

112TH CONGRESS
2D SESSION

H. R. 6529

To amend title 18, United States Code, with respect to disclosures to governments by communications-related service providers of certain information consisting of or relating to communications, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2012

Ms. ZOE LOFGREN of California introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Select Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 18, United States Code, with respect to disclosures to governments by communications-related service providers of certain information consisting of or relating to communications, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “ECPA 2.0 Act of
5 2012”.

1 **SEC. 2. WARRANT REQUIRED FOR CONTENTS OF COMMU-**
2 **NICATIONS.**

3 (a) **COMPELLED DISCLOSURE OF COMMUNICATION**
4 **CONTENTS.—**

5 (1) **IN GENERAL.—**Section 2703 of title 18,
6 United States Code, is amended—

7 (A) in subsection (a)—

8 (i) by striking “IN ELECTRONIC
9 STORAGE” in the subsection header;

10 (ii) by inserting “or remote computing
11 service” in the first sentence after “elec-
12 tronic communication service”;

13 (iii) by striking “that is in electronic
14 storage in an electronic communications
15 system for one hundred and eighty days or
16 less,” and inserting “that is stored, held,
17 or maintained by that service,”; and

18 (iv) by striking the final sentence and
19 inserting “Within three days after a gov-
20 ernmental entity receives such contents
21 from a service provider pursuant to this
22 subsection, the governmental entity shall
23 serve upon, or deliver by registered or
24 first-class mail, or other means reasonably
25 calculated to be effective as specified by
26 the court issuing the warrant to the sub-

1 scriber, customer, or user a copy of the
2 warrant and a notice that includes the in-
3 formation referenced in section
4 2705(a)(4)(A) and (B)(i), except that de-
5 layed notice may be provided pursuant to
6 section 2705 of this title.”; and

7 (B) by striking subsection (b).

8 (2) CONFORMING AMENDMENT.—Section
9 2703(d) of title 18, United States Code, is amended
10 by striking “(b) or”.

11 (b) VOLUNTARY DISCLOSURE OF COMMUNICATION
12 CONTENTS.—

13 (1) IN GENERAL.—Section 2702(a)(3) of title
14 18, United States Code, is amended—

15 (A) by inserting “to any governmental en-
16 tity the contents of communication covered by
17 subsection (a) of section 2703 or any” after
18 “divulge”;

19 (B) by inserting “or user” after “cus-
20 tomer”; and

21 (C) by striking “(not including the con-
22 tents of communications covered by paragraph
23 (1) or (2))”.

24 (2) CONFORMING AMENDMENTS.—Section 2705
25 of title 18, United States Code, is amended—

1 (A) in subsection (a)(1)—

2 (i) in the subsection heading, by strik-
3 ing “2703(b)” and inserting “2703(a)”;

4 (ii) in subparagraph (A), by striking
5 “court order” each place it appears and in-
6 serting “warrant”;

7 (iii) in subparagraph (A), by striking
8 “2703(b)” and inserting “2703(a)”;

9 (iv) by striking subparagraph (B);

10 (B) by striking subsection (a)(3);

11 (C) in subsection (a)(4), by striking “or by
12 certification by a governmental entity, but only
13 in accordance with subsection (b) of this sec-
14 tion.”;

15 (D) in subsection (a)(5)—

16 (i) by inserting after “first-class
17 mail,” the following: “or other means rea-
18 sonably calculated to be effective as speci-
19 fied by the court issuing the warrant”;

20 (ii) by striking “the process or re-
21 quest” and replacing it with “warrant”;
22 and

23 (iii) in subsection (5)(A)(iii), by strik-
24 ing “governmental entity or” and “certifi-
25 cation or”;

1 (E) by striking subsection (a)(6); and

2 (F) in subsection (b)—

3 (i) by striking “when it is not re-
4 quired to notify the subscriber or customer
5 under section 2703(b)(1), or”; and

6 (ii) by striking “subpoena or court
7 order” each place it appears.

8 **SEC. 3. GEOLOCATION INFORMATION PROTECTION.**

9 (a) PROTECTION OF GEOLOCATION INFORMATION.—

10 (1) IN GENERAL.—Part 1 of title 18, United
11 States Code, is amended by inserting after chapter
12 119 the following:

13 **“CHAPTER 120—GEOLOCATION**
14 **INFORMATION**

“Sec.

