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CFAA Decision May Raise Bar on Scraping Liability

As scraping and crawling of websites becomes more ubiquitous, courts continue to struggle with where to draw the lines regarding what is permissible. This can be a highly fact-intensive inquiry, but a recent case before the U.S. District Court for the District of Columbia provides some important takeaways.

In *Sandvig v. Barr*, a case involving public interest bots and web crawlers testing for discrimination online, the court held that the Computer Fraud and Abuse Act does not prohibit scraping publicly accessible portions of a website, even when doing so violates the website's terms of service. In issuing this ruling, the court avoided the First Amendment question, raised in this case and others, regarding the constitutional limits on laws that purport to prohibit capturing data from publicly accessible websites.

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