



LIM College

Effective: 08/01/2012



Computer Fraud and Abuse Act (CFAA):

The CFAA criminalizes unauthorized access to a "protected computer" with the intent to obtain information, defraud, obtain anything of value or cause damage to the computer. A "protected computer" is defined as a computer that is used in interstate or foreign commerce or communication or by or for a financial institution or the government of the United States. In light of the "interstate or foreign commerce" criterion, the act of "hacking" into a secure web site from an out-of-state computer may be considered a CFAA violation. This statute has both criminal and civil components.

USA Patriot Act:

The USA PATRIOT Act, grants law enforcement increased access to electronic communications and, among other things, amends FERPA, ECPA and the Foreign Intelligence Surveillance Act of 1978 (FISA), in each case making it easier for law enforcement personnel to gain access to otherwise confidential information. Perhaps most significant in the context of higher education is an amendment that potentially prohibits institutions from revealing the very existence of law enforcement investigations. Under Section 215 of the USA PATRIOT Act, which amends Sections 501 through 503 of FISA, the FBI can, with a court order, seize certain business records pursuant to an investigation of "international terrorism or other clandestine intelligence activities," and record-keepers are prohibited from disclosing the FBI's action to anyone "other than those persons necessary to produce the tangible [records]" Th1(e)-1.7 (n)2 (s)1.6(A)4.6))-9 ((n)A.3 (o)106ne)-1.