“2601. Definitions.

“2602. Interception and disclosure of geolocation information.

“2603. Prohibition of use as evidence of acquired geolocation information.

“2604. Emergency situation exception.

“2605. Recovery of civil damages authorized.

15 **“§ 2601. Definitions**

16 “In this chapter:

17 “(1) ELECTRONIC COMMUNICATION SERVICE.—

18 The term ‘electronic communication service’ has the
19 meaning given that term in section 2510.

20 “(2) ELECTRONIC SURVEILLANCE.—The term

21 ‘electronic surveillance’ has the meaning given that

1 term in section 101 of the Foreign Intelligence Sur-
2 veillance Act of 1978 (50 U.S.C. 1801).

3 “(3) GEOLOCATION INFORMATION.—The term
4 ‘geolocation information’ means, with respect to an
5 individual, any information that is not the content of
6 a communication, concerning the location of a wire-
7 less communication device or tracking device (as
8 that term is defined section 3117) that, in whole or
9 in part, is generated by or derived from the oper-
10 ation of that device and that could be used to deter-
11 mine or infer information regarding the present,
12 prospective, or historical location of the individual.

13 “(4) GEOLOCATION INFORMATION SERVICE.—
14 The term ‘geolocation information service’ means the
15 provision of a global positioning service or other
16 mapping, locational, or directional information serv-
17 ice to the public, or to such class of users as to be
18 effectively available to the public, by or through the
19 operation of any wireless communication device.

20 “(5) GOVERNMENTAL ENTITY.—The term ‘gov-
21 ernmental entity’ means any employee or agent of
22 the United States, or any State or political subdivi-
23 sion thereof.

24 “(6) INTERCEPT.—The term ‘intercept’ means
25 the acquisition of geolocation information through

1 the use of any electronic, mechanical, or other de-
2 vice.

3 “(7) INVESTIGATIVE OR LAW ENFORCEMENT
4 OFFICER.—The term ‘investigative or law enforce-
5 ment officer’ means any officer of the United States
6 or of a State or political subdivision thereof, who is
7 empowered by law to conduct investigations of, or to
8 make arrests for, offenses enumerated in this chap-
9 ter, and any attorney authorized by law to prosecute
10 or participate in the prosecution of such offenses.

11 “(8) REMOTE COMPUTING SERVICE.—The term
12 ‘remote computing service’ has the meaning given
13 that term in section 2711.

14 “(9) STATE.—The term ‘State’ means any
15 State of the United States, the District of Columbia,
16 the Commonwealth of Puerto Rico, and any territory
17 or possession of the United States.

18 “(10) WIRELESS COMMUNICATION DEVICE.—
19 The term ‘wireless communication device’ means any
20 device that enables access to, or use of, an electronic
21 communication system or service, remote computing
22 service, or geolocation information service, if that de-
23 vice utilizes a radio or other wireless connection to
24 access such system or service, including any mobile
25 telephone, global positioning system receiving device,

1 mobile computer, or other similar or successor de-
2 vice.

3 “(11) COVERED SERVICE.—The term ‘covered
4 services’ means electronic communication service, re-
5 mote computing service, or of geolocation informa-
6 tion service.

7 **“§ 2602. Interception and disclosure of geolocation in-
8 formation**

9 “(a) IN GENERAL.—Except as otherwise specifically
10 provided in this chapter, it shall be unlawful for any gov-
11 ernmental entity to—

12 “(1) intentionally intercept, endeavor to inter-
13 cept, or procure any other person to intercept or en-
14 deavor to intercept, geolocation information per-
15 taining to an individual;

16 “(2) intentionally disclose, or endeavor to dis-
17 close, to any person geolocation information per-
18 taining to an individual, knowing or having reason
19 to know that the information was obtained through
20 the interception of such information in violation of
21 this subsection;

22 “(3) intentionally use, or endeavor to use, any
23 geolocation information, knowing or having reason
24 to know that the information was obtained through

1 the interception of such information in violation of
2 this subsection; or

3 “(4)(A) intentionally disclose, or endeavor to
4 disclose, to any person the geolocation information
5 pertaining to an individual intercepted by means au-
6 thorized by subsections (b) through (f), except as
7 provided in such subsections;

8 “(B) knowing or having reason to know that
9 the information was obtained through the intercep-
10 tion of such information in connection with a crimi-
11 nal investigation;

12 “(C) having obtained or received the informa-
13 tion in connection with a criminal investigation; and

14 “(D) with intent to improperly obstruct, im-
15 pede, or interfere with a duly authorized criminal in-
16 vestigation.

