	Wiretap Act	Stored	Pen Register Act
		Communications Act	
United	18 U.S.C. §§ 2510-2522	18 U.S.C. §§ 2701-2712	18 U.S.C. §§ 3121-3127
States			
Code			
Sections			
Applicabil	Applies when law	Covering stored	Collecting metadata about
ity: What	enforcement seeks to	electronic	electronic communications.
are	intercept wire, oral, or	communications held by	
circumsta	electronic	service providers.	
nces when	communications in		
this	transit. Intercepting		
particular	various types of		
statute	communications with		
should be	exceptions.		
applied?			
What			
types of			
communic			
ations are			
covered?			

Exclusion	Evidence may be	Evidence may be	Evidence may be excluded if
ary Rule:	excluded if violated of	excluded if violation of	violated.
What, if	the Wiretap Act may be	the Stored	
any,	excluded at trial.	communications Act may	
evidence		be excluded.	
would be			
excluded			
at a trial if			
this law is			
violated?			
Penalties:	Criminal penalties may	Criminal and civil	Criminal penalties may apply
Are there	apply for violations of	penalties may apply for	for violations of the Pen
criminal	the Wiretap Act.	violations of the stored.	Register Act.
or civil			
penalties			
associated			
with a			
violation?			

Minimizat	Law enforcement must	Generally no specific	No specific minimization
ion	minimize irrelevant info.	minimization	requirements
Requirem		requirements.	
ents: Are			
there			
limits on			
law			
enforceme			
nt as to			
the			
informatio			
n that can			
be			
gathered?			

Notice	Parties must be notified	Notice required to the	No notice requirements.
Requirem	within 90 days or court-	subscriber or customer	
ents:	ordered delay.	whose communications	
When, if		are disclosed	
at all,			
must			
parties be			
notified of			
a			
collection			
under the			
law?			
Exception	Consent of one party is	Exceptions for voluntary	Court order required for pen
s: Does the	an exception. Wiretap	disclosure and certain	register use. Allows law
law	Act provides exceptions,	law enforcement actions.	enforcement to use pen
provide	such as consent from one		registers and trap and trace
explicit	of the parties involved		devices with a court order
exceptions			
for			
applicabili			
ty of this			
law?			