

# Call Recording Laws

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## Is it legal to record telephone calls?

Keeping track of recording regulations can be complicated, and penalties are strict. The federal government, state governments, and the FCC all have different regulations. For the most part, each body uses wiretapping and eavesdropping legislation to determine the legality of telephone call recording. *The main determinant for this legality is the presence of consent*, of which there are 2 categories: one-party consent and all-party consent. One-party consent implies that one person within a conversation, even if that person is the one recording the call, is aware of the recording. All-party consent requires everyone within the conversation to be informed either by verbal notification or with an intermittent beep. Therefore, if two people are talking and a third person joins in (whether or not this person works for the same firm as one of the original parties), that third person must be notified.

### State laws

Most cases are decided on the state level and, as such, the laws and penalties are more specific. With the exception of calls involving felonies or threats, only 13 states require all-party consent.

If you would like more specific information about your own state's requirements, The Reporters Committee for Freedom of the Press has a regularly updated file of state laws ([www.rcfp.org](http://www.rcfp.org)).

### Whose jurisdiction does an interstate call fall under?

While the federal government requires one-party consent, it does not have much in the way of specific legislation. But the FCC requires that all parties in a recorded interstate call must be *notified* either verbally or through an intermittent beep. Lawsuits concerning interstate telephone calls have been judged in both the originating state and the receiving state, so you are recommended to follow the guidelines of the *stricter state*.

### International laws

Telephone call recording regulations in other countries vary widely and we recommend checking with the local government's telecommunications authority. Many countries, particularly less developed nations, do not have specific laws covering telecommunications, and regulate on a case-by-case basis. In some countries, declaration of call recording in corporate literature is enough notification.

### Buying or installing a system?

Be sure to inform the owner of the telephone recording equipment that there are laws restricting their actions with call recordings. It is their responsibility to know that calls recorded may require notification and/or consent.

Some helpful resources for understanding the laws governing recording are:

<http://www.fcc.gov/cgb/consumerfacts/recordcalls.html>

<http://www.rcfp.org/taping/>

<http://telecom.hellodirect.com/docs/reviews/CallRecorders.1.050201.asp>

<http://www.telephonerecordersdirect.com/legalcallrecording.asp>

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