17 “(b) EXCEPTION FOR CONDUCTING FOREIGN INTEL-
18 LIGENCE SURVEILLANCE.—Notwithstanding any other
19 provision of this chapter, it shall not be unlawful for an
20 officer, employee, or agent of the United States in the nor-
21 mal course of the official duty of the officer, employee,
22 or agent to conduct electronic surveillance, as authorized
23 by the Foreign Intelligence Surveillance Act of 1978 (50
24 U.S.C. 1801 et seq.).

25 “(c) EXCEPTION FOR CONSENT.—

1 “(1) IN GENERAL.—It shall not be unlawful
2 under this chapter to intercept geolocation informa-
3 tion pertaining to an individual if such individual
4 has given prior consent to such interception unless
5 such information is intercepted for the purpose of
6 committing any criminal or tortious act in violation
7 of the Constitution or laws of the United States or
8 of any State.

9 “(2) CHILDREN.—The exception in paragraph
10 (1) permits a parent or legal guardian of a child to
11 give consent to intercept geolocation information.

12 “(d) EXCEPTION FOR PUBLIC INFORMATION.—It
13 shall not be unlawful under this chapter to intercept or
14 access geolocation information relating to an individual
15 through any system that is configured so that such infor-
16 mation is readily accessible to the general public.

17 “(e) EXCEPTION FOR EMERGENCY INFORMATION.—
18 It shall not be unlawful under this chapter for any inves-
19 tigative or law enforcement officer or other emergency re-
20 sponder to intercept or access geolocation information re-
21 lating to an individual if such information is used—

22 “(1) to respond to a request made by such indi-
23 vidual for assistance; or

1 “(2) in circumstances in which it is reasonable
2 to believe that the life or safety of the individual is
3 threatened, to assist the individual.

4 “(f) EXCEPTION FOR WARRANT.—

5 “(1) DEFINITIONS.—In this subsection:

6 “(A) COURT OF COMPETENT JURISDIC-
7 TION.—The term ‘court of competent jurisdic-
8 tion’ includes—

9 “(i) any district court of the United
10 States (including a magistrate judge of
11 such a court) or any United States court
12 of appeals that—

13 “(I) has jurisdiction over the of-
14 fense being investigated;

15 “(II) is in or for a district in
16 which the provider of a geolocation in-
17 formation service is located or in
18 which the geolocation information is
19 stored; or

20 “(III) is acting on a request for
21 foreign assistance pursuant to section
22 3512 of this title; or

23 “(ii) a court of general criminal juris-
24 diction of a State authorized by the law of
25 that State to issue search warrants.

1 “(B) GOVERNMENTAL ENTITY.—The term
2 ‘governmental entity’ means a department or
3 agency of the United States or any State or po-
4 litical subdivision thereof.

5 “(2) WARRANT.—A governmental entity may
6 intercept geolocation information or require the dis-
7 closure by a provider of covered services of
8 geolocation information only pursuant to a warrant
9 issued using the procedures described in the Federal
10 Rules of Criminal Procedure (or, in the case of a
11 State court, issued using State warrant procedures)
12 by a court of competent jurisdiction, or as otherwise
13 provided in this chapter or the Foreign Intelligence
14 Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

15 “(g) PROHIBITION ON DIVULGING GEOLOCATION IN-
16 FORMATION.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (2), a person providing covered services shall
19 not intentionally divulge to any governmental entity
20 geolocation information pertaining to an individual.

21 “(2) EXCEPTIONS.—A person providing covered
22 services may divulge geolocation information—

23 “(A) as otherwise authorized in subsections
24 (b) through (f);

1 “(B) with the lawful consent of such indi-
2 vidual;

3 “(C) as permitted under section 222(d)(4)
4 of the Communications Act of 1934 (47 U.S.C.
5 222(d)(4)); or

6 “(D) which was inadvertently obtained by
7 the service provider and which appears to per-
8 tain to the commission of a crime, if such divul-
9 gence is made to a law enforcement agency.

