Negative: The Line

By Josiah Hemp

Resolved: In democratic elections, the public’s right to know ought to be valued above a candidate’s right to privacy.

The theme of this case is found in the introduction and the resolutional analysis. This case argues that the debate has to do with the line between the two issues, not which matters more. Imagine a “when in conflict” clause in this resolution. The resolution doesn’t have the clause, but this case says it is implied.

In this case the definitions and resolutional analysis are very important. The definition of the right to know needs to be upheld in order for the second contention to hold. The key to the second contention is that most definitions of the “right to know” link it directly to Right to Know/Freedom of Information laws. This definition could be a non-issue if the affirmative uses it (or a similar one) as their own definition. However, if the affirmative objects to this definition, this case requires that the definition of the right to know be a hill to die on. The entire second contention depends on it. Further, the resolutional analysis resets the way the round is viewed and, if argued effectively, could be the deciding argument of the round.
To lead into this case, the negative could push with questions that boil down to “where do we draw the line?” in cross examination. For example, “should candidates’ full medical records be disclosed?”

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Negative: The Line

Where do we draw the line? That is where the crux of the debate lies. It is because the line is defined by the candidates right to privacy and the public’s right to know is limited by privacy that I stand against the resolution, resolved: In democratic elections, the public’s right to know ought to be valued above a candidate’s right to privacy.

DEFINITIONS

Privacy

Alan Westin 1967 (Alan Westin was a Professor of Public Law & Government Emeritus at Columbia University, former publisher of Privacy & American Business, and former President of the Center for Social & Legal Research) Privacy and Freedom (New York: Atheneum, 1967), p. 7.

“The claim of individuals, groups, or institutions to determine for themselves when, how, and to what extent information about them is communicated to others.”

Right to Know

Most definitions of the right to know go something like this…

The American Heritage Dictionary of the English Language, Fifth Edition. “Right to know” Houghton Mifflin Harcourt Publishing Company, 2020. <https://ahdictionary.com/word/search.html?q=right+to+know>. Accessed 29 Jul. 2020.

“Of or relating to policies and laws that make some governmental records and other information available to a person who can demonstrate a right or need to know the contents.”

Unfortunately, we can’t use these standard definitions for this debate. In this debate we are not arguing about the adjective “right to know” as it describes a particular type of laws. Instead, we are talking about the noun the right to know. We mean the right to information about candidates, not right to know laws.

RESOLUTIONAL ANALYSIS: Valued Above

Valued above is a term that Lincoln-Douglas Debaters regularly use. But in this situation, what does it mean?

It could be argued that it means that the public’s right to know matters in more situations or as a general principle matters more.

But Lincoln-Douglas is about where the values clash or where they interact. Further, with this specific resolution we are given a very specific scenario—candidates in democratic elections. We are talking about in this specific scenario where they actually clash, or which should matter more.

Thus, the true standard is not which matters more of the time, but which limits the other. In other words, where we draw the line. If the public has a right to know but does not have a right to know about private matters, then the negative should win.

Therefore, I am not arguing that the public’s right to know is not important. In fact, it is an important right. But the public does not have a right to know about private matters.

VALUE: Individual Rights

Definition

Individual rights can be defined by the well-known threesome of life, liberty, and property. However, we can also look at how rights work by examining tests the Supreme Court has developed and the laws that legislatures have developed to uphold these rights. Although no court or congress can create or destroy rights, they can help us see what they mean. We will be looking more at how we can see these rights later on in this speech.

Reason to Prefer: The debate is over rights

Everyone wants their rights to be protected. Both sides of this debate are demanding rights. Whichever side truly upholds rights should win.

CONTENTION 1: Privacy is an individual right

Privacy is a basic right as part of the right to life

Dorothy J. Glancy, 1979 (Associate Professor of Law, University of Santa Clara, Visiting Professor of Law, University of Arizona. B.A., Wellesly, 1967; J.D. Harvard, 1970.) Arizona Law Review “The Invention of the Right to Privacy,” <http://law.scu.edu/wp-content/uploads/Privacy.pdf>. Page 3-4.

