

The Complete Recording Compliance Guide

Discover Best Practices and What You Need to Know About Using Microsoft Teams, Zoom, Google Meet and Skype



Table of Contents

Introduction	3
Laws, Compliance & Regulations Related to Recordings	4
Microsoft Teams	7
Zoom	8
Google Meet	10
Skype	11
Best Practices	12
Conclusion	14

Introduction

The use of audio and video conferencing technology is now standard across many industries, especially in today's post-COVID-19 world in which remote and hybrid work opportunities are abundant. But with this type of technology comes certain regulations and laws that businesses and organizations must follow, including compliance and retention requirements and security protocols.

This eBook will explore in detail what you need to know about recording compliance. We'll also break down some of the most popular platforms and provide best practices so that your business can have peace of mind when it comes to safely using videoconferencing technology.

Laws, Compliance & Regulations Related to Recordings

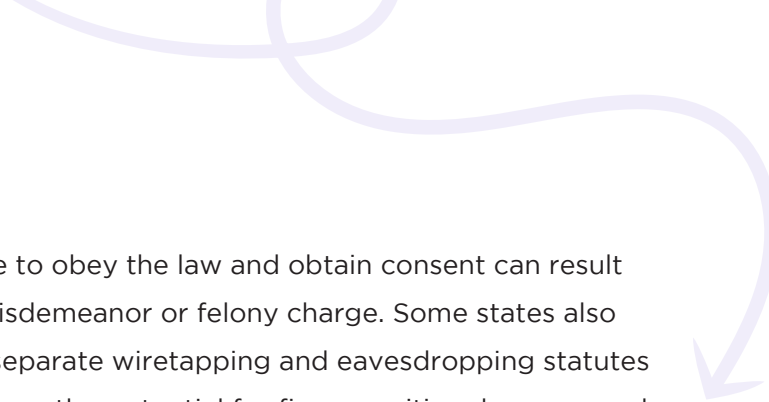
What Regulations Do You Need to Follow to Stay Compliant?

Audio and video recording compliance isn't a meeting formality — it's the law. The exact laws, however, vary by state, country and industry, which means it's important to do your due diligence.

In the United States, federal law necessitates one-party consent, which means you can record a phone call if you are part of the conversation. If you aren't part of the conversation, you need to obtain consent from at least one party. Most states have a similar law when it comes to recording compliance, but there are **15 states** that “clearly or potentially require consent from all parties under some or all circumstances.” This is known as “two-party” or “all-party” consent.

- ✓ California
- ✓ Connecticut
- ✓ Delaware
- ✓ Florida
- ✓ Illinois
- ✓ Maryland
- ✓ Massachusetts
- ✓ Michigan
- ✓ Montana
- ✓ Nevada
- ✓ New Hampshire
- ✓ Oregon
- ✓ Pennsylvania
- ✓ Vermont
- ✓ Washington





Failure to obey the law and obtain consent can result in a misdemeanor or felony charge. Some states also have separate wiretapping and eavesdropping statutes that carry the potential for fines, punitive damages and imprisonment.

When recording a call, the first order of business is getting consent from all the parties involved. While laws vary from state to state and nation to nation, you would do well to ensure compliance in this area prior to initiating a call.

Beyond consent, there are industries that are required to securely store video recordings related to certain types of information and transactions for set periods of time.

Financial Services

Financial services organizations (FSOs) are heavily regulated at all levels of government. From state and federal through international, there are a host of relevant regulations that FSOs must follow in order to stay compliant and continue doing business. Here are two of the biggest current regulations and how they apply to video call recording compliance:

- ✓ **MiFID II:** A European Union law designed to standardize financial regulations across the entire EU, it requires all communications that lead to transactions (including video calls) to be recorded and stored for up to seven years.
- ✓ **Dodd-Frank Act:** All communications leading to the execution of futures or other commodity interests (including video calls) are required to be recorded and stored for up to five years. These recordings must be efficiently organized for easy search and recovery.



