

mote computing service provider, or domain name registrar under this section, section 2258A, or section 2258C may not be brought in any Federal or State court.

(b) **INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.**—Subsection (a) shall not apply to a claim if the electronic communication service provider, remote computing service provider, or domain name registrar, or a director, officer, employee, or agent of that electronic communication service provider, remote computing service provider, or domain name registrar—

- (1) engaged in intentional misconduct; or
- (2) acted, or failed to act—
  - (A) with actual malice;
  - (B) with reckless disregard to a substantial risk of causing physical injury without legal justification; or
  - (C) for a purpose unrelated to the performance of any responsibility or function under this section,<sup>3</sup> sections 2258A, 2258C, 2702, or 2703.

(c) **MINIMIZING ACCESS.**—An electronic communication service provider, a remote computing service provider, and domain<sup>2</sup> name registrar shall—

- (1) minimize the number of employees that are provided access to any image provided under section 2258A or 2258C; and
- (2) ensure that any such image is permanently destroyed, upon a request from a law enforcement agency to destroy the image.

(Added Pub. L. 110–401, title V, §501(a), Oct. 13, 2008, 122 Stat. 4248.)

**§ 2258C. Use to combat child pornography of technical elements relating to images reported to the CyberTipline**

(a) **ELEMENTS.**—

(1) **IN GENERAL.**—The National Center for Missing and Exploited Children may provide elements relating to any apparent child pornography image of an identified child to an electronic communication service provider or a remote computing service provider for the sole and exclusive purpose of permitting that electronic communication service provider or remote computing service provider to stop the further transmission of images.

(2) **INCLUSIONS.**—The elements authorized under paragraph (1) may include hash values or other unique identifiers associated with a specific image, Internet location of images, and other technological elements that can be used to identify and stop the transmission of child pornography.

(3) **EXCLUSION.**—The elements authorized under paragraph (1) may not include the actual images.

(b) **USE BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICE PROVIDERS.**—Any electronic communication service provider or remote computing service provider that receives elements relating to any apparent child pornography image of an identified child from the National Center for Missing and Exploited Children under this section may

use such information only for the purposes described in this section, provided that such use shall not relieve that electronic communication service provider or remote computing service provider from its reporting obligations under section 2258A.

(c) **LIMITATIONS.**—Nothing in subsections<sup>1</sup> (a) or (b) requires electronic communication service providers or remote computing service providers receiving elements relating to any apparent child pornography image of an identified child from the National Center for Missing and Exploited Children to use the elements to stop the further transmission of the images.

(d) **PROVISION OF ELEMENTS TO LAW ENFORCEMENT.**—The National Center for Missing and Exploited Children shall make available to Federal, State, and local law enforcement involved in the investigation of child pornography crimes elements, including hash values, relating to any apparent child pornography image of an identified child reported to the National Center for Missing and Exploited Children.

(e) **USE BY LAW ENFORCEMENT.**—Any Federal, State, or local law enforcement agency that receives elements relating to any apparent child pornography image of an identified child from the National Center for Missing and Exploited Children under section<sup>1</sup> (d) may use such elements only in the performance of the official duties of that agency to investigate child pornography crimes.

(Added Pub. L. 110–401, title V, §501(a), Oct. 13, 2008, 122 Stat. 4249.)

**§ 2258D. Limited liability for the National Center for Missing and Exploited Children**

(a) **IN GENERAL.**—Except as provided in subsections (b) and (c), a civil claim or criminal charge against the National Center for Missing and Exploited Children, including any director, officer, employee, or agent of such center, arising from the performance of the CyberTipline responsibilities or functions of such center, as described in this section, section 2258A or 2258C of this title, or section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773), or from the effort of such center to identify child victims may not be brought in any Federal or State court.

(b) **INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.**—Subsection (a) shall not apply to a claim or charge if the National Center for Missing and Exploited Children, or a director, officer, employee, or agent of such center—

- (1) engaged in intentional misconduct; or
- (2) acted, or failed to act—
  - (A) with actual malice;
  - (B) with reckless disregard to a substantial risk of causing injury without legal justification; or

(C) for a purpose unrelated to the performance of any responsibility or function under this section, section 2258A or 2258C of this title, or section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773).

(c) **ORDINARY BUSINESS ACTIVITIES.**—Subsection (a) shall not apply to an act or omission

<sup>3</sup> So in original. Probably should be followed by “or”.

<sup>1</sup> So in original. Probably should be “subsection”.