10 **“§ 2603. Prohibition of use as evidence of acquired**
11 **geolocation information**

12 “If any geolocation information has been intercepted,
13 used, or disclosed in violation of this chapter, no part of
14 such information and no evidence derived therefrom may
15 be received in evidence in any trial, hearing, or other pro-
16 ceeding in or before any court, grand jury, department,
17 officer, agency, regulatory body, legislative committee, or
18 other authority of the United States, a State, or a political
19 subdivision thereof, except in a civil action to obtain relief
20 for a violation of this chapter.

21 **“§ 2604. Emergency situation exception**

22 “(a) EMERGENCY SITUATION EXCEPTION.—Not-
23 withstanding any other provision of this chapter, any in-
24 vestigative or law enforcement officer, specially designated
25 by the Attorney General, the Deputy Attorney General,

1 the Associate Attorney General, or by the principal pro-
2 secuting attorney of any State or subdivision thereof acting
3 pursuant to a statute of that State, may intercept
4 geolocation information if—

5 “(1) such officer reasonably determines that an
6 emergency situation exists that—

7 “(A) involves—

8 “(i) immediate danger of death or se-
9 rious physical injury to any individual;

10 “(ii) conspiratorial activities threat-
11 ening the national security interest; or

12 “(iii) conspiratorial activities char-
13 acteristic of organized crime; and

14 “(B) requires geolocation information be
15 intercepted before an order authorizing such
16 interception can, with due diligence, be ob-
17 tained;

18 “(2) there are grounds upon which an order
19 could be entered to authorize such interception; and

20 “(3) an application for an order approving such
21 interception is made within 48 hours after the inter-
22 ception has occurred or begins to occur.

23 “(b) FAILURE TO OBTAIN COURT ORDER.—

24 “(1) TERMINATION OF ACQUISITION.—In the
25 absence of an order, an interception of geolocation

1 information carried out under subsection (a) shall
2 immediately terminate when the information sought
3 is obtained or when the application for the order is
4 denied, whichever is earlier.

5 “(2) PROHIBITION ON USE AS EVIDENCE.—In
6 the event such application for approval is denied, the
7 geolocation information shall be treated as having
8 been obtained in violation of this chapter and an in-
9 ventory shall be served on each individual who is
10 reasonably able to be contacted and to whom any
11 such geolocation information pertains.

12 **“§ 2605. Recovery of civil damages authorized**

13 “(a) IN GENERAL.—Any individual whose geolocation
14 information is intercepted, disclosed, or intentionally used
15 in violation of this chapter may in a civil action recover
16 from the person, other than the United States, which en-
17 gaged in that violation such relief as may be appropriate.

18 “(b) RELIEF.—In an action under this section, ap-
19 propriate relief includes—

20 “(1) such preliminary and other equitable or
21 declaratory relief as may be appropriate;

22 “(2) damages under subsection (c) and punitive
23 damages in appropriate cases; and

24 “(3) a reasonable attorney’s fee and other liti-
25 gation costs reasonably incurred.

1 “(c) COMPUTATION OF DAMAGES.—The court may
2 assess as damages under this section whichever is the
3 greater of—

4 “(1) the sum of the actual damages suffered by
5 the plaintiff and any profits made by the violator as
6 a result of the violation; or

7 “(2) statutory damages of whichever is the
8 greater of \$100 a day for each day of violation or
9 \$10,000.

10 “(d) DEFENSE.—It is a defense against any civil ac-
11 tion to obtain relief for a violation of this chapter that
12 the defendant acted in a good faith reliance on—

13 “(1) a court warrant or order, a grand jury
14 subpoena, a legislative authorization, or a statutory
15 authorization;

16 “(2) a request of an investigative or law en-
17 forcement officer under section 2604; or

18 “(3) a good-faith determination that an excep-
19 tion under section 2602 permitted the conduct com-
20 plained of.

