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Musk fired the lawyer responsible for telling him what happens if Weiss or Taibbi click that button.

<https://t.co/pFIDEaIF2S>

Hopefully that button doesn't actually work for them; Twitter has put a lot of work into internal access controls. If those two have been provisioned DM access, I expect that's, at a minimum, an FTC reportable security incident.

<https://www.law.cornell.edu/uscode/text/18/2702> <https://t.co/3le1tCZNBU>

(a) **PROHIBITIONS.**—Except as provided in subsection (b) or (c)—

(1) a person or entity providing an electronic communication service to the public shall not knowingly divulge to any person or entity the contents of a communication while in electronic storage by that service; and

(2) a person or entity providing [remote computing service](#) to the public shall not knowingly divulge to any person or entity the contents of any communication which is carried or maintained on that service—

(A) on behalf of, and received by means of electronic transmission from (or created by means of computer processing of communications received by means of electronic transmission from), a subscriber or customer of such service;

(B) solely for the purpose of providing storage or computer processing services to such subscriber or customer, if the provider is not authorized to access the contents of any such communications for purposes of providing any services other than storage or computer processing; and

(3) a provider of [remote computing service](#) or electronic communication service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by paragraph (1) or (2)) to any [governmental entity](#).

I don't see "for the lulz" as an exception to the SCA.

Most internal access is justified under (5), but there is no way providing access to non-employee journalists (and therefore the public) would fit. <https://t.co/uWvWs7WfcT>

(b) **EXCEPTIONS FOR DISCLOSURE OF COMMUNICATIONS.**—A provider described in subsection (a) may divulge the contents of a communication—

(1) to an addressee or intended recipient of such communication or an agent of such addressee or intended recipient;

(2) as otherwise authorized in section [2517](#), [2511\(2\)\(a\)](#), or [2703](#) of this title;

(3) with the lawful consent of the originator or an addressee or intended recipient of such communication, or the subscriber in the case of [remote computing service](#);

(4) to a person employed or authorized or whose facilities are used to forward such communication to its destination;

(5) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service;

(6) to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under section [2258A](#);

(7) to a law enforcement agency—

(A) if the contents—

(i) were inadvertently obtained by the service provider; and

(ii) appear to pertain to the commission of a crime; or

(B) Repealed. [Pub. L. 108-21, title V, § 508\(b\)\(1\)\(A\)](#), Apr. 30, 2003, [117 Stat. 684](#)

(8) to a [governmental entity](#), if the provider, in good faith, believes that an emergency involving danger of death or serious physical injury to any person requires disclosure without delay of communications relating to the emergency; or

(9) to a foreign government pursuant to an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section [2523](#).

Feels like Weiss' thread should be enough for the FTC to open an investigation into a violation of the consent decree and perhaps get a subpoena for Twitter's internal access logs.

The new head of T&S denies that Weiss and team have access to DMs, which has to be squared with claims that their access was extensive and unfiltered.

<https://twitter.com/ellagirwin/status/1601084794288640000> <https://t.co/8qIE7EOEqr>

 Pinned Tweet



Abigail Shrier  @AbigailShrier · 5h 

Our team was given extensive, unfiltered access to Twitter's internal communication and systems. One of the things we wanted to know was whether Twitter systemically suppressed political speech.

Here's what we found:

 **Bari Weiss**  @bariweiss · 5h
THREAD: THE TWITTER FILES PART TWO.

TWITTER'S SECRET BLACKLISTS.
[Show this thread](#)

 61  549  3,181 

Prof. Kerr confirms my hunch that Twitter would face liability under the SCA if they do give anybody access to DMs or release them publicly:

<https://twitter.com/OrinKerr/status/1601096621919305730>