

News & Insights

Janet Stiven Authors Article for *Westlaw Journal Computer and Internet*

Explores Question: “What Privacy Expectations Should U.S. Citizens and Businesses Have Regarding Their Email and Telephone Communications?”

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Janet A. Stiven, a Chicago-based business attorney and Dykema Member who advises clients concerning the legal implications related to technology use in business operations, authored an article published in the October 31, 2013 issue of *Westlaw Journal Computer and Internet*, a monthly publication that provides legal commentary and insight related to Internet regulation, computer crime, intellectual property, First Amendment rights and privacy issues related to technology.

In this article, “Email and telephone communications: What privacy protections remain?” Stiven focuses on the U.S. laws that protect the privacy of email and phone communications, and explores when these laws can be used by the U.S. Government to intercept and access information from citizens and businesses.

Stiven notes that current laws addressing privacy and protection of phone and email communications are a complex and confusing framework of statutes, regulations, case law and executive orders, created piecemeal over time, rather than in a coordinated fashion.

Stiven provides insight into these laws that help shape and inform government access to electronic communications:

- Title III of the Omnibus Crime Control and Safe Streets Act of 1968
- The Foreign Intelligence Surveillance Act of 1978
- The Electronics Communications Privacy Act of 1986
- The U.S. Patriot Act of 2001
- The Intelligence Reform and Terrorism Prevention Act of 2004

Stiven points out that—unlike private parties, whose rights to intercept and access email and telephone communications are restricted—the Stored Communications Act (Title II of the Electronic Communications Privacy Act) permits the government to access email, voicemail and related data under certain circumstances. As this government access can yield profoundly personal content and metadata, Stiven concludes, “further debate and clarifying legislation on the scope of Fourth Amendment and statutory protections for these communications” are essential.

To read this article in its entirety, [click here](#).

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