# F. Quick Reference Guide

| | Voluntary Disclosure Allowed? | | How to Compel Disclosure | |
|---|---|---|---|---|
| | **Public Provider** | **Non-Public** | **Public Provider** | **Non-Public** |
| Basic subscriber, session, and billing information • | No, unless §2702(c) exception applies<br><br><br>*§ 2702(a)(3)* | Yes<br><br><br>*§ 2702(a)(3)* | Subpoena; 2703(d) order; or search warrant<br><br>*§ 2703(c)(2)* | Subpoena; 2703(d) order; or search warrant<br><br>*§ 2703(c)(2)* |
| Other transactional and account records | No, unless §2702(c) exception applies<br><br><br>*§ 2702(a)(3)* | Yes<br><br><br>*§ 2702(a)(3)* | 2703(d) order or search warrant<br><br><br>*§ 2703(c)(1)* | 2703(d) order or search warrant<br><br><br>*§ 2703(c)(1)* |
| Retrieved communications and the content of other stored files# | No, unless § 2702(b) exception applies<br><br><br>*§ 2702(a)(2)* | Yes<br><br><br>*§ 2702(a)(2)* | Subpoena with notice; 2703(d) order with notice; or search warrant*<br><br>*§ 2703(b)* | Subpoena; SCA does not apply*<br><br><br>*§ 2711(2)* |
| Unretrieved communications, including email and voice mail (in electronic storage more than 180 days) † | No, unless § 2702(b) exception applies<br><br><br>*§ 2702(a)(1)* | Yes<br><br><br>*§ 2702(a)(1)* | Subpoena with notice; 2703(d) order with notice; or search warrant<br><br>*§ 2703(a), (b)* | Subpoena with notice; 2703(d) order with notice; or search warrant<br><br>*§ 2703(a), (b)* |
| Unretrieved communications, including email and voice mail (in electronic storage 180 days or less) † | No, unless § 2702(b) exception applies<br><br><br>*§ 2702(a)(1)* | Yes<br><br><br>*§ 2702(a)(1)* | Search warrant<br><br><br>*§ 2703(a)* | Search warrant<br><br><br>*§ 2703(a)* |

•    *See* 18 U.S.C. § 2703(c)(2) for listing of information covered. This information includes local and long distance telephone connection records and records of session times and durations as well as IP addresses assigned to the user during the Internet connections.

†    Includes the content of voice communications.

\*    For investigations occurring in the Ninth Circuit, *Theofel v. Farey-Jones*, 359 F.3d 1066 (9th Cir. 2004), requires use of a search warrant unless the communications have been in storage for more than 180 days. Some providers follow *Theofel* even outside the Ninth Circuit; contact CCIPS at (202) 514-1026 if you have an appropriate case to litigate this issue.