

Recordings/Wiretap Act

FYI...

Dear Colleagues,

With more tools and technology at our fingertips, it's important to remember that recording conversations without permission from all participants is against the law.

Employees must be compliant with the law and always remember:

- Recording a verbal conversation without consent from all participants is a felony, in most circumstances, (Wiretapping and Electronic Surveillance Control Act (Wiretap Act), 18 Pa. C.S. § 5703) that could result in criminal prosecution, payment of civil damages and disciplinary action up to and including removal from employment.
- Examples of conversations include, but are not limited to, one-on-one discussions, meetings, group meetings, online web collaboration meetings, phone calls, conference calls, or group discussions.
- All active recordings must be disclosed and agreed to, with consent from all parties present and/or participating, before recording, regardless of the medium or specific technology used to record.

While there are very limited exceptions to this general rule, such as recording a public meeting authorized under the Sunshine Act or an in-person conversation when none of the participants have an expectation of privacy, you should not record conversations with others without their prior consent.

It is also illegal under the Wiretap Act for a person to disclose or to use the contents of any illegally recorded conversations. If someone wants to share such a recording, decline and notify your supervisor immediately.

Any recordings created using Skype for Business or any other technology must comply with the Wiretap Act. This platform is a valuable tool - use it wisely. For more helpful information on Skype, please visit the Temporary Telework website at www.oa.pa.gov/telework.

Thank you for your attention to this matter. Please continue to work smart and stay safe.

Barb Buckingham/Executive Secretary
PA Department of Agriculture/State Conservation Commission
2301 N Cameron Street/Room 311/Harrisburg, PA 17110
Phone: 717.787.8821
bbuckingha@pa.gov
www.agriculture.pa.gov