In their definitive Harvard Law Review paper, “The Right to Privacy” Samuel Warren and Louis Brandeis,

“Although primarily intent on establishing the right to privacy as a practical legal protection which could function in the social context of their day, Warren and Brandeis were also participants in what Roscoe Pound called “the organizing, systematizing era after the Civil War. ‘Accordingly, they carefully located the right to privacy within the context of the highly schematic jurisprudence of late nineteenth century American law. They placed the right to privacy within the more general category of the individual’s right to be let alone. The right to be let alone was itself part of an even more general right, the right to enjoy life, which was in turn part of the individual’s fundamental right to life itself. The right to life was part of the familiar triad of fundamental, inherent, individual rights reflected in the fifth amendment to the United States Constitution: ‘No person shall . . . be deprived of life, liberty, or property, without due process of law . . . .’ Unlike the United States Supreme Court in recent opinions, Warren and Brandeis carefully disassociated the right to privacy both from the right to liberty and from the right to property.” According to Warren and Brandeis, the right to liberty ‘secures extensive civil privileges,’ but not privacy. They also contrasted the right to property, which comprised the individual’s material interests, ‘every form of possession-intangible as well as tangible,’ with the right to privacy’s concern for spiritual interests.’ A schematic representation of Warren’s and Brandeis’ placement of their concept of the right to privacy in the corpus juris of individual rights would look like the following:”

Application: Medical privacy is a right

But building from different methods, in this case Supreme Court tests, medical privacy can be shown to be a right, even if we disregard the connection between privacy and the right to life.

Medical privacy is widely acknowledged

U.S. Department of Health & Human Services Office for Civil Rights, “Your Rights Under HIPAA” <https://www.hhs.gov/hipaa/for-individuals/guidance-materials-for-consumers/index.html>. Last reviewed on January 31, 2020. Accessed July 29, 2020.

“Most of us believe that our medical and other health information is private and should be protected, and we want to know who has this information. The Privacy Rule, a Federal law, gives you rights over your health information and sets rules and limits on who can look at and receive your health information. The Privacy Rule applies to all forms of individuals' protected health information, whether electronic, written, or oral. The Security Rule is a Federal law that requires security for health information in electronic form.”

The standard for privacy rights

Justice John Marshall Harlan (concurring opinion) Stewart, Potter, and Supreme Court Of The United States. U.S. Reports: Katz v. United States, 389 U.S. 347. 1967. Periodical. <https://www.loc.gov/item/usrep389347/>. Page 361.

“As the Court's opinion states, "the Fourth Amendment protects people, not places." The question, however, is what protection it affords to those people. Generally, as here, the answer to that question requires reference to a "place." My understanding of the rule that has emerged from prior decisions is that there is a twofold requirement, first that a person have exhibited an actual (subjective) expectation of privacy and, second, that the expectation be one that society is prepared to recognize as "reasonable." Thus a man's home is, for most purposes, a place where he expects privacy, but objects, activities, or statements that he exposes to the "plain view" of outsiders are not "protected" because no intention to keep them to himself has been exhibited. On the other hand, conversations in the open would not be protected against being overheard, for the expectation of privacy under the circumstances would be unreasonable. Cf. Hester v. United States, supra”

Thus because most people consider the expectation of medical privacy reasonable, medical privacy is a right.

CONTENTION 2: The public’s right to know does not cover private material

In this contention we will look at the right to know by looking at the laws that have been created that fall under our definition.

The U.S. Freedom of Information Act (FOIA) (a right to know law) specifically exempts private material from the public’s right to know

FOIA.gov (The official website on the Freedom of Information Act from the Department of Justice) “Frequently Asked Questions,” <https://www.foia.gov/faq.html>. Accessed 8 August 2020.

“Not all records are required to be released under the FOIA. Congress established nine exemptions from disclosure for certain categories of information to protect against certain harms, such as an invasion of personal privacy, or harm to law enforcement investigations. The FOIA authorizes agencies to withhold information when they reasonably foresee that disclosure would harm an interest protected by one of these nine exemptions.

“The nine exemptions are described below.

“Exemption 1: Information that is classified to protect national security.

“Exemption 2: Information related solely to the internal personnel rules and practices of an agency.

“Exemption 3: Information that is prohibited from disclosure by another federal law.

“Exemption 4: Trade secrets or commercial or financial information that is confidential or privileged.

