

Record Phone Calls Legally at Home

This information is taken verbatim from the Ofcom website:

Can I record phone calls on my home phone?

Yes. The relevant law, Regulation of Investigatory Powers Act 2000 ('RIPA'), does not prohibit individuals from recording their own communications provided that the recording is for their own use. Recording or monitoring are only prohibited where some of the contents of the communication - which can be a phone conversation or an e-mail - are made available to a third party, i.e. someone who was neither the caller or sender nor the intended recipient of the original communication. For further information see the Home Office website where RIPA is posted.

Do I have to let people know that I intend to record their telephone conversations with me?

No, provided you are not intending to make the contents of the communication available to a third party. If you are, you will need the consent of the person you are recording.

Can a business or other organisation record or monitor my phone calls or email correspondence with them?

Yes they can, but only in a limited set of circumstances relevant for that business which have been defined by the LBP Regulations. The main ones are:

- To provide evidence of a business transaction to ensure that a business complies with regulatory procedures
- To see that quality standards or targets are being met in the interests of national security
- To prevent or detect crime to investigate the unauthorised use of a telecom system
- To secure the effective operation of the telecom system

In addition, businesses can monitor, but not record, phone calls or e-mails that have been received to see whether they are relevant to the business (i.e. open an employee's voicemail or mailbox systems while they are away to see if there are any business communications stored there). For further information see the DTI website where the LBP Regulations are posted.

However any interception of employees' communications must be proportionate and in accordance with Data Protection principles. The Information Commissioner has published a Data Protection Code on "Monitoring at Work" available on its website here. The Code is designed to help employers comply with the legal requirements of Data Protection Act 1988. Any enforcement action would be based on a failure to meet the requirements of the act - however relevant parts of the Code are likely to be cited in connection with any enforcement action relating to the processing of personal information in the employment context. Accordingly this Code of Practice and the Data Protection Act must also be considered by any business before it intercepts employees' communications."

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