

Client Alert: DOJ Revises CFAA Charging Policy to Provide Clarity for Cybersecurity Research and Terms of Use

Publications

June 1, 2022

On May 19, 2022, the Department of Justice (DOJ) issued revisions to its existing policy for charging offenses under the Computer Fraud and Abuse Act (CFAA) (2022 CFAA Policy). The revisions state that “good-faith” security research will not be charged as a criminal CFAA violation. Comments accompanying the revised policy statement also highlight the importance of technical barriers—in addition to contractual limits—to determinations of when access exceeds authorization. Although the announcement regarding security research made a splash in the press, it is unclear to what degree the policy represents a change in how DOJ will approach cases. Nor can security researchers rely on the guidance for concrete assurances against liability, because the policy revision has no effect on civil CFAA liability or state laws that provide for criminal or civil liability for unauthorized access to computer systems. The revision may also introduce uncertainty for system owners, who may be left wondering how the new policy will be applied, and how federal law enforcement will react to conduct viewed by some as good-faith research and by others as in a gray area.

[Read the full alert here.](#)

Related Attorneys



David Bitkower

Partner
dbitkower@jenner.com
+1 202 639 6048



Aaron R. Cooper

Partner
acooper@jenner.com
+1 202 637 6333



Shoba Pillay

Partner
spillay@jenner.com
+1 312 923 2605

Related Articles

Client Alert: SCOTUS Limits the Reach of the Computer Fraud and Abuse Act, with Implications for Cybersecurity, Trade Secrets Litigation, and Beyond

Client Alert: The Cyber Incident Reporting for Critical Infrastructure Act of 2022

Related Capabilities

Data Privacy and Cybersecurity

Related Locations

Chicago

Washington, DC

© 2026 Jenner & Block LLP. Attorney Advertising. Jenner & Block LLP is an Illinois Limited Liability Partnership including professional corporations. This publication, presentation, or event is not intended to provide legal advice but to provide information on legal matters and/or firm news of interest to our clients and colleagues. Readers or attendees should seek specific legal advice before taking any action with respect to matters mentioned in this publication or at this event. The attorney responsible for this communication is Brent E. Kidwell, Jenner & Block LLP, 353 N. Clark Street, Chicago, IL 60654-3456. Prior results do not guarantee a similar outcome. Jenner & Block London LLP, an affiliate of Jenner & Block LLP, is a limited liability partnership established under the laws of the State of Delaware, USA and is authorised and regulated by the Solicitors Regulation Authority with SRA number 615729. Information regarding the data we collect and the rights you have over your data can be found in our Privacy Notice. For further inquiries, please contact dataprotection@jenner.com.

Stay Informed