“Exemption 5: Privileged communications within or between agencies, including those protected by the:

“Deliberative Process Privilege (provided the records were created less than 25 years before the date on which they were requested)

“Attorney-Work Product Privilege

“Attorney-Client Privilege

“Exemption 6: Information that, if disclosed, would invade another individual’s personal privacy.

“Exemption 7: Information compiled for law enforcement purposes that:

“7(A). Could reasonably be expected to interfere with enforcement proceedings

“7(B). Would deprive a person of a right to a fair trial or an impartial adjudication

“7(C). Could reasonably be expected to constitute an unwarranted invasion of personal privacy

“7(D). Could reasonably be expected to disclose the identity of a confidential source

“7(E). Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law

“7(F). Could reasonably be expected to endanger the life or physical safety of any individual

“Exemption 8: Information that concerns the supervision of financial institutions.

“Exemption 9: Geological information on wells.”

The UK right to know law also has exemptions for privacy

The United Kingdom also has two exemptions for privacy in their right to know law. One is personal information and the other is confidentiality. In many democracies Freedom of Information and Right to Know laws explicitly exempt documents that contain private material. This is the general rule.

The Parliament of the United Kingdom, 2000. “The Freedom of Information Act of 2000, Section 40.” UK Public General Acts, <https://www.legislation.gov.uk/ukpga/2000/36/section/40> Subpoint 1. Accessed 6 August 2020.

 “Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.”

The Parliament of the United Kingdom, 2000. “The Freedom of Information Act of 2000, Section 41.” UK Public General Acts, <https://www.legislation.gov.uk/ukpga/2000/36/section/41>. Accessed 6 August 2020.

 “Information provided in confidence.

“(1)Information is exempt information if—

“(a)it was obtained by the public authority from any other person (including another public authority), and

“(b)the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

“(2)The duty to confirm or deny does not arise if, or to the extent that, the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) constitute an actionable breach of confidence.”

CONCLUSION

We must protect candidates’ individual rights, including those to privacy. These rights are called “inalienable” because they cannot be taken away. The right to know also matters. But where they interact, even the right to know laws provide clear exemptions for privacy. Thus, we cannot violate the right to privacy because of the public’s right to know.

Affirmative Counter-Brief: The Line

This counter-brief chooses not to directly challenge the resolutional analysis of the case, but instead responds to the arguments within the case. However, it does respond to the definition of the public’s right to know. Be sure to read Mark Csoros’s Resolutional Overview to be able to effectively respond to that definition.
However, this brief can be used to respond to the claims of the case in the worst-case-scenario that you cannot persuade the judge of your definitions or resolutional analysis.

The structure of this brief follows the structure of the Negative Case.

The right to know

The negative claims that the right to know is essentially right to know laws. However, this is arguably not what the resolution is about.

See Csoros, Mark. “KNOWLEDGE VS. PRIVACY: RESOLUTIONAL OVERVIEW.” Monument Publishing, August 3, 2020. <https://club.monumentmembers.com/ncfca-lincoln-douglas/download-info/s21-ld-ncfca-01-overview/>. Pages 6-8.

It may be necessary to use an operational definition, but that can defeat the second contention of this case.

Using the Katz test, privacy is not a fundamental right

Individual rights by the negative’s own admission are “inalienable” by definition. To be protected by his/her value, they must not be able to be taken away.

In a culture where expectations of privacy are thought to be “unreasonable,” by the reasonable expectation standard provided privacy rights would not exist.

Because of this, the right to privacy cannot be considered a fundamental right as the negative claims because of the very argument the negative makes regarding “reasonable expectation.”

Judith DeCew 2018, (B.A. University of Rochester, 1970; M.A. 1976; Ph.D. 1978, University of Massachusetts at Amherst. Senior Research Scholar; Professor Emerita, Department of Philosophy, Clark University. She served on the faculty at MIT for eight years beginning in 1978, has been at Clark since 1987 and served as Associate Dean of the College from 1999-2001. Prof. DeCew has been a Visiting Professor of Philosophy at Wellesley College and a Visiting Professor of Philosophy at Harvard Summer School. During summer 2015 Prof. DeCew completed over a decade of service as Chair of the Philosophy Department at Clark. Author: In Pursuit of Privacy: Law, Ethics, and the Rise of Technology. Cornell University Press, 1997.) DeCew, Judith, "Privacy", The Stanford Encyclopedia of Philosophy (Spring 2018 Edition), Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/spr2018/entries/privacy/>. June 11, 2018. Accessed August 8, 2020.

