



Executive Summary

State and federal laws regulate unauthorized surveillance based on expectations of privacy in certain places, including the workplace. States use varied consent frameworks for audio recording, but less so for video. Federal law generally allows employer monitoring for work purposes, with reduced employee privacy expectations on employer systems. Recent state legislation increasingly focuses on notice requirements and limits for monitoring in private or remote work settings.

Research Methods

Statutory review of existing legislation in the 50 U.S. states and Quorum review of recently proposed legislation

Findings and Analysis

Most states regulate unauthorized surveillance or recording, particularly in places where privacy is expected, such as the home. Many states prohibit recording or observing someone in a private location without consent and restrict the use of electronic devices to capture images or videos without knowledge. These laws fall under video voyeurism, unlawful surveillance, or invasion of privacy and apply to all, including employers.

Federal courts have considered employee privacy rights in the workplace. A Supreme Court case recognizes that employees may have an expectation of privacy in the workplace. Still, employers may monitor if the purpose is work-related and the monitoring is reasonable.¹ Additionally, a U.S. District Court ruled that employees have limited privacy expectations in employer-managed computer systems.² Federal statutes establish that electronic monitoring is generally legal in one-party consent states.³ Conversely, there may be situations where an employer exceeds their authorized access to an employee’s computer and violates the employee’s privacy in the process.⁴

States categorize audio recording consent requirements differently. 'One-Party Consent' states require only one participant's consent to record a conversation, while 'All-Party Consent' states require the consent of every individual involved. The geographical division between these types is not uniform, and some states have unique provisions or exceptions. These laws apply to video recordings that include sound. The chart below provides the classification for each state:⁵

State	Classification
Alabama	One-Party
Alaska	One-Party
Arizona	One-Party
Arkansas	One-Party
California	All-Party

¹ [O'Connor v. Ortega, 480 U.S. 709 \(1987\)](#)

² [Smyth v. Pillsbury Co., 914 F. Supp. 97 \(E.D. Pa. 1996\)](#)

³ [Electronic Communications Privacy Act \(ECPA\)](#)

⁴ [Computer Fraud and Abuse Act \(CFAA\)](#)

⁵ [Laws On Recording Conversations In All 50 States](#)



SOUTH

ALABAMA • ARKANSAS • FLORIDA • GEORGIA • KENTUCKY • LOUISIANA • MISSISSIPPI • MISSOURI
NORTH CAROLINA • OKLAHOMA • SOUTH CAROLINA • TENNESSEE • TEXAS • VIRGINIA • WEST VIRGINIA

Colorado	Mixed
Connecticut	Mixed (One-Party: In-Person; All-Party: Telephone)
Delaware	All-Party
Florida	All-Party
Georgia	One-Party
Hawaii	One-Party
Idaho	One-Party
Illinois	All-Party (One-Party: Private Communication)
Indiana	One-Party
Iowa	One-Party
Kansas	One-Party
Kentucky	One-Party
Louisiana	One-Party
Maine	One-Party
Maryland	All-Party
Massachusetts	All-Party
Michigan	One-Party
Minnesota	One-Party
Mississippi	One-Party
Missouri	One-Party
Montana	All-Party
Nebraska	One-Party
Nevada	Mixed (One-Party: Oral; All-Party: Wire/Phone)
New Hampshire	All-Party
New Jersey	One-Party
New Mexico	One-Party
New York	One-Party
North Carolina	One-Party
North Dakota	One-Party
Ohio	One-Party
Oklahoma	One-Party
Oregon	Mixed
Pennsylvania	All-Party
Rhode Island	One-Party
South Carolina	One-Party
South Dakota	One-Party
Tennessee	One-Party
Texas	One-Party
Utah	One-Party
Vermont	No Defined Statute
Virginia	One-Party
Washington	All-Party
West Virginia	One-Party
Wisconsin	One-Party
Wyoming	One-Party



Some states have explicit statutes requiring employers to notify employees before starting electronic monitoring, but the manner and threshold of notice vary. Below, the specific requirements for these states are outlined.

1. **Connecticut:** [Conn. Gen. Stat. § 31-48d](#)
 - a. Requires employers to provide written notice of electronic monitoring to their employees, except for misconduct investigations
 - b. Applies to electronic monitoring of computers, telephones, and other electronic devices
2. **Delaware:** [Del. Code tit. 19, § 705](#)
 - a. Requires employers to provide written or electronic notice of electronic monitoring to their employees, and the employees must acknowledge that they have received the notification
 - b. Applies to electronic monitoring of emails, internet usage, and telephone communications

During the 2025 and 2026 legislative sessions, several states have proposed legislation to regulate employers' electronic monitoring of employees. During the 2025 legislative session, five bills were proposed, and all were carried over to 2026 (Michigan (2), New York, Vermont, and Washington). During the 2026 legislative session, two bills have been introduced (Connecticut and Washington). Below is a table outlining this legislation:

State	Bill	Year	Status	Notes
CT	SB 472	2026	Introduced	Requires employers to provide prior written notice of electronic monitoring (including camera use) on workplace premises.
MI	HB 4456	2025	Carried Over to 2026	Allows employers to monitor employee communications only with a disclosed policy and prohibits monitoring on personal devices.
MI	HB 5579	2025	Carried Over to 2026	Prohibits certain forms of electronic monitoring, including potentially invasive surveillance, without employee consent and places limits on monitoring in private settings.
NY	A 8931	2025	Carried Over to 2026	Requires notice of electronic monitoring and limits how employers can use surveillance data, including protections related to monitoring in private or off-duty contexts.
VT	H262	2025	Carried Over to 2026	Restricts employer monitoring, including camera use, to instances of necessity and prohibits surveillance in employees' homes except in limited circumstances.
WA	HB 1672	2025	Carried Over to 2026	Establishes strict limits on electronic monitoring, including banning camera surveillance in employee homes except for narrow safety or data-security purposes.
WA	HB 2144	2026	Introduced	Requires advance notice when employers use monitoring technologies (including cameras) for performance evaluation, but does not directly restrict home surveillance.