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## PRIVACY, DATA PROTECTION & CYBERSECURITY

### NEW RULES REGARDING THE TIME-LIMIT FOR THE RETENTION OF CALL RECORDINGS IN THE CONTEXT OF THE CONTRACTUAL RELATIONSHIP

CNPD (the Portuguese Data Protection Authority), has recently published Decision nº 1039/2017 on the Applicable Principles to the Recording of Phone Calls, revising Decision nº 629/2010. In this document, the CNPD defines new time-limits for the retention of call recordings for the purpose of proving commercial transactions and any other communications regarding the contractual relationship.

Until now, Deliberation nº 629/2010 authorized the retention of recorded calls for a maximum period of 90 days, provided that the purpose of such data processing was to prove commercial transactions and other communications made under a contractual relationship.

According to this recent Decision:

- **In distance contracts**, call recordings may be retained for a maximum period of 24 months, with added expiration and limitation periods, except in the case of **distance contracts relating to insurance activity**, in respect of which the retention period must coincide with the duration of the contractual relationship, considering that retention is allowed until all the obligations arising from the contract have been fulfilled;
- **In telecommunications contracts with binding periods attached**, controllers must keep the recording of the calls for the duration of the agreed term, equivalent to 6 or 12 months, or 24 months plus the corresponding expiration and limitation period of 6 months; Regardless of the binding period agreed upon or the possibility of renewal of such binding period, that total period shall not exceed the maximum limit of 30 months;
- **In telecommunications contracts**, there is the duty to retain the recording of telephone calls for the complete duration of the agreement, plus a corresponding expiration and limitation period of 6 months, with a maximum

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limit of 30 months; In the event of the **termination of the telecommunications contracts**, the recording of the calls shall only be retained for a period of 6 months, counting from the moment in which the contractual link between the parties is established.

- **In the case of financial transactions**, the maximum phone call retention period for the purpose of fighting money laundering and financing of terrorism is 7 years from the date of execution of the respective transactions.

The CNPD also establishes the amendment of the maximum 90 days term defined in previous authorizations issued so far, extending it accordingly to the aforementioned terms.