“Schoeman (1984) points out that the question of whether or not privacy is culturally relative can be interpreted in two ways. One question is whether privacy is deemed valuable to all peoples or whether its value is relative to cultural differences. A second question is whether or not there are any aspects of life that are inherently private and not just conventionally so. Most writers have come to agree that while almost all cultures appear to value privacy, cultures differ in their ways of seeking and obtaining privacy, and probably do differ in the level they value privacy (Westin, 1967; Rachels, 1975). Allen (1988) and Moore (2003) are especially sensitive to the ways obligations from different cultures affect perceptions of privacy. There has been far less agreement on the second question. Some argue that matters relating to one’s innermost self are inherently private, but characterizing this realm more succinctly and less vaguely has remained an elusive task. Thus it may well be that one of the difficulties in defining the realm of the private is that privacy is a notion that is strongly culturally relative, contingent on such factors as economics as well as technology available in a given cultural domain.”

Problems with the Katz test

Louis Menard 2018, (Louis Menand has contributed to The New Yorker since 1991 and has been a staff writer since 2001. His book “The Metaphysical Club” was awarded the 2002 Pulitzer Prize for history and the Francis Parkman Prize from the Society of American Historians. He was an associate editor at The New Republic from 1986 to 1987, an editor at The New Yorker from 1992 to 1993, and a contributing editor at The New York Review of Books from 1994 to 2001. He is the Lee Simpkins Family Professor of Arts and Sciences and the Anne T. and Robert M. Bass Professor of English at Harvard University. In 2016, he was awarded the National Humanities Medal by President Obama.) “Why Do We Care So Much About Privacy?” The New Yorker <https://www.newyorker.com/magazine/2018/06/18/why-do-we-care-so-much-about-privacy>. June 11, 2018. Accessed August 8, 2020.

“The other problem in Katz is the “reasonable expectation of privacy” standard. Again, the rule seems sensible. People assume that when they are talking inside a phone booth they are not being monitored. But who gets to claim an expectation of privacy and where is not self-evident. Can a person driving a rented car whose name is not on the agreement with the rental company? Last month, the Supreme Court, in a unanimous decision, said yes. And as Anthony Amsterdam, a law professor who argued, and won, the famous death-penalty case Furman v. Georgia, in 1972, has pointed out, people’s reasonable expectations are easily altered.

If people are told by the government or by a service provider that their behavior is being monitored, the expectation of privacy instantly becomes unreasonable. Twenty years ago, for example, citizens could assume that they were not being photographed when they walked down the street. Today, there are thirty thousand closed-circuit surveillance cameras on the streets of Chicago alone. A cop can theoretically match up a face on the street with a mug shot; with facial-recognition technology, the CCTV system does it automatically.”

Medical Privacy is not absolute

Rosalind Croucher 2011 (President, Australian Law Reform Commission; Professor of Law, Macquarie University. Professor Croucher obtained a BA (Hons) in History and an LLB from the University of Sydney; and her PhD from the University of New South Wales in the field of legal history. She was admitted as a legal practitioner in New South Wales in 1981. Professor Croucher has had a distinguished career in legal education prior to joining the ALRC, with 25 years in university teaching and management, including as Dean of Law at Macquarie University (1999–Feb 2007) and Acting Dean of Law at Sydney University (1997–1998).) “Australian Privacy Law & Practice – Key Recommendations for Health Information Privacy Reform” 28 September 2011 <https://www.alrc.gov.au/news/australian-privacy-law-practice-key-recommendations-for-health-information-privacy-reform/>.

“Privacy is a fundamental principle in health care. It is expressed in a range of ways, from duties of confidentiality through to legislative regimes. There are ethical and legal duties of confidentiality owed by health service providers—such as doctors, dentists, nurses, physiotherapists and pharmacists—that prevent the use of personal health information for a purpose that is inconsistent with the purpose for which the information was provided. A legal duty of confidentiality may arise in equity, at common law, or under contract. In addition, health service providers are often subject to confidentiality provisions in professional codes of conduct and, if they are employed in the public sector, may be subject to legislative secrecy provisions, that impose penalties—often criminal—if information is disclosed.

