

Insights: Publications

# PLAY IT AGAIN, SAM . . . BUT WAIT – WHAT IS HE PLAYING, AND WHO IS SAM?: Website Session Replay Software and Wiretapping

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The trend of class action cases alleging wiretap statute violations against website operators for the use of session replay software to collect information of website users, as our privacy team previously discussed here, continues to be a concern for companies in 2024. While many of these cases have turned on whether website operators disclosed and obtained consent from website users prior to deploying any session replay software, a recent decision in a pending class action brought under the Pennsylvania Wiretap Act indicates that consent alone may not be the end of the story in these cases.

## Related People

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