



LAW TIPS

One of the pleasures of practicing law is helping people resolve legal questions they come face to face with in their lives. Some of these situations are pleasant – such as selling your house for a profit or buying your dream house – while others cause various levels of anxiety – such as when someone owes you money or when you have been charged with a crime. We hope these law tips will entertain as well as enlighten you. **PLEASE REMEMBER** these are only tips and no legal decision should be made without first obtaining advice specific to your particular situation.

E-MAIL PRIVACY AND YOU

The Electronic Communications Privacy Act makes it a crime for anyone to read your e-mail with three exceptions: (1) an on-line service can read your mail if you [or your recipient] consent; (2) an internet service provider can read your e-mail if it thinks that you may be trying to harm the system or another person; and (3) your employer can read your e-mail if the system is owned by the employer. The Act also makes it legal for anyone to view or transmit your personal information [think commercial advertisers etc. here] if you have made it “readily accessible” to the public by posting a message to a newsgroup or some other forum. And, of course, if you surf the net, you leave electronic footprints behind that direct-marketing companies love to sell.

What happens after your e-mail message disappears into the electronic atmosphere? Most systems store them on the hard drive. Ollie North and the boys working for Reagan didn’t realize this when they busily erased disks and dumped paper but forgot to find out whether there was a subdirectory with all the e-mail messages on it.

Even if you have a ‘dump trash’ system, however, most people don’t understand that a file is truly not erased until it is written over. The addressing system in the computer is told you’ve deleted a file but the file is not erased - the address for where it’s located is freed up for a new file. Go in and look, however, and the message is still there until a new message or file is written over it. Netscape Cache holds interesting bits of information about your activities as do files that contain global histories. Norton Utilities does have a file that actually rewrites the old files with garbage data so that the old files actually disappear.

So what are the rules? Don’t write anything you wouldn’t want someone else [your grandmother?] to see. Your thoughts of bumping off the president should not go on paper or the computer screen and never never emailed out. A college student who sent threatening e-mail to President Clinton was hunted down and arrested by the Secret Service with the help of computer nerds who traced his message back to his computer.

If you think this is scary, wait til you hear about ‘cookies’, little programs that fly into your computer when you get on the web and then radio back what you look at and visit so you can be targeted with smart ads.

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