



## HotTopics Panel Discussion

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### **Scraping By: Reconsidering Law & Technology for Online Data Collection** Webinar to Explore the Extent of Data ‘Scraping’ for Research and Business

**New York, NY, May 17, 2022** – In an ongoing high-profile case, the US Court of Appeals for the Ninth Circuit has again recently ruled that hiQ Labs, a data analytics company, may “scrape” (harvest data) from LinkedIn, a publicly accessible online source. It did so after the US Supreme Court remanded an initial decision in the case to the Ninth Circuit for review in light of the High Court’s watershed 2021 *Van Buren* opinion, which narrowed the reach of the Computer Fraud and Abuse Act (CFAA). LinkedIn’s request that the Supreme Court review the Ninth Circuit’s recent decision in hiQ’s favor is pending.

Will the Ninth Circuit’s April [HiQ ruling](#) stand and usher in a Golden Age of security research, pave a path to financial ruin for now-lucrative websites like LinkedIn, threaten personal privacy, dangerously take the CFAA out of law enforcement’s prosecutorial quiver, or all/none of the above?

[Join the ACM US Technology Policy Committee \(ACM USTPC\) on Thursday, May 19](#) from 5:00 - 6:30pm EDT for “**Scraping By: Reconsidering Law & Technology for Online Data Collection**” when USTPC Law Subcommittee Chair and appellate attorney Andy Grosso moderates a panel of legal and technical experts will tackle these issues and more! [Registration here](#) is required but free to all.

Panelists include:

- **Andy Grosso (Moderator)**, USTPC Law Subcommittee Chair and a former Assistant U.S. Attorney who opened his law practice in Washington, D.C. in 1994;
- **Megan Iorio**, Senior Counsel and Amicus Director, Electronic Privacy Information Center (EPIC) in Washington, DC;
- **Lorraine Kisselburgh**, Immediate Past Chair of ACM’s global Technology Policy Council (TPC) and a social scientist studying the implications of emerging technologies;
- **Mark Rasch**, Counsel to the law firm of Kohrman, Jackson, Krantz; and
- **Jody Westby**, CEO of Global Cyber Risk LLC, a cybersecurity advisory and technical services consulting firm.

**Background:** LinkedIn had served hiQ with a cease-and-desist order, demanding that hiQ stop using bots (automated software programs) to copy data from LinkedIn’s server. In turn, hiQ obtained an injunction to forbid LinkedIn from denying hiQ access to LinkedIn member profiles, arguing that it would be damaging to its business.

The Computer Fraud and Abuse Act, instituted in 1986, made it illegal for third parties to access a computer without authorization. This law has governed hacking and other nefarious activities. In a 2021

case, *Van Buren Vs. United States*, the US Supreme Court weighed the question of whether a person who is authorized to access information on a computer for certain purposes violates the Computer Fraud and Abuse Act if he accesses that information for an unauthorized purpose. Many legal experts believe the Supreme Court's ruling in *Van Buren* will impact its decision in the *HiQ Labs, Inc. v. LinkedIn Corp* case.

USTPC's January 2021 HotTopics webinar, [Of Access, Excess, and Trespass: The Supreme Court's Van Buren Ruling on the CFAA](#), is archived online.

#### **About the ACM US Technology Policy Committee**

[ACM's US Technology Policy Committee \(USTPC\)](#) serves as the focal point for ACM's interaction with all branches of the US government, the computing community, and the public on policy matters related to information technology. The Committee regularly educates and informs Congress, the Administration, and the courts about significant developments in the computing field and how those developments affect public policy in the United States.

#### **About ACM**

[ACM, the Association for Computing Machinery](#), is the world's largest educational and scientific computing society, uniting computing educators, researchers and professionals to inspire dialogue, share resources and address the field's challenges. ACM strengthens the computing profession's collective voice through strong leadership, promotion of the highest standards, and recognition of technical excellence. ACM supports the professional growth of its members by providing opportunities for life-long learning, career development, and professional networking.

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