

# Clearing Up Fourth Amendment Principles in Cloud Computing

January 21st, 2010 by Kara

David A. Couillard of the Minnesota Law Review, explores the potential applicability of the [Fourth Amendment](#) to data stored in off-site servers: spreadsheets in [Google Docs](#), accounting data hosted on [FreshBooks](#), and pretty much everything synced through [DropBox](#), just to name two...

So far the courts, mostly absent on-point statutes, almost always reason by analogy when presented with novel situations, and have not yet come to a conclusion about how to treat such data.



Drawing on analogies and combined guidance from statutes like [ECPA](#), the courts have pretty much settled on their treatment of email:

The to/from addresses on e-mails have also been considered transactional data, akin to an addressed envelope. However, the contents of an e-mail have been properly classified as content data. A service provider, even if it has the capability of accessing the contents of an e-mail, is not a party to the information.

However, the status of data stored in the cloud, that is, on the servers of a third-party provider, is much less clear.

Read [Defogging the Cloud: Applying Fourth Amendment Principles to Evolving Privacy Expectations in Cloud Computing](#), for full detail.

*Articles you may also be interested in:*

**[Applying the US Fourth Amendment to data in the cloud](#)**

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