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Legal FAQ for Tor Relay Operators

FAQ written by the Electronic Frontier Foundation ([EFF](#)). Last updated 25 Apr 2005.

NOTE: This FAQ is for informational purposes only and does not constitute legal advice. EFF has not analyzed any particular factual situation or laws in drafting this FAQ. Our aim is to provide a general description of the legal issues surrounding Tor in the United States. Different factual situations and different legal jurisdictions will result in different answers to a number of questions. Therefore, please do not act on this information alone; if you have any specific legal problems, issues, or questions, seek a complete review of your situation with a lawyer licensed to practice in your jurisdiction.

Also, if you received this document from anywhere besides <https://www.torproject.org/eff/tor-legal-faq.html>, it may be out of date. Follow the link to get the latest version.

Has anyone ever been sued for running Tor?

No. Further, we believe that running a Tor node, including a Tor exit node that allows people to anonymously send and receive traffic, is lawful under U.S. law.

Should I use Tor, or encourage the use of Tor, for illegal purposes such as spamming, harassment, distribution of child porn, or copyright infringement?

No. Tor has been developed to be a tool for free speech, privacy, and human rights. It is not a tool designed or intended to be used to break the law, either by Tor users or Tor relay operators.

We further recommend that you not keep any potentially illegal files on the same machine you use for Tor, nor use that machine for any illegal purpose. Although no Tor relay in the US has ever been seized, nor any relay operator sued, the future possibility cannot be ruled out. If that happens, you will want your machine to be clean.

Can EFF promise that I won't get in trouble for running a Tor relay?

No. All new technologies create legal uncertainties, and Tor is no exception to the rule. Presently, no court has ever considered any case involving the Tor technology, and we therefore cannot guarantee that you will never face any legal liability as a result of running a Tor relay. However, EFF believes so strongly that those running Tor relays shouldn't be liable for traffic that passes through the relay that we're running our own Tor relay.

Will EFF represent me if I get in trouble for running a Tor relay?

Maybe. While EFF cannot promise legal representation of all Tor relay operators, it will assist relay operators in assessing the situation and will try to locate qualified legal counsel when necessary. Inquiries to EFF for the purpose of securing legal representation or referrals should be directed to staff attorney Kevin Bankston (bankston at eff.org or US +1 (415) 436-9333 x 126). Such inquiries will be kept confidential subject to the limits of the attorney/client privilege. Note that although EFF cannot practice law outside of the U.S., it will still try to assist non-U.S. relay operators in finding local representation.

Should I contact the Tor developers when I have legal questions about Tor or to inform them if I suspect Tor is being used for illegal purposes?

No. Tor's core developers, Roger Dingledine and Nick Mathewson, are available to answer technical questions, but they are not lawyers and cannot give legal advice. Nor do they have any ability to prevent illegal activity that may occur through Tor relays. Furthermore, your communications with Tor's core developers are not protected by any legal privilege, so law enforcement or civil litigants could subpoena and obtain any information you give to them.

If I receive a request from law enforcement or anyone else for my Tor relay's logs, what should I do?

Educate them about Tor. In most instances, properly configured Tor relays will have no useful data for inquiring parties, and you should feel free to educate them on this point. To the extent you do maintain logs, however, you should not disclose them to any third party without first consulting a lawyer. In the U.S., such a disclosure may violate the Electronic Communications Privacy Act, and relay operators outside of the U.S. may be subject to similar data protection laws.

You may receive legal inquiries where you are prohibited by law from telling anyone about the request. We believe that, at least in the U.S., such gag orders do not prevent you from talking to a lawyer, including calling a lawyer to find representation. Inquiries to EFF for the purpose of securing legal representation should be directed to staff attorney Kevin Bankston (bankston at eff.org or US +1 (415) 436-9333 x126). Such inquiries will be kept confidential subject to the limits of the attorney/client privilege.

EFF is currently working on informational materials to help you respond to the most likely types of legal requests or notices, so watch this space.

My ISP/University/etc just sent me a DMCA notice. What should I do?

The EFF has written a [short template](#) to help you write a response to your ISP/University/etc, to let them know about the details of DMCA safe harbor, and how Tor fits in. Note that this only refers to a U.S. jurisdiction.

If you like, you should consider submitting a copy of your notice to [Chilling Effects](#). This will help us recognize trends and issues that the lawyers might want to focus on. Chilling Effects encourages submissions from people outside the United States too.

EFF is actively seeking Tor relay operators willing to stand up and help set a clear legal

precedent establishing that merely running a node does not create copyright liability for either node operators or their bandwidth providers. If you want to be the EFF's test case, [read more here](#).

Should I snoop on the plaintext that exits through my Tor relay?

No. You may be technically capable of modifying the Tor source code or installing additional software to monitor or log plaintext that exits your node. However, Tor relay operators in the U.S. can create legal and possibly even criminal liability for themselves under state or federal wiretap laws if they affirmatively monitor, log, or disclose Tor users' communications, while non-U.S. operators may be subject to similar laws. Do not examine the contents of anyone's communications without first talking to a lawyer.

Do Tor's core developers make any promises about the trustworthiness or reliability of Tor relays that are listed in their directory?

No. Although the developers attempt to verify that Tor relays listed in the directory the core developers maintain are stable and have adequate bandwidth, neither they nor EFF can guarantee the personal trustworthiness or reliability of the individuals who run those relays. Tor's core developers further reserve the right to refuse a Tor relay operator's request to be listed in their directory or to remove any relay from their directory for any reason.

Is the Tor software subject to any license terms?

Yes. The Tor software is distributed under the Modified BSD license, and is reproduced below. The Vidalia software is distributed under the GPL v2. Privoxy is distributed under the GPL v2. "src/common/strlcat.c and src/common/strlcpy.c" by Todd C. Miller are licensed under the Modified BSD license.

If you have Tor as a static binary with OpenSSL included, then you should know: "This product includes software developed by the OpenSSL Project for use in the OpenSSL Toolkit (<http://www.openssl.org/>)"

The Tor software license is the Modified BSD, which is as follows:

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