



Jonathan Mintz
Commissioner

42 Broadway
New York, NY 10004

Dial 311 or (212) NEW-
YORK (outside NYC)

nyc.gov/consumers

July 30, 2013

BY U.S. MAIL AND E-MAIL

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

RE: Debt Collection Telephone Call Record Requirements

Dear Mr. [REDACTED]

The New York City Department of Consumer Affairs (the “Department”) issues this letter in response to your recent inquiry whether the Department’s regulations require a debt collection agency to maintain records of calls made to consumers, that result in a busy signal, wrong number, hang-up, voice message, or no answer.

Title 6 of the Rules of the City of New York (the “Rule” or “RCNY”) imposes two different types of recordkeeping requirements with regard to calls made by a debt collection agency. As explained below, a debt collection agency must maintain (i) a log of *all calls* made to consumers, and (ii) recordings of *complete conversations* with consumers.

First, the Rule requires a debt collection agency to maintain a log of *all calls* made to consumers. As set forth in 6 RCNY § 2-193(b)(1) “[a] debt collection agency shall maintain . . . [a] monthly log of *all calls* made to consumers, listing the date, time and duration of each call, the number called and the name of the person reached during the call.” (emphasis added).

To satisfy subsection (b)(1) of the Rule, a debt collection agency must therefore include calls that result in busy signals, voice messages, wrong numbers, hang ups, and no answers in its monthly log. The log must also include all other calls.

Letter to [REDACTED]

July 30, 2013
Page 1 of 2



Second, the Rule requires a debt collection agency to maintain recordings of *complete conversations* with consumers. As set forth in 6 RCNY § 2-193(b)(2), “[a] debt collection agency shall maintain . . . [r]ecordings of *complete conversations* with all consumers or with a randomly selected sample of at least 5% of all calls made or received by the debt collection agency. . . .” (emphasis added).

To satisfy subsection (b)(2) of the Rule, a debt collection agency must therefore exclude calls that result in busy signals, voice messages, wrong numbers, hang ups, and no answers from its recordings. Further, under the Rule, a debt collection agency can maintain recordings of complete conversations with consumers in two ways. A debt collection agency may maintain recordings of complete conversations with *all* consumers. Alternatively, a debt collection agency may maintain recordings of complete conversations with *a randomly selected sample of at least 5% of all calls made or received*.

We hope this addresses your inquiry. For more information about New York City’s laws and rules regulating debt collection agencies, you may visit the Department’s web site at www.nyc.gov/consumers.

Thank you for your inquiry.

Sincerely,

A large black rectangular redaction box covering the signature of the staff attorney.

Staff Attorney
NYC Department of Consumer Affairs

Letter to 

July 30, 2013
Page 2 of 2