Government Contractors

When doing business with the government, there are additional regulations that apply. From bidding through contract completion, there are steps that must be followed in order to stay compliant. Most government contractors are required to keep certain types of records for up to three years after final payment is received, including relevant video calls.

Now let's explore some of the most popular recording platforms – MS Teams, Zoom, Skype and Google Meet – and the recording, storage and compliance capabilities for each.



Microsoft Teams

Microsoft Teams is an enterprise communication and collaboration platform included in Microsoft 365. Teams offers a unified suite of tools designed to help remote employees stay connected and to promote productivity, including instant messaging, audio and video conferencing, calling, document sharing and more. Teams is highly integrated with other products in the Microsoft suite, including Word, PowerPoint and Excel, making it a true collaboration platform.

More than 280 million people use Microsoft Teams, and in March 2023, the company announced a new **Microsoft Teams desktop app for Windows**, promising a “faster, simpler, more flexible, and smarter” Teams platform.

What you need to know:

- ✓ Audio, video and screen recordings can be enabled by Microsoft Teams users as an option. Each individual recording can only be four hours long, and recordings default to 20 days of storage. Additionally, there is a one-terabyte cap on most storage plans.
- ✓ The free version of Microsoft Teams offers 10 GB of file storage across all teams. All three of Teams’ paid versions — Microsoft 365 Business Basics, Microsoft 365 Business Standard and Office 365 E3 — offer 1 TB of file storage per organization, plus 10 GB of additional storage per license.
- ✓ Microsoft Teams video calls are stored in OneDrive or SharePoint. Both are cloud-based storage solutions run by Microsoft.
- ✓ The Microsoft Reports Hub and official Teams security and compliance overview provide end users with greater transparency into how Microsoft processes their data, which could prove essential depending on which industry regulations or legislation your organization is subject to.
- ✓ The platform is compliant with GDPR, FedRAMP, SOC and FERPA.
- ✓ While technically HIPAA compliant and containing provisions for eDiscovery, the search function can be laborious and Microsoft Teams’ recording compliance might not be secure enough for highly regulated industries.

Zoom

Zoom is a unified communications platform that launched in 2013 with just **400,000 registrants** within the first month. Fast forward to April 2020 during the height of the COVID-19 pandemic when it seemed as if everyone turned videoconferencing – the company announced 300 million daily Zoom meeting participants. Zoom remains one of the most popular platforms today alongside Teams.

What you need to know:


✔ Offered à la carte, storage is assigned to each individual user and caps out at 5 GB per licensed user. There is unlimited local storage.

✔ All meetings and calls can be recorded. Recordings will expire, but the date and time limit can be modified by your admin.

✔ Zoom video calls can be stored in the cloud or on a local device, depending on user preference. The cloud storage option is only available to users with enterprise accounts.

✔ Zoom's security features include:

- 256-bit TLS encryption
- AES-256 encryption
- Optional end-to-end encryption
- Additional security features such as passcode-protected meetings, audio signatures and screenshot watermarks



✔ Off-the-shelf Zoom recording compliance is a less-than-ideal regulatory solution due to a lack of a truly unlimited secure cloud storage plan.

✔ Users have the ability to search for a variety of content, including audio recordings, chat links, chat messages, edited messages and team video clips. But not all content is discoverable.

✔ Zoom's **customizing the recording consent disclaimer**: “The recording consent disclaimer prompts participants in meetings or webinars to provide their consent to be recorded. Participants receive a notification when a recording starts or when they join a session that is already being recorded. The participant can either consent to stay in the session or leave. After the session, the host can generate a report listing the attendees who provided consent.”

Google Meet

This video conferencing option is growing in popularity with more than **2 million new users** adding the app daily around the world. Google Meet has similar capabilities to Zoom but unlike Zoom, it saves the conversation log for recorded meetings.

What you need to know:

✓ The ability to record a meeting is available through certain plans and must be done through a computer. The Google Workspace administrator who manages the account must first allow the ability to record a meeting.

