



Navigating Compliance and Security for Unified Communications

A Report
on behalf of
Internet Security Alliance

Report Objectives



Navigating
Compliance and Security
for
Unified Communications

- Produce work product that complements the SCAP VoIP project
- Pragmatic, useful, functional resource for IT professionals and lawyers
- Responsive to member needs—"faster, cheaper, better" solutions installed and completed.
- Thorough research.

Report Content



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Introduction

Part I—Understanding Unified Communications

Part II—Internet Security Services

Part III—The Legal Landscape

Part IV—The Legal Analysis

Part V—Practice Toolkit

Glossary of Defined Terms

Appendix 1—Electronic Communications Privacy Act Text

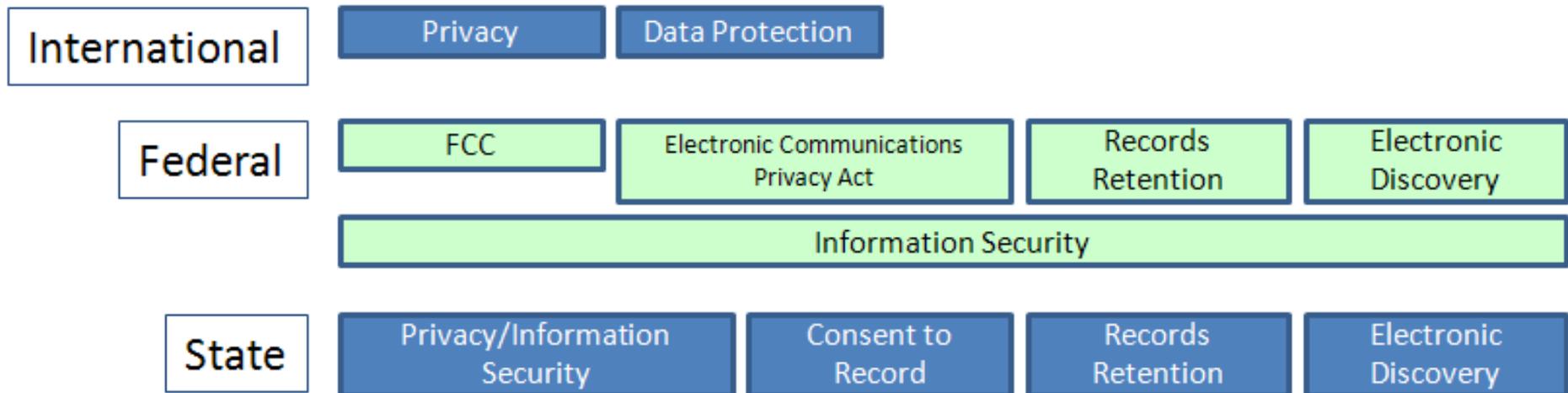
Appendix 2—Legal and IT Resource Inventory

Appendix 3—Research Notes

A Maturing Legal Environment



Unified Communications— The Legal Landscape



The Essential Findings

- The use of normal Internet security tools to evaluate and route inbound Unified Communications (including VoIP) is not unlawful.
- Digital recordings of VoIP sessions can be retained, provided:
 - **Storage and use does not contradict “consent-to-record” laws**
 - **Company recognizes stored content is likely accessible through e-discovery**
- FCC continued intent to impose “carrier” duties on corporate networks is dynamic.

Key Features

- Easy to Use FAQ Format

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How are the following content items classified under the ECPA definitions?	3
How are the following systems, equipment and device items associated with UC products and services classified under the ECPA definitions?	8
How is a company that provides UC solutions to its employees and agents classified under ECPA?	10

Designed to enable lawyers to have their questions answered the way they ask them.

Key Features

- Glossary of Defined Terms

“Aural transfer” is, in summary, any communication for which any portion consists of the human voice. The term is defined in ECPA in further detail and discussed in Part III.

“Byte” is a unit of eight bits, representing a single character in a computer memory. Bytes are a common measure for file sizes and computer memory (such as kilobytes, megabytes and gigabytes).

- Legal and IT Resource Inventory

Appendix 2

Legal and IT Resource Inventory

This Inventory organizes the primary sources that were consulted in developing this Report. In doing so, we have attempted to list those materials that will be particularly useful to lawyers and technologists wishing to conduct more in-depth research or independently validate the analyses included.

Understanding Unified Communications

General Knowledge Resources

Baylor University Medical Center Case Study (on Unified Communications), available at <http://www.cwhonors.org/viewCaseStudy2008.asp?NominationID=973> (last visited Feb. 14, 2009).

Useful Practice Tools

- Organizing the Implementation Team
- Compliance and Legal Duties Checklist
- Policies and Procedures Checklist
- Services Agreement Checklist

Recommendations

- The legal landscape is dynamic and volatile—courts will continue to adapt laws to new technologies absent Federal leadership. A new case (released the last week of May) allows keystroke logger use to be considered as potentially illegal “interception” under ECPA.
- There is a compelling need to synchronize how the public-private sector management of security will be addressed. The cyber-czar position is a good role, but more is needed to provide a unified resource for understanding the sources of rules, and the sources of enforcement.
- In developing legislation for incentives, there is an extraordinary opportunity to unify Federal law into a coherent expression of public policy and uniform terms, the laws that govern how private entities connect to and use the Internet-- CALEA, Computer Fraud and Abuse, Digital Millennium Copyright, ECPA, Stored Communications Act, Communications Act, SOX, GLB, HIPAA, Stimulus Bill, etc.
- If it begins to move forward (e.g., Center for Democracy and Technology efforts), ECPA reform should also embrace technical language changes to ratify the rights of companies to apply Internet security services.

Questions and Discussion