

# STORED WIRE & ELECTRONIC COMMUNICATIONS QUICK REFERENCE GUIDE

(REFLECTING 2001 UPDATES FROM P.L. 107-56, USA PATRIOT ACT)



	Voluntary Disclosure Allowed?		Mechanisms to Compel Disclosure	
	Public Provider	Non-Public Provider	Public Provider	Non-Public Provider
<b>Basic subscriber, session &amp; billing information†</b>	No, unless §2702(c) exception applies [§ 2702(a)(3)]	Yes [§ 2702(a)(3)]	Subpoena; 2703(d) order; or search warrant [§ 2703(c)(2)]	Subpoena; 2703(d) order; or search warrant [§ 2703(c)(2)] [§ 2711(2)]
<b>Other transactional and account records</b>	No, unless §2702(c) exception applies [§ 2702(a)(3)]	Yes [§ 2702(a)(3)]	2703(d) order or search warrant [§ 2703(c)(1)]	2703(d) order or search warrant [§ 2703(c)(1)]
<b>Retrieved communications‡ and content of other stored files</b>	No, unless § 2702(b) exception applies [§ 2702(a)(2)]	Yes [§ 2702(a)(2) and § 2711(2)]	Subpoena with notice; 2703(d) order with notice; or search warrant [§ 2703(b)]	Subpoena; ECPA doesn't apply [§ 2711(2)]
<b>Unretrieved communications‡ (in electronic storage more than 180 days)</b>	No, unless § 2702(b) exception applies [§ 2702(a)(1)]	Yes [§ 2702(a)(1)]	Subpoena with notice; 2703(d) order with notice; or search warrant [§ 2703(a,b)]	Subpoena with notice; 2703(d) order with notice; or search warrant [§ 2703(a,b)]
<b>Unretrieved communications‡ (in electronic storage 180 days or less)</b>	No, unless § 2702(b) exception applies [§ 2702(a)(1)]	Yes [§ 2702(a)(1)]	Search warrant [§ 2703(a)]	Search warrant [§ 2703(a)]

† See 18 U.S.C. § 2703(c)(2) for listing of information covered. For telephone communications, the section includes, among other records, local and long distance connection records. For Internet connections, the section includes, among others, records of session times and durations, and IP address assigned to the user during the session.

‡ Includes the content of voice communications.