

Facts About Audio and the Law

Questions surrounding the legality and best practices for audio monitoring are some of the most common inquiries we receive from our customers. Here's what you need to know.

Title 18, United States Code, Chapter 119, Section 2511(2)(III)(D) states:

"It shall not be unlawful under this chapter for a person not acting under color of law to intercept a wire, oral, or electronic communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception..."



States Laws on Consent:

- 38 states and Washington D.C. employ "one-party" consent laws. If you are a party to the conversation, then you are able to record it. If not, then you will need the consent of one party in the conversation to record it.
- 11 states employ "all-party" consent laws. This requires all parties involved in the conversation to consent to recording.



Key Takeaways:



- **Lawful Monitoring:** It is lawful to monitor verbal communications when prior consent is given. Consent indicates there is no expectation of privacy.
- **Expectation of Privacy:** In public places, signage stating audio surveillance is taking place removes the expectation of privacy.
- **Implied Consent:** If someone chooses to remain in a public place with signage communicating the area is monitored with audio surveillance, that is considered implied consent.



Best Practices



- **When in Doubt, Seek Legal Counsel:** If you have questions related to specific deployments, it is always best to seek legal counsel to ensure you meet all federal and state regulations.
- **Post Clear and Visible Signage** When deploying audio solutions, post signs that inform people that audio recording is occurring to ensure there is no expectation of privacy.
- **Communicate Reasons for Monitoring:** Reassure employees, customers, and guests that the audio security solutions are used to enhance overall safety, security, and quality assurance.