“Duties of confidentiality recognise the dignity and autonomy of the individual, as well as the public interest in fostering a relationship of trust between health service providers and health consumers to ensure both individual and public health outcomes. Such duties are not absolute and there are circumstances in which the law permits, and sometimes requires, the disclosure of confidential personal health information.”

Presidential candidates should share medical information

Robert Streiffer, Alan P. Rubel and Julie R. Fagan 2006 (Robert Streiffer is Professor of Philosophy and Bioethics at the University of Wisconsin, Madison; Alan Rubel is an associate professor in the Center for Law, Society & Justice at the University of Wisconsin, Madison; Julie Fagan is Clinical Associate Professor of Medicine at the University of Wisconsin Women's Health Center and serves on the hospital ethics committees for both the University of Wisconsin Hospital and Meriter Hospital) “Medical Privacy and the Public's Right to Vote: What Presidential Candidates Should Disclose” https://doi.org/10.1080/03605310600860825.

“We argue that while presidential candidates have the right to medical privacy, the public nature and importance of the presidency generates a moral requirement that candidates waive those rights in certain circumstances. Specifically, candidates are required to disclose information about medical conditions that are likely to seriously undermine their ability to fulfill what we call the “core functions” of the office of the presidency. This requirement exists because (1) people have the right to be governed only with their consent, (2) people's consent is meaningful only when they have access to information necessary for making informed voting decisions, (3) such information is necessary for making informed voting decisions, and (4) there are no countervailing reasons sufficiently strong to override this right. We also investigate alternative mechanisms for legally encouraging or requiring disclosure. Protecting the public’s right to this information is of particular importance because of the documented history of deception and secrecy regarding the health of presidents and presidential candidates.”

Some right to know laws DO affect candidates’ privacy

Committee on Ethics, U.S House of Representatives “Policies Underlying Disclosure,” <https://ethics.house.gov/financial-dislosure/policies-underlying-disclosure>. Accessed August 10, 2020.

“Members [of congress], officers, and certain employees must annually disclose personal financial interests, including investments, income, and liabilities. Financial disclosure provisions were enacted to monitor and to deter possible conflicts of interest due to outside financial holdings. Proposals for divestiture of potentially conflicting assets and mandatory disqualification of Members from voting were rejected as impractical or unreasonable. Such disqualification could result in the disenfranchisement of a Member’s entire constituency on particular issues. A Member may often have a community of interests with the Member’s constituency, and may arguably have been elected because of and to serve these common interests, and thus would be ineffective in representing the real interests of the constituents if the Member was disqualified from voting on issues touching those matters of mutual concern. In rare instances, the House rule on abstaining from voting may apply where a direct personal interest in a matter exists.”

The STOCK Act requires reporting and publishing of congressman’s investments

Official White House Press Release, 2012. “FACT SHEET: The STOCK Act: Bans Members of Congress from Insider Trading” The White House Office of the Press Secretary. White House Archives. April 4, 2012. <https://obamawhitehouse.archives.gov/the-press-office/2012/04/04/fact-sheet-stock-act-bans-members-congress-insider-trading>. Accessed August 10, 2020.

“Increases Transparency in Financial Disclosure Reporting: The STOCK Act amends the Ethics in Government Act of 1978 to require a government-wide shift to electronic reporting and online availability of public financial disclosure information. The STOCK Act provides additional transparency for Members of Congress, legislative staff and other government employees currently required to make public financial disclosures:

“• Trade Reporting: requires that Members of Congress and government employees report certain investment transactions within 45 days after a trade.

“• Online Availability: mandates that the information in public financial disclosure reports (currently made available on request) be made available on agency websites and ultimately through searchable, sortable databases.”

Works Cited

Alan Westin 1967 (Alan Westin was a Professor of Public Law & Government Emeritus at Columbia University, former publisher of Privacy & American Business, and former President of the Center for Social & Legal Research) Privacy and Freedom (New York: Atheneum, 1967), p. 7.

The American Heritage Dictionary of the English Language, Fifth Edition. “Right to know” Houghton Mifflin Harcourt Publishing Company, 2020. https://ahdictionary.com/word/search.html?q=right+to+know Accessed 29 Jul. 2020.

