



CALL RECORDING ADVISORY

Users of CityHosted's call recording features must understand and comply with all applicable laws which govern surveillance of electronic communications, eavesdropping, and the like. Failure to follow these laws may lead to civil or even criminal liability.

To help you start your research, we've collected the information below. It's by no means an exhaustive list, and both state and federal law likely applies to most interstate calls. Generally, it is required that one or both parties consent to have a telephone conversation recorded before such recording is legally permissible, with a few notable exceptions (see below). United States federal law and state laws vary somewhat.

U.S. federal law generally provides that a call may be recorded if one party to the call consents (commonly known as "one-party consent" rules). Thus, any person who initiates and participates in a call may also record that call under federal law, with a few exceptions (ex criminal or tortious purposes, etc.).

Most state laws are similar to federal law. However, some states require the consent of all parties to a call (usually called "two-party consent" rules, although technically if there are more than two parties to a call, then one would need more than two consents).

Resources For Call Recording Laws

Here are links to some helpful resources, although this is by no means the full set of rules which may apply to your call recording activities:

Federal laws: http://www.law.cornell.edu/uscode/18/usc_sup_01_18_10_I_20_119.html

State law survey: <http://www.rcfp.org/taping/states.html>

Another state law survey, annotated: <http://www.pimall.com/nais/n.tel.tape.law.html>

Summary of applicable rules: <http://rcfp.org/taping/>

Well maintained summary: <http://jackwhispers.blogspot.com/2004/01/recordingphone-call-laws-by-state.html>

Another summary that focuses on exceptions: <http://www.psh.com/content318>

The primary exception to the requirement of consent, typically applied to U.S. federal law (and state laws which are similar), is called the "business extension" exception (see "Another summary that focuses on exceptions" from above).

While opinions may differ, we recommend that CityHosted users comply with the most strict law or regulation that might apply to the call, which is usually determined by its origination and termination points (i.e. where the parties to the call are located) and also possibly by the location of the recording equipment, which some courts have considered. For example, to record an interstate call in the United States, the most cautious approach would be to comply with the laws of the state where the caller is located, the laws of the state where the recipient is located, and also the laws of the state where the recording equipment is located, as well as U.S. federal law. Users whose calls may come from or go to multiple, or any, state, should likely set up their service to always comply with the strictest possible law.

As per our Master Service Agreement, it is solely your responsibility to understand and obey all applicable laws and regulations when using CityHosted's call recording tools. Failure to adhere to any such applicable rules could put you at risk for fines, penalties, or other legal action. These laws and regulations are actively and regularly enforced, and may also give rise to lawsuits by those who feel their privacy has been invaded.

Our lawyers also require us to point out that CityHosted is neither your attorney nor your advisor; the information set forth above is not complete or exhaustive and does not constitute legal or other professional advice; and you are responsible to seek information or clarification from your own legal counsel pertaining to your specific activities or if you have any questions or concerns. You agree that we have no liability to you whatsoever, whether for direct, indirect, or other damages, and regardless of legal theory, based upon or arising out of your use of the above information (if you disagree, please do not use this information). We also reserve the right to comply or assist with any investigation or enforcement activities undertaken by any regulatory entity with applicable jurisdiction.