

Subject:	CALEA
Effective Date:	3/13/07
Revised Date:	

**Summary: MCCCCD CALEA Compliance Statement**

The Office of the CIO offers the following statement regarding Maricopa County Community College District (MCCCCD) status for CALEA compliance issues:

There has been considerable publicity about Federal Communications Commission (FCC) rulings that extend the provisions of the Communications Assistance for Law Enforcement Act of 1994 (CALEA) to the Internet. Some higher education organizations have originated mailings that interpret these FCC rulings and a subsequent court decision, and warn about possible impact on campuses.

MCCCCD has been reviewing reports and discussions that have originated from the American Council on Education (ACE) and EDUCAUSE in particular. Although a precise definition of terms is not currently available, there are two tests to determine exempt status. The first is whether MCCCCD's network is a public or private network. We have determined that we are a private network serving a specific community of constituents. The second test is whether we support the internet connection or is it supported by a 3<sup>rd</sup> party Internet Service Provider (ISP). At MCCCCD, the connection to the internet is supported by a 3<sup>rd</sup> party.

Given our current understanding of the law, and given our determination of being a private network in which the connection to the internet is NOT supported by MCCCCD, we have concluded that the MCCCCD is exempt from CALEA. In the event of clarifications or rulings from the FCC or the courts, we will reassess our exempt status.

We are a private network generally offering Internet access only to those who are members of the MCCCCD higher education community either as employees (or other authorized administrative users), or as students. Community and college libraries are exempt by statute. MCCCCD may, in some limited cases, offer Internet access to the public that come to our facilities, but this access is generally considered incidental and therefore is exempt as activity on an otherwise private network.

We have observed that pursuant to development of a legal opinion, some lawyers of higher education institutions have raised concern over the first of the two question test suggested in the ACE document on "The Application of CALEA to Higher Education Networks"; Do you provide public access? Taken from the ACE document:

*It is possible that limited or incidental use by the public would not undermine the overall characterization of a network as private, particularly if the institution maintains a policy confining public access to a small number of network access points and allows it only during limited hours.*

Because the limits on qualifying as a private network operator have yet to be clarified or tested, institutions that seek to avoid any obligations under CALEA should adopt policies that prohibit public access to campus networks.



Office of the CIO

Documents of Interest

Therefore, it is recommended that MCCCCD develop a policy on public access to the Internet, limiting such access as appropriate.

Additional information can be obtained at [www.educause.edu/calea](http://www.educause.edu/calea)