Dorothy J. Glancy, 1979 (Associate Professor of Law, University of Santa Clara, Visiting Professor of Law, University of Arizona. B.A., Wellesly, 1967; J.D. Harvard, 1970.) Arizona Law Review “The Invention of the Right to Privacy,” http://law.scu.edu/wp-content/uploads/Privacy.pdf Page 3-4.

U.S. Department of Health & Human Services Office for Civil Rights, “Your Rights Under HIPAA” https://www.hhs.gov/hipaa/for-individuals/guidance-materials-for-consumers/index.html Last reviewed on January 31, 2020. Accessed July 29, 2020.

Justice John Marshall Harlan (concurring opinion) Stewart, Potter, and Supreme Court Of The United States. U.S. Reports: Katz v. United States, 389 U.S. 347. 1967. Periodical. https://www.loc.gov/item/usrep389347/ Page 361.

FOIA.gov (The official website on the Freedom of Information Act from the Department of Justice) “Frequently Asked Questions,” https://www.foia.gov/faq.html Accessed 8 August 2020.

The Parliament of the United Kingdom, 2000. “The Freedom of Information Act of 2000, Section 40.” UK Public General Acts, https://www.legislation.gov.uk/ukpga/2000/36/section/40 Subpoint 1. Accessed 6 August 2020.

The Parliament of the United Kingdom, 2000. “The Freedom of Information Act of 2000, Section 41.” UK Public General Acts, https://www.legislation.gov.uk/ukpga/2000/36/section/41 Accessed 6 August 2020.

Judith DeCew Revised in 2018, (B.A. University of Rochester, 1970; M.A. 1976; Ph.D. 1978, University of Massachusetts at Amherst. Senior Research Scholar; Professor Emerita, Department of Philosophy, Clark University. She served on the faculty at MIT for eight years beginning in 1978, has been at Clark since 1987 and served as Associate Dean of the College from 1999-2001. Prof. DeCew has been a Visiting Professor of Philosophy at Wellesley College and a Visiting Professor of Philosophy at Harvard Summer School. During summer 2015 Prof. DeCew completed over a decade of service as Chair of the Philosophy Department at Clark. Author: In Pursuit of Privacy: Law, Ethics, and the Rise of Technology. Cornell University Press, 1997.) DeCew, Judith, "Privacy", The Stanford Encyclopedia of Philosophy (Spring 2018 Edition), Edward N. Zalta (ed.), First published May 14, 2002; substantive revision Thu Jan 18, 2018. Accessed August 8, 2020. https://plato.stanford.edu/archives/spr2018/entries/privacy/

Louis Menard 2018, (Louis Menand has contributed to The New Yorker since 1991 and has been a staff writer since 2001. His book “The Metaphysical Club” was awarded the 2002 Pulitzer Prize for history and the Francis Parkman Prize from the Society of American Historians. He was an associate editor at The New Republic from 1986 to 1987, an editor at The New Yorker from 1992 to 1993, and a contributing editor at The New York Review of Books from 1994 to 2001. He is the Lee Simpkins Family Professor of Arts and Sciences and the Anne T. and Robert M. Bass Professor of English at Harvard University. In 2016, he was awarded the National Humanities Medal by President Obama.) “Why Do We Care So Much About Privacy?” The New Yorker https://www.newyorker.com/magazine/2018/06/18/why-do-we-care-so-much-about-privacy June 11, 2018. Accessed August 8, 2020

Rosalind Croucher 2011 (President, Australian Law Reform Commission; Professor of Law, Macquarie University. Professor Croucher obtained a BA (Hons) in History and an LLB from the University of Sydney; and her PhD from the University of New South Wales in the field of legal history. She was admitted as a legal practitioner in New South Wales in 1981. Professor Croucher has had a distinguished career in legal education prior to joining the ALRC, with 25 years in university teaching and management, including as Dean of Law at Macquarie University (1999–Feb 2007) and Acting Dean of Law at Sydney University (1997–1998).) “Australian Privacy Law & Practice – Key Recommendations for Health Information Privacy Reform” 28 September 2011 https://www.alrc.gov.au/news/australian-privacy-law-practice-key-recommendations-for-health-information-privacy-reform/

Robert Streiffer, Alan P. Rubel and Julie R. Fagan 2006 (Robert Streiffer is Professor of Philosophy and Bioethics at the University of Wisconsin, Madison; Alan Rubel is an associate professor in the Center for Law, Society & