTEL Technical Standard 5.9.3 should be inserted where extended voice monitoring or voice recording is undertaken on an identifiable customer's service.
- 10.2 The pip tone may not be used where use of the pip tone is likely to interfere with any non-voice communications or the customer concerned specifically requests that pip tone not be inserted.

11. Use or disclosure of information

- 11.1 Information obtained as a result of an interception should only be used or disclosed as permitted under:
 - (a) the Telecommunications (Interception) Act 1979; and
 - (b) the Telecommunications Act 1997; and
 - (c) any internal policies or privacy codes applicable industry codes and standards.

12. Retention and disposal of recordings

- 12.1 At the completion of the investigation any recordings should be erased unless:
 - (a) the customer has requested that the information be retained; or
 - (b) the organisation's Legal Directorate or legal adviser advises that the information should be retained for reasons directly related to the investigation; or
 - (c) retention is otherwise required by law.

13. Access controls and physical security

- 13.1 Appropriate logical access controls and physical security measures should be implemented in relation both to interception equipment and recorded data.
- 13.2 These controls and measures should be documented and include auditable access trails

where appropriate.

Chart 1 - Procedures for Monitoring of Communications for the Purpose of Installation, Operation or Maintenance of a Network

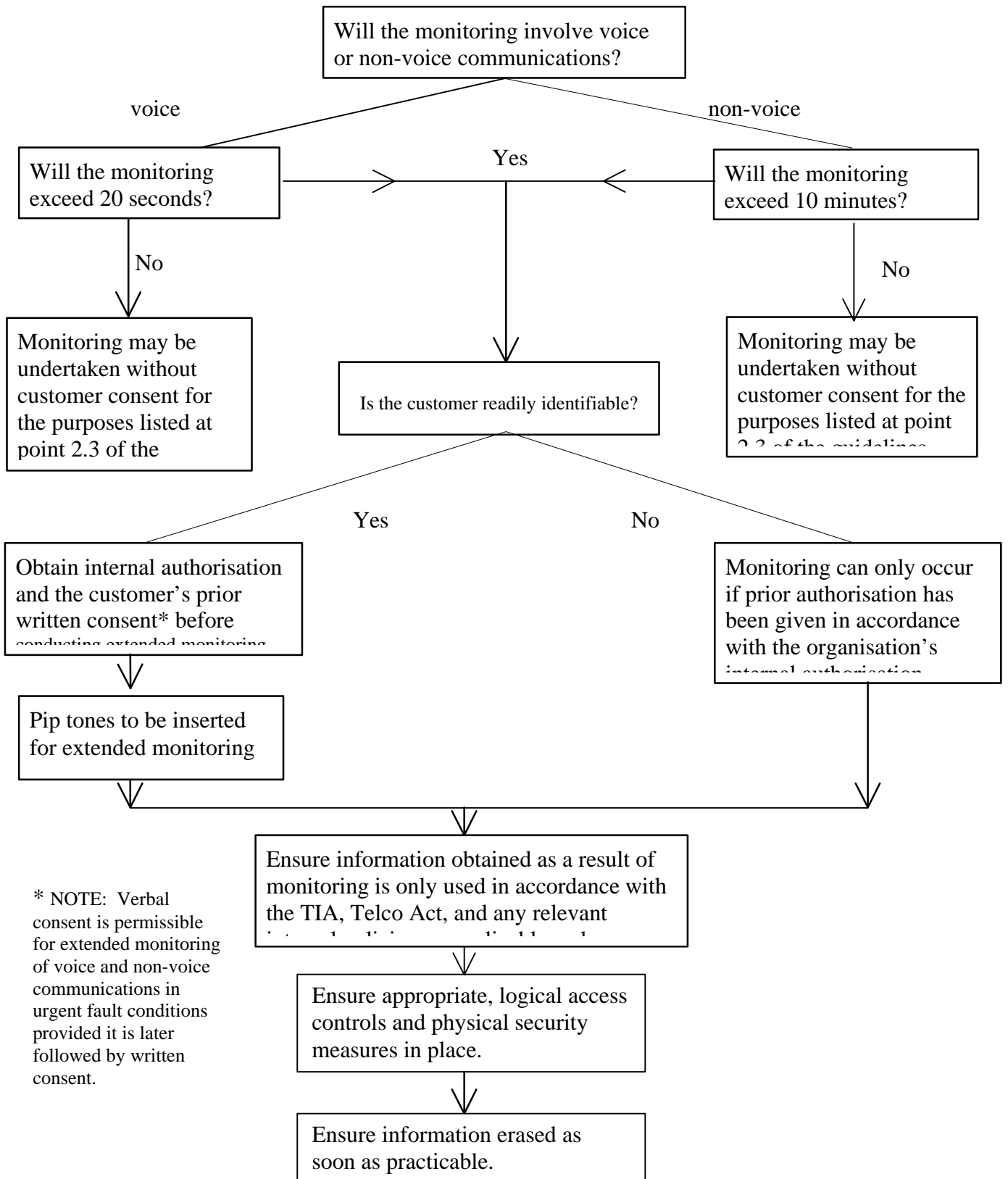
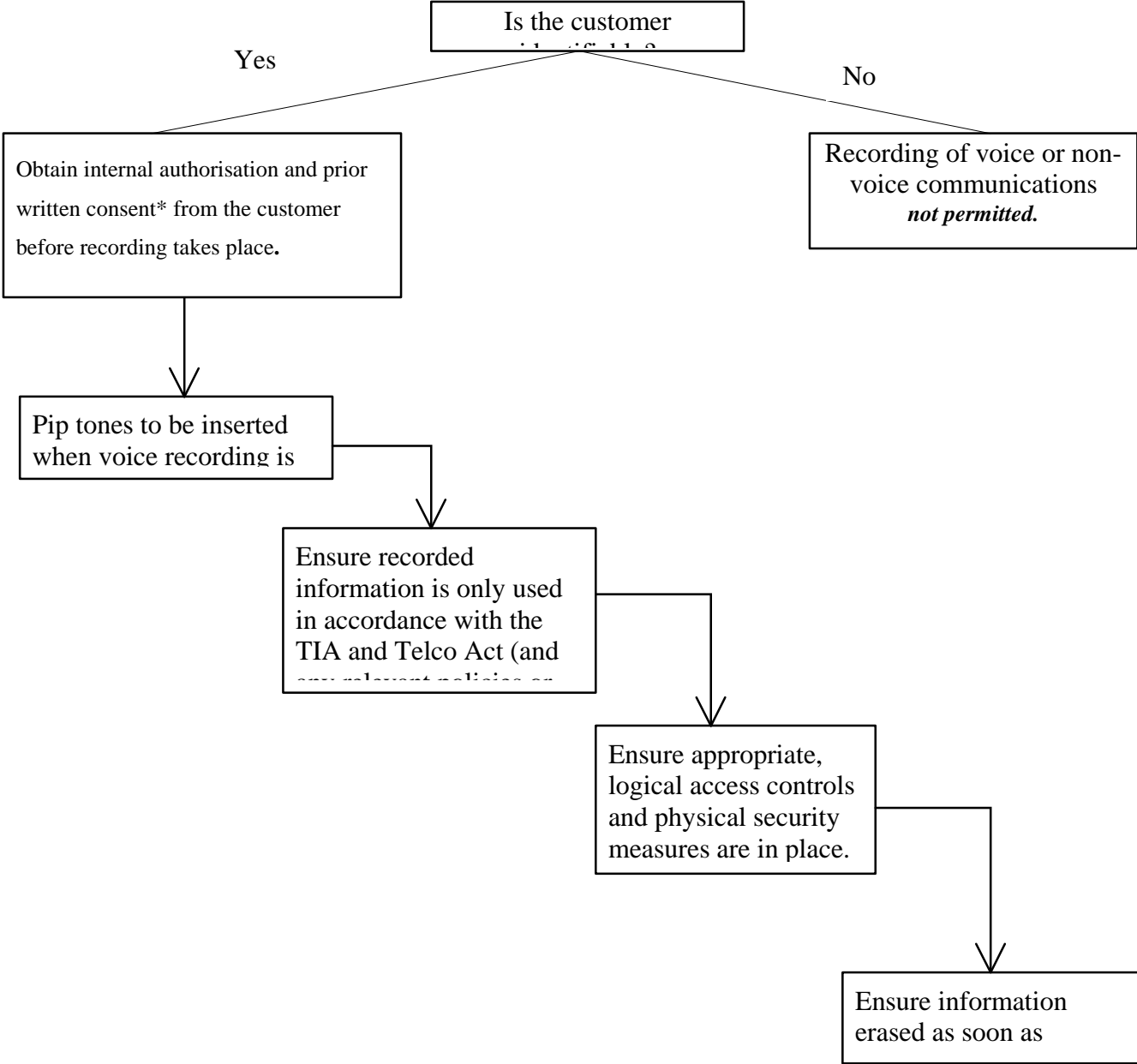


Chart 2 - Procedures for the Recording of Communications for the Purpose of Installation, Operation and Maintenance of a Network



* NOTE: Verbal consent is permissible for the recording of non-voice communications in urgent fault conditions is acceptable provided it is later followed by written consent.