

Background

Interception and divulgence of radio communications is governed by many jurisdictions, including federal and state. Since September 11, 2001, many of the rules have changed. Some federal and state laws make intercepting and divulging radio communications unlawful and may subject the violator to severe criminal penalties. The Department of Justice has the authority to prosecute violators of these laws.

Unauthorized Publications of Communications

The FCC has the authority to interpret Section 705 of the Communications Act – “Unauthorized Publication of Communications.” This section generally does not prohibit the mere interception of radio communications, although merely intercepting radio communications may violate other federal or state laws. This means that if you inadvertently happen to overhear your neighbor’s cordless telephone conversation or listen to radio transmissions on your scanner, such as emergency service reports, you do not violate the Communications Act.

The Communications Act also allows the divulgence of certain types of radio transmissions. The law specifies that there are no restrictions on the divulgence or use of radio communications that have been transmitted for the use of the general public. Such radio communications include transmissions of a local radio or television broadcast station; announcements relating to ships, aircraft, vehicles, or persons in distress; or transmissions by amateur or citizens band radio operators.

Unauthorized Publications of Communications (cont’d.)

Section 705 prohibits a person from using an intercepted radio communication for his or her own benefit. One court held that, under this provision, a taxicab company may sue its competitor for wrongfully intercepting and using for its benefit radio communications between the company’s dispatchers and drivers. A more recent Supreme Court decision, however, questions the ability of the government to regulate the disclosure of legally-obtained radio communications, and this area of the law remains unsettled.

In addition, the courts have determined that the act of viewing a transmission – such as a pay television signal – that the viewer was not authorized to receive is a “publication” and this violates Section 705. Section 705 also prohibits the interception of satellite cable programming for private home viewing if the programming is either encrypted (*i.e.*, scrambled) or is not encrypted, but is sold through a marketing system. To legally intercept such a transmission, you must have authorization from the programming provider.

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Unauthorized Publications of Communications (cont'd.)

The Communications Act also contains provisions that affect the manufacture of equipment used for listening to or receiving radio transmissions, such as "scanners." The FCC cannot authorize scanning equipment that:

- can receive transmissions in the frequencies allocated to domestic cellular services;
- can readily be altered by the user to intercept cellular communications; or
- may be equipped with decoders that convert digital transmissions to analog voice audio.

In addition, these receivers may not be manufactured in the United States or imported for use in the United States. FCC regulations also prohibit the sale or lease of scanning equipment that is not authorized by the FCC.

Filing a Complaint with the FCC

If you have concerns regarding the interception and divulgence of radio communications, you can file a complaint with the FCC. There is no charge for filing a complaint. You can file your complaint using an on-line complaint form found at esupport.fcc.gov/complaints.htm. You can also file your complaint with the FCC's Consumer Center by e-mailing fccinfo@fcc.gov; calling 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY; faxing 1-866-418-0232; or writing to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Inquiries & Complaints Division
445 12th Street, SW
Washington, DC 20554.

What to Include in Your Complaint

The best way to provide all the information the FCC needs to process your complaint is to complete fully the on-line complaint form. When you open the on-line complaint form, you will be asked a series of questions that will take you to the particular section of the form you need to complete. If you do not use the on-line complaint form, your complaint, at a minimum, should indicate:

- your name, address, email address, and phone number where you can be reached;
- name and phone number of the company that you are complaining about; and
- any additional details of your complaint, including time, date, and nature of the conduct or activity you are complaining about and identifying information for any companies, organizations, or individuals involved.

If you have information regarding a violation of any federal criminal statute, you should contact your local FBI office.

For More Information

For more information on recording telephone conversations, see the FCC's consumer fact sheet at www.fcc.gov/cgb/consumerfacts/recordcalls.html. For information about other telecommunications issues, visit the FCC's Consumer & Governmental Affairs Bureau Web site at www.fcc.gov/cgb, or contact the FCC's Consumer Center using the information provided for filing a complaint.



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To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, visit www.fcc.gov/cgb/contacts/.

This document is for consumer education purposes only and is not intended to affect any proceedings or cases involving this subject matter or related issues.

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