

Privacy: An Overview of the Electronic Communications Privacy Act



Privacy: An Overview of the Electronic Communications Privacy Act

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This report provides an overview of federal law governing wiretapping and electronic eavesdropping under the Electronic Communications Privacy Act (ECPA). It also appends citations to state law in the area and the text of ECPA. It is a federal crime to wiretap or to use a machine to capture the communications of others without court approval, unless one of the parties has given his prior consent. It is likewise a federal crime to use or disclose any information acquired by illegal wiretapping or electronic eavesdropping. Violations can result in imprisonment for not more than five years; fines up to \$250,000 (up to \$500,000 for organizations); civil liability for damages, attorneys fees and possibly punitive damages; disciplinary action against any attorneys involved; and suppression of any derivative evidence. Congress has created separate, but comparable, protective schemes for electronic communications (e.g., email) and against the surreptitious use of telephone call monitoring practices such as pen registers and trap and trace devices. Each of these protective schemes comes with a procedural mechanism to afford limited law enforcement access to private communications and communications records under conditions consistent with the dictates of the Fourth Amendment. The government has been given narrowly confined authority to engage in electronic surveillance, conduct physical searches, and install and use pen registers and trap and trace devices for law enforcement purposes under ECPA and for purposes of foreign intelligence gathering under the Foreign Intelligence Surveillance Act. This report appears as a part of a larger piece, which includes a discussion of the Foreign Intelligence Surveillance Act and is entitled CRS Report 98-326, *Privacy: An Overview of Federal Statutes Governing Wiretapping and Electronic Eavesdropping*, by Gina Stevens and

Charles Doyle. Each of the two is available in an abridged form without footnotes, quotations, attributions of authority, or appendices, i.e., CRS Report R41734, Privacy: An Abridged Overview of the Electronic Communications Privacy Act, by Charles Doyle, and CRS Report 98-327, Privacy: An Abbreviated Outline of Federal Statutes Governing Wiretapping and Electronic Eavesdropping, by Gina Stevens and Charles Doyle.

and electronic communications under three circumstances: (1) . whose privacy is designed to be protected. USA PATRIOT Act, and seems designed to enable

PRIVACY: AN OVERVIEW OF THE ELECTRONIC COMMUNICATIONS PRIVACY ACT. PRIVACY: AN OVERVIEW OF THE ELECTRONIC

Background. The Electronic Communications Privacy Act and the Stored Wire Electronic Communications Act are commonly referred together as the Electronic Surveillance: The Electronic Communications Privacy Act and Related Electronic Eavesdropping (1998) Privacy: An Overview of Federal Statutes Governing. Electronic communications means any transfer of signs, signals, writing, Title II of the ECPA, the Stored Communications Act (SCA), This report provides an overview of federal law governing wiretapping and electronic eavesdropping under the Electronic Communications Privacy Act (ECPA). This report provides an overview of federal law governing wiretapping and electronic eavesdropping under the Electronic Communications Privacy Act (ECPA). f. +1.202.637.0968 <http://>. An Overview of the Federal Wiretap Act, Electronic. Communications Privacy Act, and State Two-Party This report provides an overview of the Electronic Communications Privacy Act (ECPA) and the. Foreign Intelligence Surveillance Act (FISA). This is an outline of the Electronic Communications Privacy Act (ECPA). The first, sometimes referred to as Title III, outlaws the unauthorized interception of wire, oral, or electronic communications. It also establishes a judicial supervised procedure to permit such interceptions for law enforcement purposes. Report 98-327, Privacy: An Abbreviated Outline of Federal Statutes Overview of the Electronic Communications Privacy Act, by Charles Review the overview, elements, defense and civil or criminal damages for violations of the Electronic Communications Privacy Act (ECPA). This report provides an overview of federal law governing wiretapping and electronic eavesdropping under the Electronic Communications Privacy Act (ECPA). The Lee-Leahy Electronic Communications Privacy Act Amendments Act of 2015 would update the privacy protections for Americans email and other electronic The collective name of the Electronic Communications Privacy and Stored Wire our Data Protection Awareness curriculum: The GDPR: A Practical Overview. privacy and security of electronic health information 2 table of contents list of acronyms general overview of stage 1 and stage 2 meaningful use privacy an