

Background

The Federal Communications Commission (FCC) has adopted rules regarding the manner in which telephone companies may record wireline telephone conversations. The FCC currently has no rules regarding recording of telephone conversations by individuals, but federal and many state laws may prohibit this practice.

FCC's Rules Regarding Telephone Company Recording of Interstate or International Wireline Telephone Conversations

The FCC protects the privacy of telephone conversations by requiring notification before a recording device is used to record interstate (between different states) or international wireline calls. Interstate or international wireline conversations may not be recorded unless the use of the recording device is:

- preceded by verbal or written consent of all parties to the telephone conversation; or
- preceded by verbal notification that is recorded at the beginning, and as part of the call, by the recording party; or
- accompanied by an automatic tone warning device, sometimes called a "beep tone," that automatically produces a distinct signal that is repeated at regular intervals during the course of the telephone conversation when the recording device is in use.

Also, a recording device can only be used if it can be physically connected to and disconnected from the telephone line or if it can be switched on and off.

Problems with Recorded Wireline Conversations

If you think your wireline telephone conversations are being recorded in violation of these rules, you can file a complaint with the FCC. There is no charge for filing a complaint. You can file your complaint using an on-line complaint form found at <http://esupport.fcc.gov/complaints.htm>. You can also file your complaint with the FCC's Consumer Center by e-mailing fccinfo@fcc.gov; calling 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY; faxing 1-866-418-0232; or writing to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, SW
Washington, D.C. 20554.

What to Include in Your Complaint

The best way to provide all the information the FCC needs to process your complaint is to complete fully the on-line complaint form. When you open the on-line complaint form, you will be asked a series of questions that will take you to the particular section of the form you need to complete. If you do not use the on-line complaint form, your complaint, at a minimum, should indicate:

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What to Include in Your Complaint (cont'd.)

- your name, address, e-mail address, and phone number where you can be reached;
- the telephone and account numbers that are the subject of your complaint;
- the names and phone numbers of any companies involved in your complaint; and
- the details of your complaint and any additional relevant information.

Recording Intrastate Wireline Conversations

Questions or complaints about recording intrastate (within the same state) wireline telephone conversations should be addressed to your state public service commission. Your public service commission should be able to tell you whether such recording is legal or illegal and how it is regulated. Contact information for your state public service commission can be found at www.naruc.org or in the blue pages or government section of your local telephone directory.

Wiretapping – Wireline Phones

Wiretapping is regulated by both the state and federal governments and, if illegal, can be punished by criminal sanctions. For more information concerning your state wiretapping laws, contact your state Attorney General's office.

Wiretapping – Wireline Phones (cont'd.)

Look for contact information in the blue pages or government section of your local telephone directory.

For information concerning federal wiretapping laws, contact the Federal Bureau of Investigation (FBI) at:

Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001
(202) 324-3000.

You may also visit the FBI's Web site at www.fbi.gov.

For More Information

For information regarding interception or recording of *wireless* telephone conversations, see the FCC's consumer fact sheet on interception and divulgence of radio communications at www.fcc.gov/cgb/consumerfacts/interception.html.

For information about other telecommunications issues, visit the FCC's Consumer & Governmental Affairs Bureau Web site at www.fcc.gov/cgb, or contact the FCC's Consumer Center using the information provided for filing a complaint.

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For this or any other consumer publication in an accessible format (electronic ASCII text, Braille, large print, or audio) please write or call us at the address or phone number below, or send an e-mail to FCC504@fcc.gov.

To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, visit www.fcc.gov/cgb/contacts/.

This document is for consumer education purposes only and is not intended to affect any proceedings or cases involving this subject matter or related issues.

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