

Deeply Personal Information and
the Reasonable Expectation of Privacy in *Tessling*

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HEAT

= the information that the respondent's home was generating heat patterns consistent with its being the site of a substantial marijuana growing-operation

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Overarching Question

Did the respondent have a reasonable expectation of privacy with respect to HEAT?

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Personal information

Information about specific persons

Deeply personal information

Personal information of the right sort

Two Requirements for a Positive Answer to the Overarching Question

- (a) The respondent had not voluntarily exposed HEAT
- (b) HEAT was deeply personal information about the respondent

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“There was no abandonment [of the subject matter of the FLIR imaging] in any voluntary sense [...]” (*Tessling*)

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“There was no abandonment [of the subject matter of the FLIR imaging] in any voluntary sense [...]” (*Tessling*)

- (b) HEAT was deeply personal information about the respondent

“The heat distribution [...] offers no insight into [the respondent’s] private life, and reveals nothing of his ‘biographical core of personal information’. Its disclosure scarcely affects the ‘dignity, integrity and autonomy’ of the person whose house is subject of the FLIR image (*Plant*, at p. 293).” (*Tessling*)

Primary Argument

- Premise 1 The respondent had a reasonable expectation of privacy with respect to HEAT only if HEAT was deeply personal information about him.
- Premise 2 HEAT was not deeply personal information about the respondent.
- Conclusion The respondent had no reasonable expectation of privacy with respect to HEAT

Primary Argument

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Big Brother's propaganda campaign

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“dignity, integrity, autonomy”

Deeply personal information has to do with the individual’s telling *her own unique story, for herself and on her own terms*

