

**F. Quick Reference Guide [Excerpt from DOJ Search and Seizure Manual]**

	Voluntary Disclosure Allowed?		Mechanisms to Compel Disclosure	
	Public Provider	Non-Public Provider	Public Provider	Non-Public Provider
Basic subscriber, session, and billing information	Not to government, unless § 2702(c) exception applies  [§ 2702(a)(3)]	Yes  [§ 2702(a)(3)]	Subpoena; 2703(d) order; or search warrant  [§ 2703(c)(2)]	Subpoena; 2703(d) order; or search warrant  [§ 2703(c)(2)]
Other transactional and account records	Not to government, unless § 2702(c) exception applies  [§ 2702(a)(3)]	Yes  [§ 2702(a)(3)]	2703(d) order or search warrant  [§ 2703(c)(1)]	2703(d) order or search warrant  [§ 2703(c)(1)]
Accessed communications (opened e-mail and voice mail) left with provider and other stored files	No, unless § 2702(b) exception applies  [§ 2702(a)(2)]	Yes  [§ 2702(a)(2)]	Subpoena with notice; 2703(d) order with notice; or search warrant  [§ 2703(b)]	Subpoena; ECPA doesn't apply  [§ 2711(2)]
Unretrieved communication, including e-mail and voice mail (in electronic storage <u>more than 180 days</u> )	No, unless § 2702(b) exception applies  [§ 2702(a)(1)]	Yes  [§ 2702(a)(1)]	Subpoena with notice; 2703(d) order with notice; or search warrant  [§ 2703(a,b)]	Subpoena with notice; 2703(d) order with notice; or search warrant  [§ 2703(a,b)]
Unretrieved communication, including e-mail and voice mail (in electronic storage 180 days or less)	No, unless § 2702(b) exception applies  [§ 2702(a)(1)]	Yes  [§ 2702(a)(1)]	Search warrant  [§ 2703(a)]	Search warrant  [§ 2703(a)]