

# **Recording someone**

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Learn what to do if you want to try to record a conversation with someone to have proof of something, or if you think you're being recorded.

If you live in Washington State, you might find yourself in a situation where you think it might be helpful to record someone else using either video or audio. For example:

- You're having problems with your landlord. Your landlord agrees to one thing when you talk, but later changes their mind and denies your earlier agreement. You want to record your conversation with them as proof.
- You've separated from your spouse. You want to record them as proof for your divorce case in the future.
- You want to install a security camera outside your home to prevent theft.

**Is it legal to record someone else?**

You have the right to privacy in your private conversations.

Washington State is a “2-party” consent recording state. This means that you must get permission from everyone being recorded in a private conversation before you can record them by video or audio. It’s a crime under Washington law (<https://app.leg.wa.gov/RCW/default.aspx?cite=9.73.030>) to intercept or record a private phone call, in-person conversation, or electronic communication unless everyone in the communication consents.

If you’re in a public space or common area with **no expectation of privacy**, you can record without express consent, such as a security camera outside your home. You should post a sign that lets others know they’re being recorded for surveillance.

But some public spaces have an expectation of privacy, such as, for example, public bathrooms and changing rooms. You can’t record in those spaces without consent from everyone there.

## **Can I record someone else without their permission?**

If there’s an expectation of privacy, you can’t record without another person’s permission. There’s generally an expectation of privacy in one-on-one communications.

If there’s no expectation of privacy, such as being in a public space, you might be able to record without permission. You should make sure to record “I’m recording this conversation” to be safe.

There’s an exception to this under the law (<https://app.leg.wa.gov/RCW/default.aspx?cite=9.73.030>). You don’t need consent to record private communications if you’re recording criminal acts. Examples of this may be threats of blackmail, bodily harm, or other unlawful requests or demands.

## **What if I recorded myself and not the other person's part of the conversation?**

It's still illegal to record just part of the conversation. You must have everyone's consent before recording any part of the conversation.

## **How can I lawfully record someone then?**

You can record someone by asking for permission first before recording. If they agree, you should ask them to repeat their consent for your recording.

Or you can meet the consent requirement by telling the person that you're going to record the communication or conversation, if you also record what you told them.

If at any point the person tells you to stop recording, they've taken back (revoked) their consent. You must stop recording at that point.

## **What should I do if the other person won't agree to be recorded, but I need proof of what we said?**

Getting agreements in writing signed and dated by both parties is a good way to protect yourself. It can be hard to keep another person accountable if there's no proof. Recording a conversation might be helpful proof.

But even if you can't get consent to record, you should follow up in writing after the verbal conversation. **Example:** You owe your landlord back rent. You talked to your landlord about making a repayment plan to pay the back rent in installments. Your landlord agreed that you could pay \$100 every 2 weeks until you pay off what you owe. After this conversation, you should write to the landlord to sum up the conversation and what you agreed to. Ask the

landlord to confirm in writing that you got the agreement right.

**Example follow up email:** I'm following up on our conversation yesterday, September 13, 2024, at 3:00 p.m. We discussed a repayment plan for my back rent. We agreed that starting next month, I'll pay \$100 every 2 weeks to get caught up on my total balance owed of \$1,000. I'm confirming our conversation in writing so that we're on the same page. If I've gotten something wrong, please reply to this email within 1 week and let me know what your understanding was. If you don't email me back within 1 week, I'll assume that I got our agreement right.

### **Can my landlord install a camera to record or watch me without my consent?**

It depends.

You have an expectation of privacy **inside your home**. If your landlord puts up cameras that can see inside your home, this is a violation of your privacy. If the camera is pointed at your door **outside your home** and can't see inside, that may be allowed, because it's a public space.

But if the landlord put up the camera pointed at your door only after you exercised a right you have as a tenant, such as the right to complain to a city agency about the conditions of your rental, this may be illegal harassment or retaliation (<https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.240>). Try to talk to a lawyer for specific advice about your situation.

**WashingtonLawHelp.org** gives general information. It is not legal advice. Find organizations that provide free legal help on our [Get legal help](#) page.