

Title:

Unauthorized Access To Stored Computer Files ~ Password Or Pin(s)

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Summary:

Accessing e-mails or computer files by a spouse with the help of PIN(s) or Password of the other

Keywords:

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Article Body:

Accessing e-mails or computer files by a spouse with the help of PIN(s) or Password of the other

What is Wiretap Violation?

The basic rule of Wiretap Violation of the New Jersey Wiretap and Electronic Surveillance Cont

Nevertheless, there is an exception to this. A New Jersey trial court upholds that retrieving

White v. White, 344 N.J. Super 211 (Ch. Div. 2001)

In this case, the wife was accessing information by scouting through the different directories

The Court therefore drew a line of distinction between e-mails in active transmission and those

The wife does not need consent of the husband to use a Password or PIN (Personal Identificatio

N.J.S.A. 2A:156A-27

According to The New Jersey Wiretap Statute, it is an offense invoking criminal penalties to a

The Statute states:

a. A person is guilty of a crime of the fourth degree if he

(1) Knowingly accesses a facility, providing electronic communication service without authoriz

(2) Thereby alters, obtains, or prevents authorized access to electronic communication or a wi

a. A person is guilty of a crime of the third-degree if he for the purpose of private commerci

(1) Knowingly accesses a facility, providing electronic communication service without authoriz

(2) Thereby alters, obtains, or prevents authorized access to an electronic communication or a

State v. Gaikwad, 349 N.J. Super 62 (App. Div. 2002)

In this case, the Defendant accessed accounts of various individuals, copied, and read their e

The Court's ruling was that Gaikwad's unauthorized and deliberate access, reading and copying

Theft of Computer Data

According to N.J.S.A. 2C:20-25

"A person is guilty of theft if he knowingly or purposely and without authorization:

(a) Alters, takes, damages, or destroys any data, computer program, database, computer softwar

- (b) Alters, takes, damages, or destroys a computer, computer system or computer network,
- (c) accesses or tries to access any computer, computer system or computer network for executing
- (d) Alters, tampers with, obtains, intercepts, damages, or destroys a financial instrument."

If any party uses any evidence or financial records in a divorce action, such information has

`A person is guilty of petty disorderly person's offense if he knowingly or purposely accesses

2C:20-30. Damage or Wrongful Access to Computer System, No Accessible Damage; Degree of Crime
(L.1984, c.184, Sub. Section 9, eff. March 14, 1985)

A person is guilty of third-degree crime if he without authorization and purposely accesses, a

2C:20-31. Disclosure of Data from Wrongful Access; No assessable Damage; Degree of Crime
(L.1984, c.184, Sub. Section 10, eff. March 14, 1985)

A person is guilty of third-degree crime if he without authorization and purposely accesses an

2C:20-32. Wrongful Access to Computer; Lack of Damage or Destruction; Disorderly Persons Offense
L.1984, c.184, Sub. Section 11, eff. March 14, 1985.

A person is guilty of a disorderly person's offense if he purposely and without authorization

Therefore, the conclusions drawn are that unauthorized use of PIN(s) or Password for receiving

- (a) data obtained from a computer system like a network of a corporation, business, or financial
- (b) data unlawfully retrieved from a stand-alone computer.

The criminal penalties would apply based on the kind of violation. According to the Court's ruling

(1) N.J.S.A. 2C: 20-30 (wrongful access or damage to computer system) - Data retrieved from a

(2) N.J.S.A. 2C:20-25 (computer related theft), N.J.S.A. 2C:20-29 and/or N.J.S.A. 2C:20-32 (wr

Besides the above, there is a common-law tort of invasion of privacy. Accordingly, an individual

However, it is not clear whether accessing an electronically stored information or data in the

Conclusion

New Jersey Divorce actions in unauthorized access to computer systems, stores files, PIN(s) or

If the unauthorized access is from an electronic storage device (for example a computer system

Therefore, if a person uses a PIN or Password or otherwise obtains personal data or informatio

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