

E-mail Protected Against Interception Under Wiretap Act

October 1, 2005

The U.S. First Circuit Court of Appeals has ruled that, despite the temporary storage of transient e-mail messages, the communications remain protected by the federal Wiretap Act. Bradford Councilman was charged with violating the Wiretap Act by intercepting e-mail messages. A three judge panel of the appellate court had previously held that an e-mail service provider's monitoring of its users' e-mail messages without their consent did not violate the Wiretap Act as the messages were monitored during storage and were, therefore, not 'intercepted'. Upon review by the entire First Circuit bench, the court reversed the prior ruling, concluding instead that the Wiretap Act's coverage of 'electronic communication' is broad enough to include e-mail. To review the court's opinion, go to:

<http://www.ca1.uscourts.gov/> and search under "Opinions" for case number 03-1383.

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