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Massachusetts Supreme Court Decision Raises Bar for Website “Wiretap” Suits



In recent months, a wave of lawsuits has swept across the nation, targeting websites for allegedly violating state wiretapping laws through their use of tracking software.

In *Vita v. New England Baptist Hospital*, the plaintiff, Kathleen Vita, claimed that two separate hospitals violated Massachusetts’ Wiretap Act by using analytics software to collect and share information regarding her activity on their websites without her consent. In a 5-1 ruling, the Massachusetts Supreme Judicial Court found that the Wiretap Act does not cover the website tracking technology challenged in Ms. Vita’s complaint and reversed the lower court’s denial of the defendants’ motion to dismiss.

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