

Chart<sup>1</sup> Applying Restrictions of the Stored Communications Act to the Township’s Subpoena to Google of September 26, 2007

	<b>Voluntary disclosure allowed to a government entity?</b>	<b>Mechanisms to compel disclosure</b>	<b>Examples of information and material sought by the township by category</b>	<b>Is the township eligible to use a discovery subpoena to obtain this information?</b>
Unopened e-mail (in electronic storage 180 days or less)	No, unless § 2702(b) exception applies. [§ 2702(a)(1)]	Search warrant [§ 2703(a)]	Implicitly seeks all e-mails ever received by user: seeks “any information associated with this account.”	<b>No.</b>
Unopened e-mail (in electronic storage more than 180 days)	No, unless § 2702(b) exception applies. [§ 2702(a)(1)]	Non-discovery subpoena <sup>2</sup> with notice; 2703(d) order with notice; or search warrant [§ 2703(a), (b)]	Implicitly seeks all e-mails ever received by user: seeks “any information associated with this account.”	<b>No.</b>
Opened e-mail, other content files being stored or process	No, unless § 2702(b) exception applies. [§ 2702(a)(2)]	Non-discovery subpoena with notice; 2703(d) order with notice; or search warrant [§ 2703(b)]	Explicitly seeks “all e-mails sent” by user from January 1, 2007, to present; “weblog post drafts.” Explicitly seeks “any information associated with this account.” Implicitly includes all e-mails ever received by user; content stored with Google including financial information, word processing documents, etc.	<b>No.</b>

<sup>1</sup> See also Orin S. Kerr, “A User’s Guide to the Stored Communications Act – and a Legislator’s Guide to Amending It,” 72 Geo. Wash. L. Rev. 1208, 1223.

<sup>2</sup> “Non-discovery subpoenas” include administrative subpoenas, grand jury subpoenas, and trial subpoenas.

Non-content records	No, unless § 2702(c) exception applies.  [§ 2702(a)(3)]	2703(d) order or search warrant  [§ 2703(c)(1)]	Explicitly seeks “any information associated with this account”; identity and contact information; browser type and language. Implicitly includes Google records regarding web browsing, video viewing, etc.	<b>No.</b>
Basic subscriber information, session logs, IP addresses, (anything in 2703(c)(2))	No, unless § 2702(c) exception applies.  [§ 2702(a)(3)]	Non-discovery subpoena; 2703(d) order; or search warrant  [§ 2703(c)(2)]	Explicitly seeks “any information associated with this account”; identity and contact information; IP address; telephone, e-mail, and web site address. Implicitly includes records regarding length of visits to web sites, login time at any Google service, means and source of any payments to Google.	<b>No.</b>