

No. 09-530

IN THE

Supreme Court of the United States

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, ET AL.,

Pe i ioner ,

—v.—

ROBERT M. NELSON, ET AL.,

Re ponden .

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE NINTH CIRCUIT

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Cases

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United States v. Hubbard

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United States v. Stevens

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Whitman v. American Trucking Ass'ns, Inc.

Winter v. National Resources Defense Council, Inc

Statutes

Other Authorities

Privacy

INTERESTS OF AMICI

See

Id.

ARGUMENT

- I. THE CONSTITUTIONAL RIGHT TO INFORMATIONAL PRIVACY, WHICH THIS COURT HAS LONG RECOGNIZED, NECESSARILY INCLUDES HIGHLY PERSONAL AND INTIMATE DETAILS ABOUT MEDICAL TREATMENT AND PSYCHOLOGICAL COUNSELING.**
- A. The Right To Informational Privacy Is Well-Established.**

Whalen v. Roe

Whalen

Id.

See Nixon v. Adm'r of Gen. Services
Whalen

U.S. Dept. of Justice v. Reporters Committee For
Freedom of the Press

New York v. Ferber

See also H.L. v. Matheson

Whalen,

Id

Committee *See Reporters*

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Whalen *See, e.g.,*

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Nilson

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Walls

*Fraternal Order of Police, Lodge
No. 5 v. City of Philadelphia*

Walls,
See also Fado

See, e.g.,

See also

See

The Hippocratic Oath:

See, e.g.,
Norman-Bloodsaw v. Lawrence Berkeley Laboratory

F.E.R. v. Valdez

City of New York

Alexander v. Peffer

Schaill by Kross v. Tippecanoe

County School Corp.

Westinghouse Elec. Corp.

See, e.g.,

II. THERE IS NO MERIT TO THE GOVERNMENT'S CLAIM THAT THE RIGHT TO INFORMATIONAL PRIVACY IS ONLY THREATENED IF THE GOVERNMENT FURTHER DISSEMINATES THE HIGHLY PERSONAL AND INTIMATE INFORMATION THAT IT IS SEEKING FROM RESPONDENTS IN THIS CASE.

See supra

Thorne

Hubbard

See, e.g.,

Peeping

Chronology of Data Breaches

breached *Passport files of candidates*
available *at*

**III. THE RIGHT TO INFORMATIONAL
PRIVACY IS NOT WAIVED MERELY
BECAUSE AN INDIVIDUAL CHOOSES
TO SHARE SOME HIGHLY PERSONAL
AND INTIMATE INFORMATION WITH
SELECTED THIRD PARTIES.**

Nixon

Nixon

Nelson

United States v. Miller
Smith v. Maryland

informational privacy

Reporters Committee

Id.

Id.

*Is an Expanded
Right of Privacy Consistent with Fair and Effective
Law Enforcement?*

*See also U.S. Dept. of Defense v. Federal Labor Relations
Authority*

Committee

Reporters

Reporters Committee

Reporters

Comm.

**IV. THE PRELIMINARY INJUNCTION
SHOULD BE UPHELD.**

See Nixon

See, e.g., Nelson

Barry

See, e.g., Mangels v. Pena

Nilson

Thorne

See also Whalen

Westinghouse Elec. Corp.
Doe v. Att'y Gen.
Westinghouse

see also

hoc

id.
ad

Barry

See, e.g.,

Plante v. Gonzalez
cert. denied

Id.

lessen[s]

CONCLUSION

Counsel of Record