21 “(e) LIMITATION.—A civil action under this section
22 may not be commenced later than two years after the date
23 upon which the claimant first has a reasonable oppor-
24 tunity to discover the violation.

1 “(f) ADMINISTRATIVE DISCIPLINE.—If a court or ap-
2 propriate department or agency determines that the
3 United States or any of its departments or agencies has
4 violated any provision of this chapter, and the court or
5 appropriate department or agency finds that the cir-
6 cumstances surrounding the violation raise serious ques-
7 tions about whether or not an officer or employee of the
8 United States acted willfully or intentionally with respect
9 to the violation, the department or agency shall, upon re-
10 ceipt of a true and correct copy of the decision and find-
11 ings of the court or appropriate department or agency
12 promptly initiate a proceeding to determine whether dis-
13 ciplinary action against the officer or employee is war-
14 ranted. If the head of the department or agency involved
15 determines that disciplinary action is not warranted, such
16 head shall notify the Inspector General with jurisdiction
17 over the department or agency concerned and shall provide
18 the Inspector General with the reasons for such deter-
19 mination.

20 “(g) IMPROPER DISCLOSURE IS VIOLATION.—Any
21 willful disclosure or use by an investigative or law enforce-
22 ment officer or governmental entity of information beyond
23 the extent permitted by this chapter is a violation of this
24 chapter for purposes of this section.”.

1 (2) CLERICAL AMENDMENT.—The table of
2 chapters for part 1 of title 18, United States Code,
3 is amended by inserting after the item relating to
4 chapter 119 the following:

“120. Geolocation information 2601”.

5 (3) CONFORMING AMENDMENTS.—Section
6 3512(a) of title 18, United States Code, is amend-
7 ed—

8 (A) in paragraph (2)—

9 (i) by redesignating subparagraphs
10 (B), (C), and (D) as subparagraphs (C),
11 (D), and (E), respectively; and

12 (ii) by inserting after subparagraph
13 (A) the following:

14 “(B) a warrant or order for geolocation in-
15 formation or records related thereto, as pro-
16 vided under section 2602 of this title;”.

17 (b) REQUIREMENT FOR SEARCH WARRANTS TO AC-
18 QUIRE GEOLOCATION INFORMATION.—Rule 41(a) of the
19 Federal Rules of Criminal Procedure is amended—

20 (1) in paragraph (2)(A), by striking the period
21 at the end and inserting a comma and “including
22 geolocation information.”; and

23 (2) by adding at the end the following:

1 “(F) ‘Geolocation information’ has the
2 meaning given that term in section 2601 of title
3 18, United States Code.”.

4 (c) FRAUD AND RELATED ACTIVITY IN CONNECTION
5 WITH OBTAINING GEOLOCATION INFORMATION.—

6 (1) CRIMINAL VIOLATION.—Section 1039(h) of
7 title 18, United States Code, is amended—

8 (A) in paragraph (2)—

9 (i) in subparagraph (A), by striking
10 “and” at the end;

11 (ii) in subparagraph (B), by striking
12 the period at the end and inserting a semi-
13 colon and “and”; and

14 (iii) by adding at the end the fol-
15 lowing new subparagraph:

16 “(C) includes any geolocation information
17 service.”;

18 (B) by redesignating paragraph (4) as
19 paragraph (5); and

20 (C) by inserting after paragraph (3) the
21 following:

22 “(4) GEOLOCATION INFORMATION SERVICE.—
23 The term ‘geolocation information service’ has the
24 meaning given that term in section 2601.”.

25 (2) CONFORMING AMENDMENTS.—

1 (A) DEFINITION AMENDMENTS.—Section
2 1039(h)(1) of title 18, United States Code, is
3 amended—

4 (i) in the paragraph heading, by in-
5 serting “OR GPS” after “PHONE”; and

6 (ii) in the matter preceding subpara-
7 graph (A), by inserting “or GPS” after
8 “phone”.

