

# Ninth Circuit Provides Clarity and Eases Compliance for Telecom Service Providers

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On April 16, the Ninth Circuit Court of Appeals, in *FayeLynn Sams v. Yahoo Inc.*, ruled that service providers need only to believe that a law enforcement request or subpoena for user information is legal to avoid liability. The Ninth Circuit further explained that as long as a subpoena appears valid on its face, service providers would not be legally liable for complying with the request under the Stored Communications Act.

Section 2707(e) of the Stored Communications Act (SCA) states that service providers are immune from claims of illegal disclosure of user records as long as they release the data in good faith and in reliance on a subpoena or other valid legal process. In this case, the Ninth Circuit has interpreted that language to mean that, as long as companies like Yahoo review each request in good faith, and the terms within the request appear legally sufficient, they will not be held liable for inadvertent impermissible disclosures.

This decision establishes a straightforward framework for service providers to use when deciding whether to turn over user data to law enforcement. However, other sections of the SCA provide less clarity, and sole reliance on the Ninth Circuit's decision in this case may lead to some exposure for service providers if they aren't careful.

Carlton Fields is monitoring developments surrounding this case closely and is ready to advise clients on how to respond to law enforcement requests for information in light of this decision. If you have any questions regarding user data subpoenas or law enforcement requests for user data, please do not hesitate to contact us.

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