



EMPLOYMENT &
HUMAN SERVICES

MEMORANDUM

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To: All Staff (Code 2A)

Date: August 25, 2021

cc:

From: Administration

Subject: Guidance on Recording Virtual Communications

In California, it is a criminal offense to use any device to record communications, whether the conversation is wire, oral or electronic, without the consent of everyone taking part. This means that in California you are legally obligated to get all parties to agree to a recording of the meeting, conversation, or communication. This includes virtual meetings such as Zoom or Team Meetings.

As virtual meetings have become more commonplace, it is essential that you consider the following guidelines before recording meetings:

1. When hosting a meeting, consider whether you need to record and why. Recordings may be considered public records subject to disclosure. If you have not previously recorded similar meetings, do not record just because you can. Recording without a specific reason is not advisable. Recordings are subject to disclosure via a Public Records Act request as well as through litigation.
2. If you must record a meeting, California Law requires that you inform everyone at the meeting that you would like to record the meeting and gain everyone's consent *before* starting the recording. Once the meeting has started, announce that the meeting is being recorded and that everyone has consented.
3. If you use the recording to later transcribe minutes that highlight decisions and conclusions from your meeting, the recording shall be considered a draft and should be deleted once the minutes are completed and saved. Minutes should be transcribed and the recordings deleted within three days of the meeting. If you are recording a meeting for an absent member, the recording should be deleted within three days of sharing the recorded meeting. Recorded virtual meetings should not become part of a permanent file or archive.