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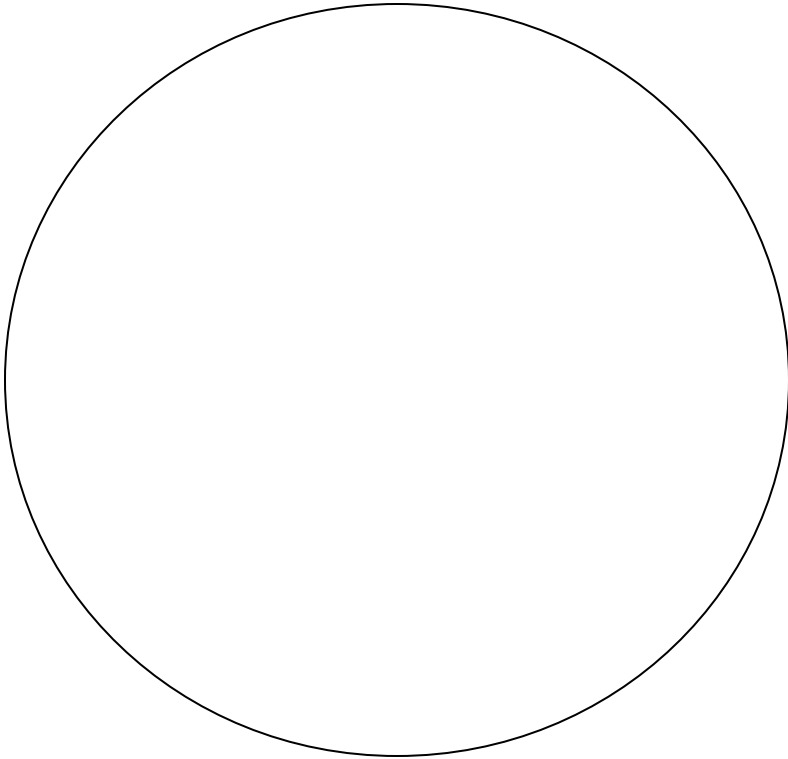
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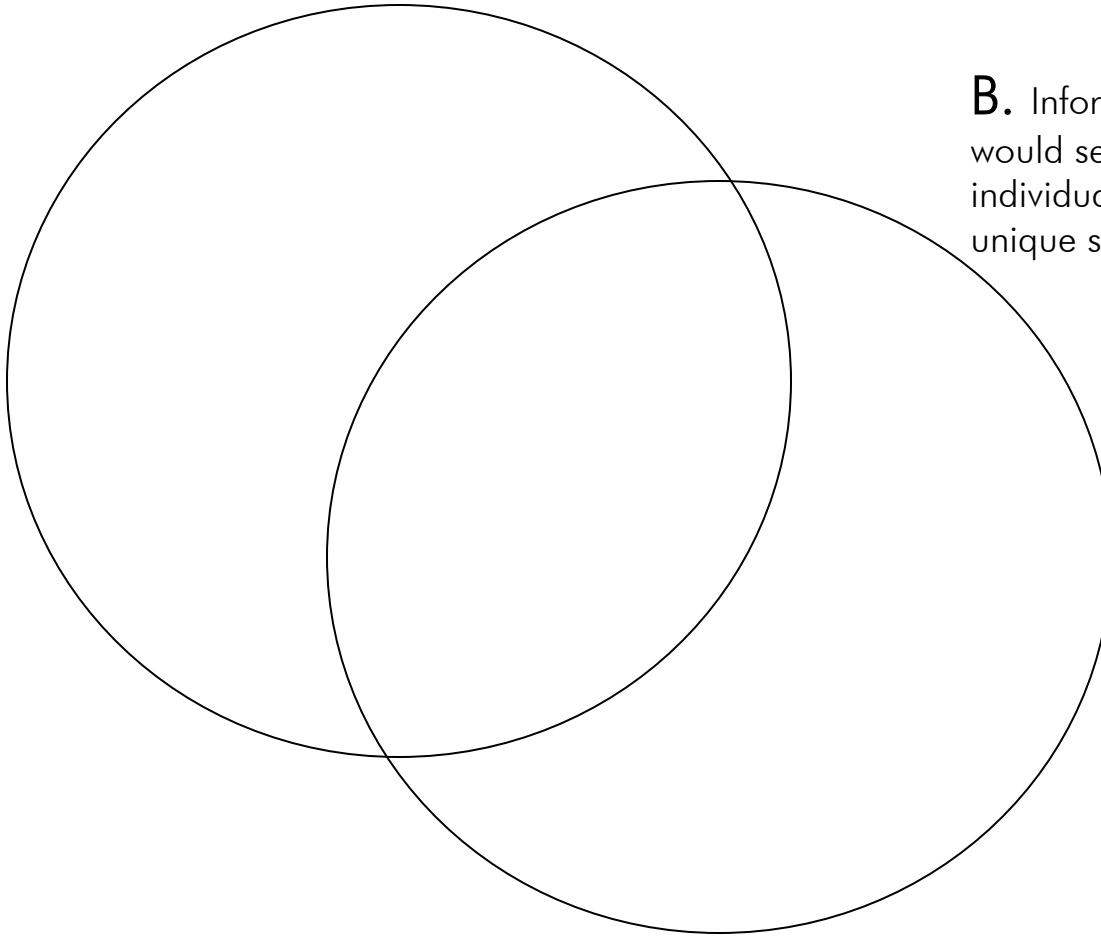
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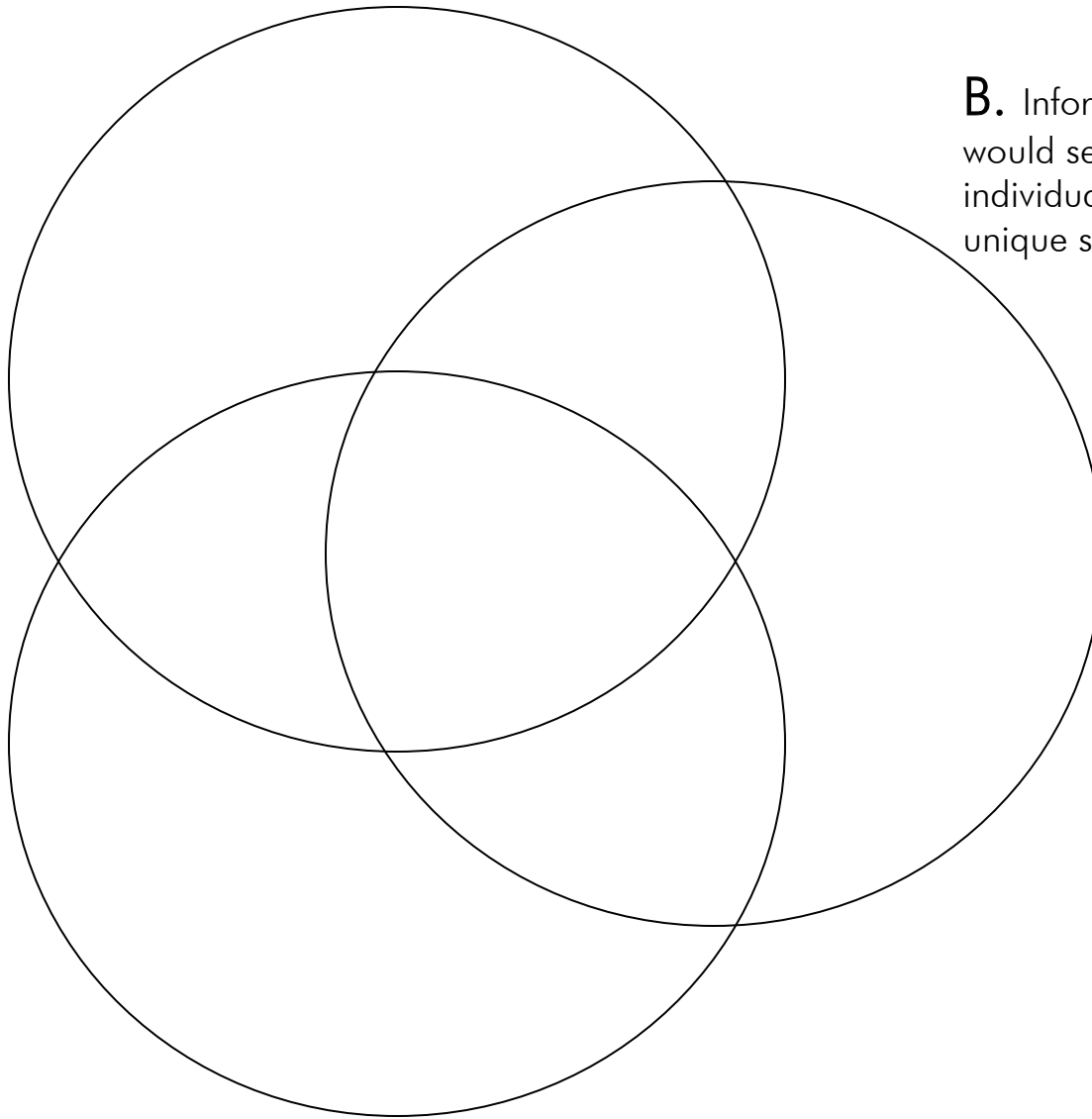


