

3. OBTAINS A COURT ORDER REQUIRING THE DISCLOSURE UNDER SUBSECTION (D) OF THIS SECTION; OR

4. HAS THE CONSENT OF THE SUBSCRIBER OR CUSTOMER TO THE DISCLOSURE.

(3) AN INVESTIGATIVE OR LAW ENFORCEMENT OFFICER RECEIVING RECORDS OR INFORMATION UNDER THIS SUBSECTION IS NOT REQUIRED TO PROVIDE NOTICE TO A SUBSCRIBER OR CUSTOMER.

(D) (1) A COURT OF COMPETENT JURISDICTION MAY ISSUE AN ORDER REQUIRING DISCLOSURE UNDER SUBSECTION (B) OR (C) OF THIS SECTION ONLY IF THE INVESTIGATIVE OR LAW ENFORCEMENT OFFICER SHOWS THAT THERE IS REASON TO BELIEVE THE CONTENTS OF A WIRE OR ELECTRONIC COMMUNICATION, OR THE RECORDS OR OTHER INFORMATION SOUGHT, ARE RELEVANT TO A LEGITIMATE LAW ENFORCEMENT INQUIRY.

(2) A COURT ISSUING AN ORDER UNDER THIS SECTION, MAY QUASH OR MODIFY THE ORDER, ON A MOTION MADE PROMPTLY BY THE SERVICE PROVIDER, IF THE INFORMATION OR RECORDS REQUESTED ARE UNUSUALLY VOLUMINOUS IN NATURE OR IF COMPLIANCE WITH THE ORDER OTHERWISE WOULD CAUSE AN UNDUE BURDEN ON THE PROVIDER.

(E) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED AS CREATING A CAUSE OF ACTION AGAINST ANY PROVIDER OF WIRE OR ELECTRONIC COMMUNICATION SERVICE, ITS OFFICERS, EMPLOYEES, AGENTS, OR OTHER SPECIFIED PERSONS FOR PROVIDING INFORMATION, FACILITIES, OR ASSISTANCE IN ACCORDANCE WITH THE TERMS OF A COURT ORDER, WARRANT, SUBPOENA, OR CERTIFICATION UNDER THIS SUBTITLE.

10-4A-05.

(A) (1) A SUBPOENA OR COURT ORDER ISSUED UNDER § 10-4A-04 OF THIS SUBTITLE MAY INCLUDE A REQUIREMENT THAT THE SERVICE PROVIDER TO WHOM THE REQUEST IS DIRECTED CREATE A BACKUP COPY OF THE CONTENTS OF THE ELECTRONIC COMMUNICATIONS SOUGHT IN ORDER TO PRESERVE THOSE COMMUNICATIONS. WITHOUT NOTIFYING THE SUBSCRIBER OR CUSTOMER OF THE SUBPOENA OR COURT ORDER, THE SERVICE PROVIDER SHALL CREATE A BACKUP COPY AS SOON AS PRACTICABLE CONSISTENT WITH THE PROVIDER'S REGULAR BUSINESS PRACTICES AND SHALL CONFIRM TO THE GOVERNMENTAL ENTITY THAT THE BACKUP COPY HAS BEEN MADE. THE SERVICE PROVIDER SHALL CREATE A BACKUP COPY UNDER THIS SUBSECTION WITHIN 2 BUSINESS DAYS AFTER THE DAY ON WHICH THE SERVICE PROVIDER RECEIVES THE SUBPOENA OR COURT ORDER.

(2) EXCEPT AS PROVIDED IN § 10-4A-06 OF THIS SUBTITLE, THE INVESTIGATIVE OR LAW ENFORCEMENT OFFICER SHALL GIVE NOTICE TO THE SUBSCRIBER OR CUSTOMER WITHIN 3 DAYS AFTER THE DAY ON WHICH THE GOVERNMENTAL ENTITY RECEIVES CONFIRMATION THAT A BACKUP COPY HAS BEEN MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) THE SERVICE PROVIDER MAY NOT DESTROY THE BACKUP COPY UNTIL THE LATER OF: