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Regulations for Recording Calls

Many businesses, call centers and other organizations record their telephone calls for verification, training staff, security or monitoring employee performance. This is not illegal according to federal and state laws, as long as specific parameters are implemented before a recording takes place.

The federal government, state governments and the FCC all have different regulations. To be legal a telephone call recording is based on the “presence of consent” which involves either one party consent or all party consent.

The FCC defines accepted forms of getting consent for telephone recording as:

- Verbal or written consent given before the recording is made.
- Verbal notification before the recording is made (this is the most common)
- An audible beep tone repeated at regular intervals during the course of the call

The federal government requires one-party consent. Federal law says that at least one party taking part in the call must consent to the recording. (18 U.S.C. Sec. 2511(2)(d)). This means recording a call you are not involved in is illegal throughout the U.S. unless you are a business and the call is occurring on a phone line or extension you are paying for.

http://en.wikipedia.org/wiki/Telephone_recording_laws

The states that require the consent of all parties to a conversation are California, Connecticut, Florida, Illinois, Maryland, Massachusetts, Michigan, Montana, Nevada, New Hampshire, Pennsylvania and Washington

All other states including Washington D. C. permit recording telephone conversations to which they are a party without informing the other parties. However there are certain exceptions to these rules. For interstate calls, the FCC requires that all parties be notified. To be on the safe side, always follow the regulations of the “stricter” state.

As these rules are subject to change, it is suggested that you verify the rules in your state and the regulations of any state where you will be recording calls.

Resources used for the compilation of this article:

The Reporters Committee for Freedom of the Press; <http://www.rcfp.org/taping>

Federal Communications Commission; <http://www.fcc.gov/cgb/consumerfacts/recordcalls.html>

Wikipedia; http://en.wikipedia.org/wiki/Telephone_recording_laws