9 (B) CONFORMING AMENDMENTS.—Section
10 1039 of title 18, United States Code, is amend-
11 ed—

12 (i) in the section heading by inserting
13 “**or GPS**” after “**phone**”;

14 (ii) in subsection (a)—

15 (I) in the matter preceding para-
16 graph (1), by inserting “or GPS”
17 after “phone”; and

18 (II) in paragraph (4), by insert-
19 ing “or GPS” after “phone”;

20 (iii) in subsection (b)—

21 (I) in the subsection heading, by
22 inserting “OR GPS” after “PHONE”;

23 (II) in paragraph (1), by insert-
24 ing “or GPS” after “phone” both
25 places that term appears; and

1 (III) in paragraph (2), by insert-
2 ing “or GPS” after “phone”; and
3 (iv) in subsection (c)—

4 (I) in the subsection heading, by
5 inserting “OR GPS” after “PHONE”;

6 (II) in paragraph (1), by insert-
7 ing “or GPS” after “phone” both
8 places that term appears; and

9 (III) in paragraph (2), by insert-
10 ing “or GPS” after “phone”.

11 (C) CLERICAL AMENDMENT.—The table of
12 sections for chapter 47 of title 18, United
13 States Code, is amended by striking the item
14 relating to section 1039 and inserting the fol-
15 lowing:

“1039. Fraud and related activity in connection with obtaining confidential
phone or GPS records information of a covered entity.”.

16 (3) SENTENCING GUIDELINES.—

17 (A) REVIEW AND AMENDMENT.—Not later
18 than 180 days after the date of enactment of
19 this Act, the United States Sentencing Commis-
20 sion, pursuant to its authority under section
21 994 of title 28, United States Code, and in ac-
22 cordance with this subsection, shall review and,
23 if appropriate, amend the Federal sentencing
24 guidelines and policy statements applicable to

1 persons convicted of any offense under section
2 1039 of title 18, United States Code, as amend-
3 ed by this subsection.

4 (B) AUTHORIZATION.—The United States
5 Sentencing Commission may amend the Federal
6 sentencing guidelines in accordance with the
7 procedures set forth in section 21(a) of the Sen-
8 tencing Act of 1987 (28 U.S.C. 994 note) as
9 though the authority under that section had not
10 expired.

11 (d) STATEMENT OF EXCLUSIVE MEANS OF ACQUIR-
12 ING GEOLOCATION INFORMATION.—

13 (1) IN GENERAL.—No person may acquire the
14 geolocation information of a person for protective ac-
15 tivities or law enforcement or intelligence purposes
16 except pursuant to a warrant issued pursuant to
17 rule 41 of the Federal Rules of Criminal Procedure,
18 as amended by subsection (b), or the amendments
19 made by this section, or the Foreign Intelligence
20 Surveillance Act of 1978 (50 U.S.C. 1801).

21 (2) GEOLOCATION INFORMATION DEFINED.—In
22 this subsection, the term “geolocation information”
23 has the meaning given that term in section 2601 of
24 title 18, United States Code, as amended by sub-
25 section (a).

1 **SEC. 4. STRENGTHENED REQUIREMENTS FOR ORDERS FOR**
2 **TRAP AND TRACE DEVICES.**

3 (a) Section 3122(b) of title 18, United States Code,
4 is amended by striking paragraph (2) and inserting “a
5 statement of facts relied upon by the applicant to justify
6 issuance of an order”.

7 (b) Section 3123(a)(1) of title 18, United States
8 Code, is amended—

9 (1) by striking “shall” and inserting “may”;

10 (2) by striking “the attorney for the govern-
11 ment has certified to the court” and inserting “the
12 application establishes specific and articulable facts
13 showing reasonable grounds to believe that”; and

14 (3) by inserting “and material” after “rel-
15 evant”.

16 **SEC. 5. PROHIBITIONS OF BULK SUBPOENAS.**

17 Section 2703(c)(2) of title 18, United States Code,
18 is amended by striking “of a subscriber to or customer”
19 and all that follows and inserting “of a subscriber to or
20 customer or user of such a service when the governmental
21 entity uses any means available under paragraph (1) or
22 uses an administrative subpoena authorized by a Federal
23 or State statute or a Federal or State grand jury or trial
24 subpoena specifying the particular subscriber, customer,
25 or user whose information is sought by name, address,
26 telephone or instrument number, subscriber number or

1 identifier, including any temporarily assigned network ad-
2 dress, credit card or bank account number, or any other
3 information that uniquely identifies the particular sub-
4 scriber, customer, or user.”.

○