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Recording, Privacy, and Body Cameras: Penal Code 632 Basics

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California generally requires the consent of all parties to record a confidential communication under Penal Code 632, which affects how security body cameras and audio recording should be used, particularly in non-public or expectation-of-privacy settings. Recording clearly public activity or using visible, disclosed cameras in commercial spaces is typically lower risk, but audio in private conversations needs careful handling.

Two-party consent and what it covers

Penal Code section 632 makes it generally unlawful to record a confidential communication without the consent of all parties to that communication, where a confidential communication is one made in circumstances reasonably indicating the parties desired privacy.

Video recording in areas with no reasonable expectation of privacy, such as a retail sales floor or a building lobby with posted notice, is generally treated differently than covertly recording audio of a private conversation, since the privacy concern under section 632 centers on confidential communications, not simply on being observed.

Body-worn cameras used by security personnel typically raise the fewest legal questions when their use is disclosed, either through signage, verbal notice, or company policy communicated to the public, and when audio capture is limited in genuinely private settings.

Recording contexts and considerations

Setting	Privacy expectation	Practical guidance
Public retail floor with posted camera notice	Low expectation of privacy	Video and disclosed body camera use is generally lower risk
Private office or break room conversation	Higher expectation of privacy	Audio recording without consent raises real exposure under Penal Code 632
Recording a person during a detention or arrest	Mixed, fact-specific	Documenting the interaction supports the incident report, but avoid recording clearly private third-party conversations nearby
Sharing recorded footage externally	Depends on content and purpose	Handle footage as evidence, limit access, and follow company retention and disclosure policy

Practical evidence-handling steps

- Post clear notice where cameras are in use, including body-worn cameras where practical
- Avoid recording audio in settings where people would reasonably expect a private conversation
- Preserve original footage in an unaltered form and log who accesses it and when
- Limit distribution of footage to what is needed for the incident report, insurer, or law enforcement request

Research and education only

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Quick answers

Does California require consent from everyone before recording audio?

For confidential communications, Penal Code 632 generally requires the consent of all parties to the conversation.

Is video recording in a public retail area treated the same as private audio recording?

Generally no; video in a low-privacy-expectation public area is typically viewed differently than covertly recorded private conversation audio.

Should security body cameras be disclosed to the public?

Disclosed use through signage or notice is generally the lower-risk approach compared to covert recording.

How should footage be handled after an incident?

Preserve it unaltered, log access, and limit distribution to what is genuinely needed for the report or investigation.

Primary sources — read the official text

Penal Code Section 632	California Legislative Information	https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=632
Penal Code Section 633.5	California Legislative Information	https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=633.5
Civil Code Section 1708.8 (Privacy Torts)	California Legislative Information	https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1708.8

California Courts Self-Help	Judicial Council of California	https://www.courts.ca.gov/selfhelp.htm
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