Policy & privacy

Include Claritalk in your employment contract

Do you use Claritalk to record and process conversations with or by employees? Then include it in your employment contract. This way you inform your employees correctly and make the agreements binding.

Why this belongs in your employment contract

- **Information obligation (GDPR).** Employees must know in advance, clearly and specifically that conversations will be recorded, why, and what will happen to the data.
- **Legal certainty.** Rules included in the employment contract are enforceable. A loose email or intranet page is not.
- **Support.** Clear boundaries (what is not recorded, what recordings are not used for) prevent employees from seeing Claritalk as a control tool.

This article provides you with a model article you can adopt, an explanation for each section, and the procedure to amend your employment contract.

Model article

Adopt the text below as a separate article, for example in the chapter on ICT or privacy. Fill in the highlighted sections in [square brackets] for your organization and remove the brackets. The sentence in brackets in point 4 is optional: adopt it or leave it out.

Model article

Article [X] – Recording, transcription and AI processing of conversations

1. The employer uses the Claritalk application to record, transcribe [customer conversations, internal meetings and/or telephone conversations] and to derive reports, summaries and tasks from them using artificial intelligence.

2. **Purposes.** Processing occurs solely for: (a) accurate and complete reporting of conversations; (b) follow-up of agreements and tasks; (c) quality of service delivery to customers; (d) compliance with legal and professional obligations; (e) [evidence of agreements with customers]. Recordings and transcripts are not used for evaluating individual employee performance or behavior, and not for analyzing emotions, mood or personality.

3. **Transparency.** A recording is never started secretly. All participants are informed at the start of each conversation that it will be recorded and processed. For telephone conversations, this happens via [an announcement at the start of the conversation].

4. **Exclusions.** Not recorded: conversations with the confidential counselor, prevention advisor or occupational physician, conversations with union representatives in that capacity, and purely private conversations. [Evaluation and performance conversations are only recorded with prior explicit consent from the employee.]

5. **Access.** Recordings and transcripts are only accessible to participants in the conversation and to [roles/positions], as needed for the purposes in point 2.

6. **Retention.** Audio recordings are deleted after [X days]. Transcripts and reports are retained as long as necessary for the file, with a maximum of [X years]. These periods depend on the retention settings the employer has configured in the Claritalk admin console.

7. **Processor.** Claritalk acts as a processor within the meaning of Article 28 GDPR, on the basis of a processor agreement. The data is processed within the European Union and is not used to train AI models.

8. **Rights.** Employees can exercise their rights to access, correction and deletion via [contact person or DPO]. More information is available in the privacy statement for employees.

Explanation of the model article

Purposes (point 2). The more specific the purposes, the stronger your position. The exclusion of performance evaluation and emotion analysis is deliberate. The European AI Regulation prohibits emotion recognition in the workplace. The sentence also reassures the works council and union representatives.

Telephone conversations (point 3). This is the most sensitive part. In addition to GDPR, rules from the Regulation on electronic communications apply to recording telephone calls. Ensure that the notification at the start happens technically (for example via a spoken message), not only on paper.

Exclusions (point 4). Some conversations are confidential in nature or legally protected. List them explicitly so there is no doubt. Decide for yourself whether you allow evaluation conversations; the model article requires employee consent.

Retention (point 6). Choose retention periods that fit your sector and professional standards. A short period for audio and a longer one for the report is often a good balance.

Processing register. Also include the recording and AI transcription in your own processing register, with a separate purpose, legal basis and retention period.

How to amend your employment contract

The procedure depends on whether your company has a works council.

With a works council

1. Submit the draft of the new article to the works council.
2. The works council approves it. In case of disagreement, a conciliation procedure follows via the labor inspector.
3. After approval, the amendment takes effect on the scheduled date.

Without a works council

1. Make the draft known to all employees, for example by posting it or distributing it digitally.
2. Set up a register where employees can note comments during the statutory period.
3. If there are no comments, the amendment takes effect after the statutory period. If there are comments, a conciliation procedure follows.

In both cases

- Provide a copy of the amended employment contract to the FOD Employment (Supervision of Social Laws).
- Provide each employee with a copy of the new article.

Your social secretariat can usually follow this procedure for you.

Checklist

- ☐ Model article completed (purposes, access, retention periods, contact person)
- ☐ Notification at the start of telephone conversations configured technically
- ☐ Processor agreement with Claritalk signed
- ☐ Recording and transcription included in the processing register
- ☐ Privacy statement for employees updated
- ☐ Amendment procedure for employment contract completed
- ☐ Copy provided to Supervision of Social Laws and to employees

Disclaimer

This article is general information and not legal advice. Have the final text reviewed by your social secretariat or an employment lawyer, especially if you record telephone conversations or work in a regulated sector.

See also: Processor agreement (DPA) What does Claritalk (not) do with your data? How long does Claritalk retain your data?

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