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# border searches of electronic devices

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*MSK Client Alert*

January 18, 2018

Earlier this month, MSK attorneys David Rugendorf and Frida Glucoft published an Alert summarizing the latest directive issued by Customs and Border Protection (CBP) regarding the search of electronic devices. A copy of their original article can be found here - [Hold That Call International Travelers](#). Given the increasing likelihood of any traveler's electronic devices being subjected to a search, whether arriving or departing the U.S. by air, ocean or land, these recent changes warrant a deeper dive.

First, for those who want to read the actual document, it is CBP Directive 3340-049A. As the earlier Alert noted, CBP has the broad rights to search any individuals, luggage, and cargo entering and leaving the U.S. Searches of cargo are governed by other laws and regulations. This directive deals only with arriving and departing travelers and their devices.

We start at the beginning. The CBP Directive defines electronic devices as "computers, tablets, disks, drives, tapes, mobile phones and other communication devices, cameras, music and other media players," a very broad definition, so arguing your device is not subject to inspection will likely not succeed.

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