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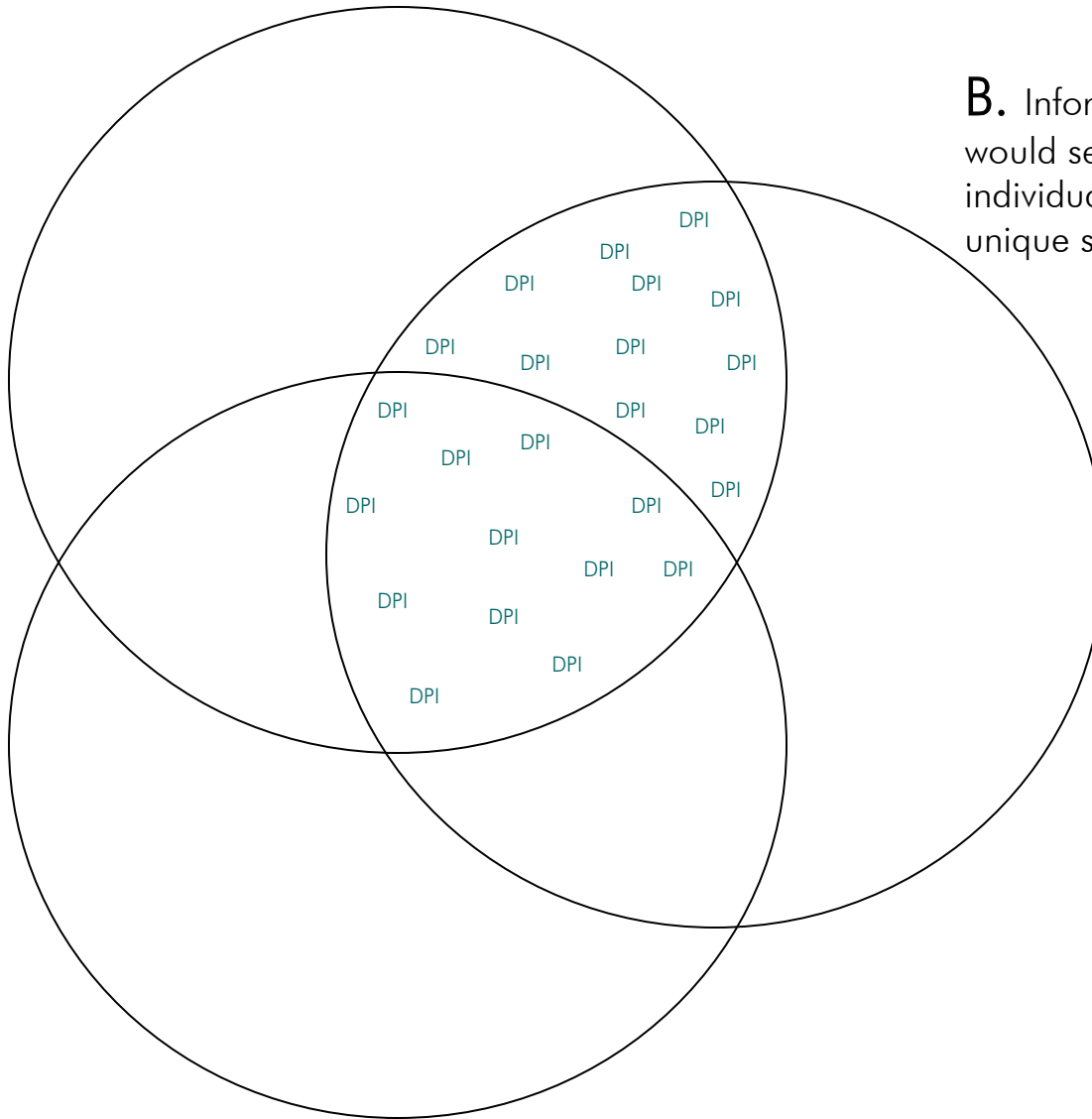
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B. Information open access to which would seriously undermine the individual's ability to tell her own unique story

