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Cyberlaw

Module 8 assignment

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| **Category** | **Code Provisions** | **Explanation** |
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| 1. Applicability | 50 U.S.C. Chapter 36 (FISA) | FISA is applicable when electronic surveillance is conducted for foreign intelligence purposes, including counterterrorism. FISA is used when the target is a foreign power or agent of a foreign power. Electronic Communications Privacy Act (ECPA) applies in other cases, such as criminal investigations. |
| 2. Court Orders | 50 U.S.C. 1801 et seq. | FISA requires a court order based on a probable cause standard. This means that the government must show that the target is a foreign power or agent of a foreign power, and that the surveillance is for foreign intelligence purposes. The court order is obtained from the Foreign Intelligence Surveillance Court (FISC), a secret court. |
| 3. Surveillance without court order | 50 U.S.C. 1802, 50 U.S.C. 1881 | Surveillance without a court order can be conducted in emergency situations, but a retroactive court order is required within a specified time. Additionally, there are provisions for surveillance of non U.S. people reasonably believed to be located outside the United States without an individualized court order, subject to certain restrictions and oversight. |
| 4. Collection outside the United States | 50 U.S.C. 1881a, 50 U.S.C. 1881b | FISA provides authority to collect against non-U.S. persons reasonably believed to be located outside the United States. These provisions have been expanded through amendments like the FISA Amendments Act. Certain procedures and oversight are in place to ensure compliance with the law and protection of privacy rights. |