✓ Google's highest tier, Enterprise, offers the same email, eDiscovery and retention features plus **S/MIME encryption**. This plan allows for 1,000 meeting participants, the ability to record meetings and track attendance, noise cancellation and in-domain live streaming. Additional features include advanced security, management and compliance controls such as Vault, DLP, data regions and enterprise endpoint management. Pricing for the Enterprise tier is available upon request.

✓ Meetings can be recorded for up to 8 hours.

✓ Google offers a range of **Google Workspace plans**. The Business Standard (\$12 per user per month) includes the ability to host 150 participants and record a meeting. The Business Plus plan (\$18 per user per month) allows for 500 participants, video recording and attendance tracking — in addition to custom and secure business email, eDiscovery and retention.

✓ Google Meet recordings are saved to the meeting organizer's folder in My Drive, and the chat conversation log is saved as an .sbv file. The meeting organizer will also receive an email of the recording after it has been processed.

✓ Breakout rooms do not support recordings.

Skype

Skype has been on the videoconferencing market since 2003 with Microsoft purchasing the company in 2011. While it doesn't have an explicit business option — Skype for Business was discontinued in 2021 and was replaced by Teams — Skype is still a popular platform with more than 40 million users every day.

What you need to know:

- ✓ Up to 24 hours can be recorded in a single call and call recording must be enabled by the user. The recording can be found in the host's chat for 30 days.
- ✓ Skype is free, but additional premium paid services are available such as calling SMS text messaging and voicemail.
- ✓ The short-term nature of Skype video storage makes it less than ideal from a regulatory perspective. Most users would do well to engage a third-party recording and storage software.
- ✓ Skype video calls can be stored locally, but there is currently no option for long-term cloud storage, and recordings cannot be saved to mapped networks or drives.



Best Practices for Recording Compliance

In order to ensure compliance for the recording of meetings, we recommend the following:

When recording a call, obtain consent from all parties involved, regardless of the laws in your state.

All of the platforms we mentioned should have an audible and visual indication when a meeting is being recorded, but you still need to obtain verbal consent from participants.

Treat a video recording the same as any other file.

This means that data retention policies apply to virtual meetings. Data retention, or record retention, is exactly what it sounds like — the practice of storing and managing data and records for a designated period of time. There are any number of reasons why a business might need to retain data: to abide by local, state and federal laws, to comply with industry regulations, to ensure that information is easily accessible for eDiscovery and litigation purposes and so on.



Find a cloud storage partner that meets the requirements of any applicable regulations in order to lighten your load while ensuring compliance.

While there are native recording features present in the most popular video conferencing applications, recording compliance for most industries, particularly those that are more heavily regulated, requires a third-party solution.

Keep up to date on compliance regulations and consult with a lawyer if you have any questions.

Make sure you are aware of and understand all the regulations that apply to your business and any legal obligations before you begin recording.

Invest in an archiving solution.

Certain archiving platforms enable you to create custom record retention policies and automate the data retention process, thereby saving you time and effort. Look for a solution that enables you to organize data according to your business requirements, offers robust search functionality and has built-in security features.



Ensure Recording Compliance with Intradyn

Businesses and organizations that are serious about recording compliance should consider an all-in-one data archiving solution. Archiving solutions are especially useful for electronic communications and files because they can automatically capture data and securely store it within a centralized repository. Certain archiving solutions even enable you to define custom records retention schedules and automate the retention process, saving you and your employees time and effort.

Here are some key points to look for:

- ✓ Real-time data capture
- ✓ Extensive search functionalities
- ✓ eDiscovery tools
- ✓ Guaranteed compliance with industry regulations such as GDPR, HIPAA, FINRA, SEC 17a-4, FERPA, GLBA, FOIA, FRCP, SOX and more
- ✓ User-friendly interface
- ✓ Multi-platform archiving
- ✓ Excellent customer support
- ✓ Flexible scalability

If you have any questions or would like more information about our All-In-One-Archiving Solution, **contact** the team at Intradyn today.