C. Voluntarily exposed information

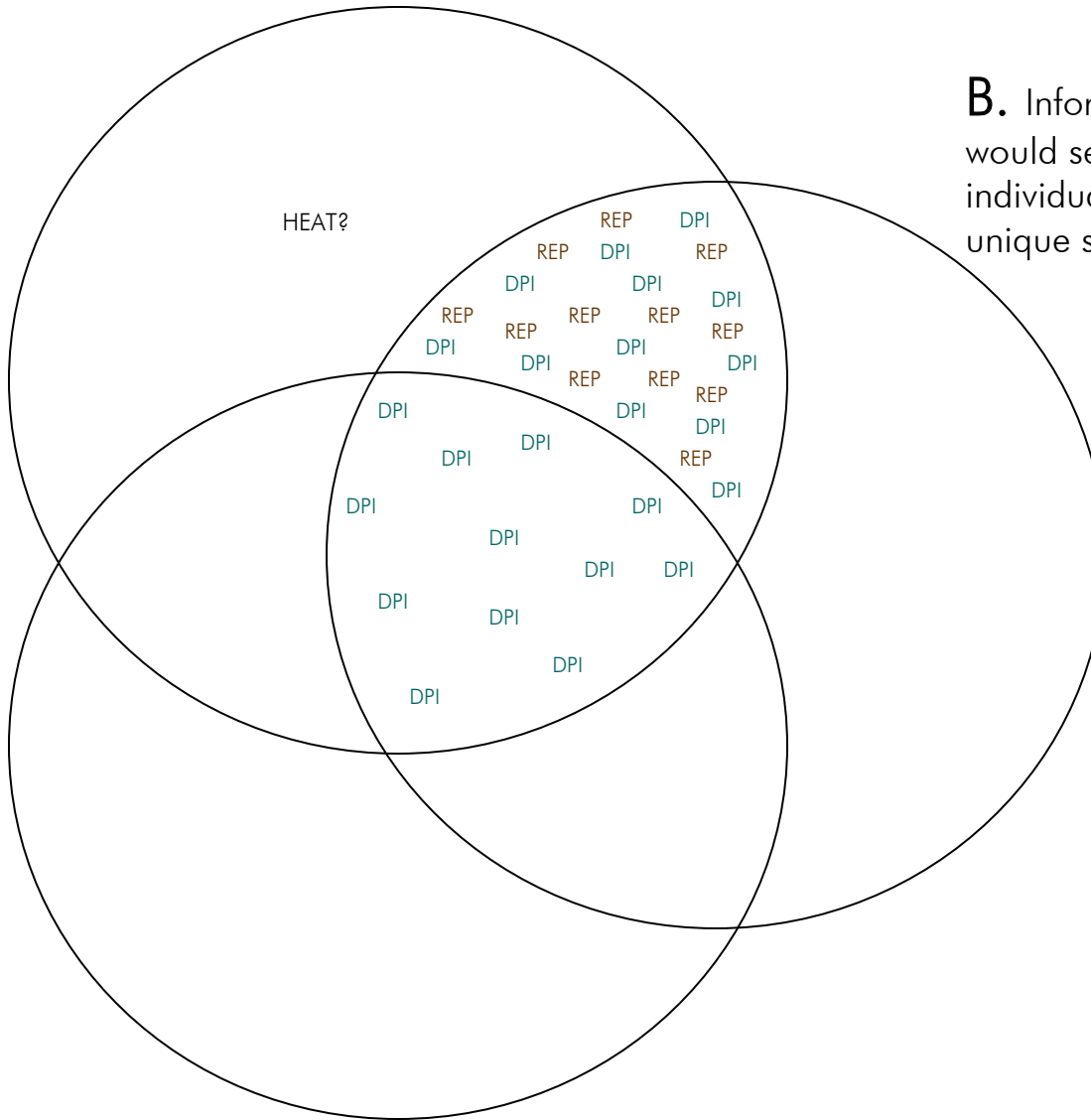
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