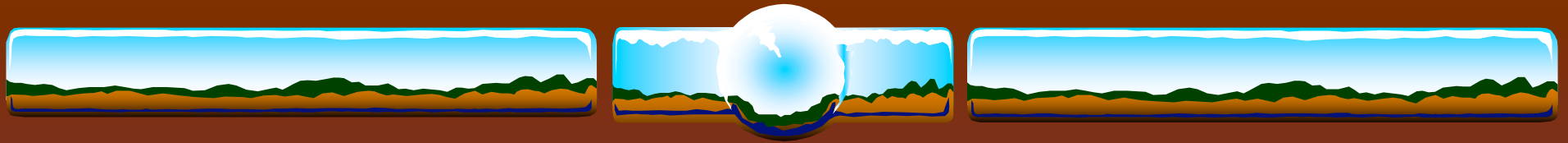


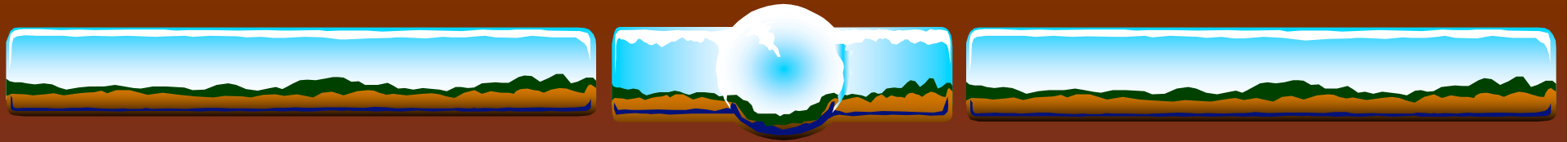
Electronic Communication Privacy Act

Jason Lazarus & Saranna Hack



Electronic Communication Privacy Act

- ❖ Signed into law: October 21, 1986
- ❖ Codified: 18 USC 2510 - 2522
18 USC 2701 - 2709
- ❖ Purpose: To protect “electronic communication” from unauthorized interception, disclosure or access
- ❖ Two Parts: Title I - Chapter 119
Title II - Chapter 121



Wiretap Act Privacy Protections

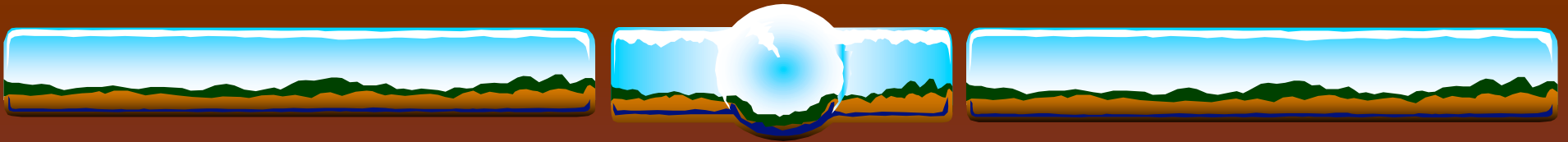
- ❖ Broadens scope of privileged communications
- ❖ Transmitted communications requirements
- ❖ Maintains restrictions on the interception and prohibition on access to stored electronic communications
- ❖ Responds to the Supreme Court's ruling in *Smith v. Maryland*
- ❖ Broadens the reach of the Wiretap Act



Title I

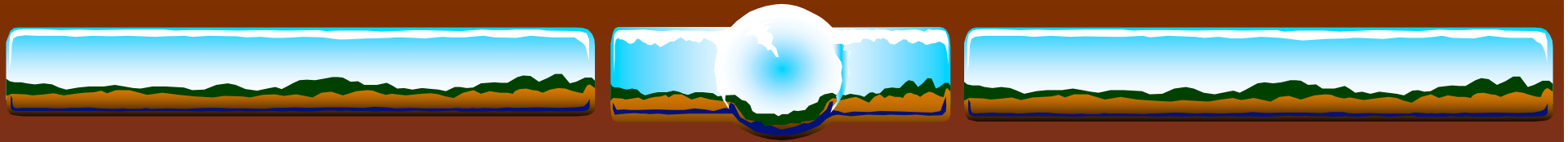
Covers Fourth Amendment Principles and the “plain view doctrine”

Where the law says you can't bug private telephone communications it now says you can't bug private computer communications

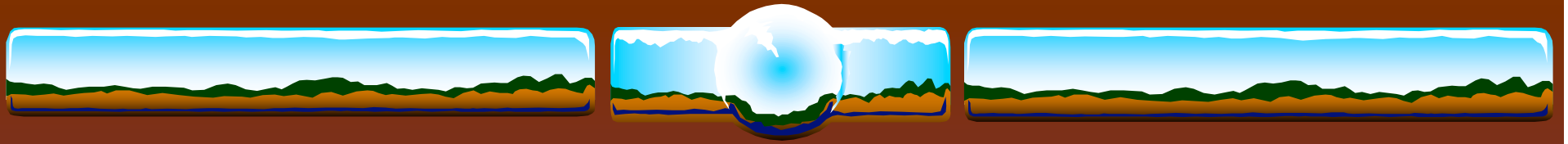


Title I: Wire and Electronic Communications interception and interception of Oral Communication

- ❖ Sec 2510: Definitions
 “electronic Communications “
- ❖ Sec 2511: Interception and Disclosure of wire, oral, or electronic communications prohibited
- ❖ Sec 2512: Manufacture, Distribution, Possession, and advertising of wire, oral, or electronic communication intercepting devices prohibited
- ❖ Sec 2513: Confiscation of wire, oral, or electronic communication intercepting devices
- ❖ Sec 2515: Prohibition of use as evidence of intercepted wire or oral communications
- ❖ Sec 2516: Authorization for interception of wire, oral, or electronic communications



- ❖ Sec 2517: Authorization for disclosure and use of intercepted wire, oral, or electronic communications
- ❖ Sec 2518: Procedure for interception of wire, oral, or electronic communications
- ❖ Sec 2519: Reports concerning intercepted wire, oral, or electronic communications
- ❖ Sec 2520: Recovery of civil damages authorized
- ❖ Sec 2521: Injunction against illegal interception
- ❖ Sec 2522: Enforcement of the Communications Assistance for Law Enforcement Act



Sysop Exceptions

- ❖ If Authorized
- ❖ If the sysop gets permission from the sender or the intended recipients
- ❖ If the sysop must look at the content to forward it
- ❖ If a message looks like a possible crime



Computer Crime Exceptions

- ❖ Interception pursuant to a §2518 court order
- ❖ ‘Consent’ exception
- ❖ ‘Provider’ exception
- ❖ ‘Computer Trespasser’ exception
- ❖ ‘Extension Telephone’ exception
- ❖ ‘Inadvertently obtained Criminal Evidence’ exception
- ❖ “Accessible to the Public’ exception



Sources

<http://www.consumerprivacyguide.com/law/ecpa.shtml>

<http://legal.web.aol.com/resources/legislation/ecpa.html>

<http://www.betterboard.net/attserv/practice/cyberlaw/privacy/expa.asp>

<http://www.law.wfu.edu/students/IPLA/winds.pdf>

<http://www.privacilla.org/government/ecpa.html>