

# What you can't do:

## Use spyware to intercept electronic communications

Intercepting the transmission of electronic communications violates federal and state law. Penalties can include fine, imprisonment, or both.



## Access someone's computer or use their password without consent

You may not access a computer, its files, or a network without the consent of the owner. The unauthorized use of someone's password, for example to access online services, is also a violation. State and federal penalties can include fine, imprisonment, or both.

## Record a conversation that you are not a part of

Recording a conversation between others violates federal and state wiretap laws, and is a felony in Texas. Placing a "bug" in a room to record conversations and recording calls between others are examples of violations. There is no exemption for spouses. Penalties can include fines of up to \$10,000 per occurrence, imprisonment, or both.



## Record private acts

Intruding upon someone's private affairs in an offensive way is an invasion of privacy, and you can be sued. This can include using video cameras in the home to catch a spouse cheating.

## Publicize private information

You can be sued for a public disclosure of private matters that is offensive and not of legitimate public concern.



## Destroy evidence when there is a reasonable anticipation of litigation

This is called "spoliation" of evidence, and it can be severely punished by a court. The court may prevent you from using your evidence and may instruct a jury to assume that missing evidence would have been harmful to your case.

# What you can do:

## Copy files and emails from the hard drive of a shared computer

As long as you have permission to use a computer, like a shared home computer, saving or copying files is not a violation. Copying sent emails from the hard drive is okay, but unauthorized access to someone else's emails from an online service violates the law.



## Record any conversation that you are a part of

The wiretap acts only require one party to consent to a recording. This includes both in-person conversations and telephone conversations.

## Special case: Recording phone calls between a child and others

If a parent has a good faith belief that it would be in the best interest of his/her child, that parent may record phone calls between the child and others.



However, to record a conversation between the child and the other parent, there must be a reasonable belief that the child is being abused, threatened, or intimidated by the other parent. It may not be permissible to record those conversations while the child is in the other parent's home.



## Save communications sent to you

You have the right to save any communications sent to you, including texts, voicemails, emails, etc.

## Put a GPS tracker on a car you own

Installing a tracking device on a car is not a violation of Texas law if the car is registered or leased in your name.

