

FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554 FCC DIRECTIVE	TITLE	
	Monitoring and Recording of Telephone Conversations	
	Directive Number: FCCINST 1137.3	Effective Date: September 14, 2018

1. **PURPOSE:** Pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), this directive prescribes the policy applicable to the practice of monitoring or recording of telephone conversations by Commission personnel. This directive does not apply to calls made by members of the public to phone numbers openly advertised as ways to contact the FCC, including but not limited to the FCC call center, the emergency operations center, and technical support, as long as disclosure is made at the commencement of the call that the conversation may be recorded for quality control purposes as part of the normal course of business.
2. **BACKGROUND:** Numerous federal and state laws govern the interception of telephone and oral communications. The term “interception” is broadly defined and encompasses both the monitoring and recording of such communications. While some laws permit interception when only one party to the conversation consents, all laws permit interception when all parties to the conversation consent.
4. **DEFINITION:** As used hereafter, the term “interception” includes the monitoring (listening-in) or recording of telephone or video conversations, including conversations held using a microphone, webcam, or similar device over the internet.
5. **POLICY:**

The following points are FCC policy:

- A. Except with the prior written approval by the General Counsel, and the exceptions stated in subsections B. and C. below, no telephone or video conversation by or to officials and employees of this agency shall be intercepted by any Commission personnel, unless:
 - (1) Such records will substantially contribute to the effective conduct of official business; and
 - (2) All parties remotely participating in the conversation have been informed at its outset that it will be monitored, transcribed, intercepted, or recorded, and they have consented to such actions prior to the conversation either orally or in writing, regardless of the purpose for which it is being recorded.
- B. With regard to public meetings, conferences, or other proceedings, notice is considered sufficient if included either: (i) in the public notice initially announcing the forum, or (ii)

on the Commission's website, as part of the instructions on how individuals may participate or listen remotely to the public meeting, conference, or other proceeding.

- C. Approval by the General Counsel is not required for interceptions conducted or authorized by the Inspector General.

6. RESPONSIBILITIES:

- A. The Commission has designated the General Counsel as the approving authority for any requests to intercept a telephone or video conversation by Commission personnel except as specified above.
- B. Bureau/Office Chiefs, except as specified above, will make an initial written request for authorization to engage in any interception for which consent of all parties will not be obtained.
- C. The General Counsel will make determinations on a case-by-case basis applying the applicable law in each instance. For each instance of approved interception, the General Counsel will submit to the requesting Bureau/Office detailed directions concerning methodology and recordkeeping.

- 7. EFFECTIVE DATE AND IMPLEMENTATION: This directive is effective immediately and shall be implemented promptly upon distribution.



Mark Stephens
Managing Director