

**Case Name & Citation:**

Van Buren v. United States, 141 S. Ct. 1648 (2021)

**Facts:**

Nathan Van Buren, a former police sergeant, was charged with violating the Computer Fraud and Abuse Act (CFAA) for accessing a government database for personal reasons in exchange for money. Van Buren had the authorization to access the database for law enforcement purpose, but not for personal gain such as in exchange for money.

**Issue:**

Whether Van Buren violated the CFAA by accessing a government database for personal reasons in exchange for money, despite having authorization to access the database for law enforcement purposes.

**Ruling:**

The Supreme Court ruled in favor of Van Buren, holding the statement that he did not violate the CFAA. The court held that Van Buren's conduct did not constitute a violation of the CFAA because he had authorization to access the database, even though he accessed the database for personal gain. The court also held that the CFAA should not be interpreted to cover "ordinary" computer use that falls outside the scope of an individual's authorized access.

**Reasoning:**

The court's analysis began by examining the language of the Computer Fraud and Abuse Act (CFAA), which makes it a crime to access a computer system "without authorization" or to exceed authorized access. The court noted that the term "without authorization" is relatively straightforward and refers to conduct that involves accessing a computer system without any permission at all. However, the term "exceeds authorized access" is more ambiguous and is more of a subject of considerable debate and confusion.

The court looked to the legislative history of the CFAA to determine exactly what Congress had intended when it used the term "exceeds authorized access". The court then found that the CFAA was originally enacted in 1986 to combat computer hacking and that its purpose was to prohibit unauthorized access to computer systems. However, over time the law has been amended to cover a broader range of conduct, which changed to include misuse of authorized access. The court then noted that the expansion of the law had led to a split among the circuits, which lead to some courts interpreting "exceeds authorized access" broadly to cover any misuse of authorized access, while other courts had adopted a narrower interpretation.

## Assignment 2: Brief a Case

Gunnar Yonker

The court ultimately rejected the government's broad interpretation of "exceeds authorized access" and instead chose to adopt a narrower interpretation. This led to the court holding that the term should be read to cover only situations in which an individual accesses a computer system with authorization but then uses that access to obtain information or engage in activities that are outside the scope of his or her authorized access. The court held that the CFAA does not criminalize the misuse of information that an individual is authorized to access, but rather only criminalizes unauthorized access or access that is exceeded.

When this standard is applied to Van Buren's case, the court found that he had not exceeded his authorized access to the government database when he accessed it for personal reasons in exchange for money. Although Van Buren had obtained the information for an improper purpose, he accessed the database with proper authorization, and he had not exceeded his authorized access in the process. The court also noted that its interpretation of the CFAA was consistent with the law's purpose of combating computer hacking and other unauthorized access, along with avoiding the potentially overbroad application of the law to a wide range of conduct that falls outside the scope of its intended purpose.

In conclusion, the court's reasoning in *Van Buren v. United States* provides important guidance on the scope of the Computer Fraud and Abuse Act and clarifies that misuse of authorized access to a computer system does not necessarily constitute a violation of the law. The decision of the court will most likely have implications for future cases involving the CFAA as well as for the development of computer-related laws more broadly.

### **Opinion:**

While Van Buren's actions of accepting money in exchange for accessing a law enforcement database was certainly unethical and potentially illegal under other laws, the Supreme Court's decision in *Van Buren v. United States* was correct based on a strict interpretation of the CFAA. The court's ruling does not condone Van Buren's behavior, but rather recognizes that the CFAA was not intended to prohibit the type of conduct in which Van Buren engaged in. I support the Court's decision because I believe that criminal statutes should be narrowly interpreted to avoid potential civil liberty violations and if they get too broad that they start to lose their intended purpose. If the court were to criminalize the conduct at issue in Van Buren's case it could have broader negative consequences for individuals with authorized access to confidential information. It is possible that this rule would have negative consequences such as making it easier for individuals to misuse confidential information without fear of criminal prosecution, but as it stood in this case the interpretation of the CFAA does not have misuse as a violation so this case could be reason to re-evaluate the CFAA to account for instances such as this case issue as access was authorized but it was misused in this case.