

15.21 Without Authorization—Defined

A person uses a computer “without authorization” when the person has not received permission from the [owner] [[person who] or [entity which] controls the right of access to the computer] for any purpose, or when the [owner] [[person who] or [entity which] controls the right of access to the computer] has withdrawn or rescinded permission to use the computer and the person uses the computer anyway.

Comment

Use this instruction with Instructions 15.22, 15.23, 15.24, 15.25, 15.26, 15.27, 15.28, 15.29, 15.30, and 15.31. Where appropriate, substitute “government,” “financial institution,” or other specific entity where called for by the accompanying CFAA instructions. *See, e.g.*, Instruction 15.23 (Obtaining Information by Computer—from Financial Institution or Government Computer).

A person uses a computer “without authorization” under the CFAA when the owner of the computer, or a person or entity who controls the right of access to the computer, has rescinded permission to access the computer and the defendant uses the computer anyway. *United States v. Nosal*, 844 F.3d 1024, 1034 (9th Cir. 2016).

“An actor’s authorization, or lack thereof, is assessed at the moment of access.” *United States v. Sullivan*, 159 F.4th 579, 589 (9th Cir. 2025), *amending on denial of reh’g en banc*, 131 F.4th 776, 785 (9th Cir. 2025).

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