

Interception and Divulgence of Radio Communications

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. Additionally, the Department of Defense has the authority to prosecute violators.

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 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 transmission. 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 (*i.e.*, transmissions of a local radio or television broadcast station); relate to ships, aircraft, vehicles or persons in distress; or are transmitted by amateur radio or citizens band radio operators.

Section 705 does prohibit 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, raises First Amendment issues about the ability of the government to regulate the disclosure of legally-obtained radio communications, and this area of the law remains unsettled.

In addition, it has been determined by the courts 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 has special provisions that govern the interception of satellite television programming transmitted to cable operators. The section 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. In this case, you must have authorization from the programming provider to legally intercept the transmission.



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, after April 26, 1994, these receivers may not either be manufactured in the United States or imported for use in the United States. FCC regulations prohibit the sale or lease of scanning equipment that is not authorized by the FCC.

Filing a Complaint

If you would like to send the FCC a complaint regarding the interception and divulgence of radio communications or a violation of the FCC’s rules, you can file it by e-mail (fccinfo@fcc.gov), by the Internet (www.fcc.gov/cgb/complaints.html), by telephone 1-888-CALL-FCC (1-888-225-5322) (voice), 1-888-TELL-FCC (1-888-835-5322) (TTY), or by mail:

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

Please keep in mind that in order for the Commission to evaluate the merits of your complaint, you must provide very specific information; general allegations usually will be inadequate to warrant any action. If the matter you are concerned about does not appear to fall within the parameters of Section 705, the FCC strongly recommends you seek the assistance of an attorney. If you have information regarding a violation of any Federal criminal statute, you should contact your local FBI office.

For more information on Recording Telephone Conversations, see the separate FCC fact sheet on that topic.

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

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