



## PRIVACY RIGHTS

# Recording conversations and personal responsibility

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Can I legally record conversations? The simple answer is yes, you can legally record the exchanges in which you take part, even without the other person's knowledge.

Your participation in a talk allows you to record it. And the opposite is true; if you are not part of the conversation, recording is prohibited. In what could be called the 'gossiping ban', in the legal world being recorded by a third party is understood as a violation of the right to privacy of the people being recorded. Paragraph three of article 18 of the Spanish Constitution specifically ensures the secrecy of communications and the violation of this right can have serious legal implications.

However, when someone becomes part of the conversation things change. Whenever a person takes part in a conversation they should take care of what they say and how they say it. The moment they say something in conversation, they are resigning a part of their privacy. This is partly because, although recording is permitted, use of that recording is restricted.

So be very careful if you record a conversation because the act of recording is one thing and how it is used is another. To begin with, just the fact that



↑ Using a device to record conversations is legal, depending on its use

you have in your possession the medium on which the recording is made makes you legally responsible for it. Any disclosure of the contents would be an illegal act, but there are exceptions.

We can use the recording for private use. Listen at home as many times as you want. Another more practical use is for it to be presented as evidence in a legal case. We can play a recording before

a court of law to prove that a conversation really took place or what was discussed. This can be very useful in court cases that deal with verbal contracts. In some cases it may be the only way to prove

that a person is being threatened or insulted.

Recording is a lawful means of proof. It is an extra opportunity to obtain evidence that could turn the tide in many cases that might otherwise be

dismissed, or be found lacking in proof.

In conclusion, we can record and be recorded, so be careful what you say because words are free but how you use them can cost you dearly. ■

Legal certainty and tax efficiency are our patterns



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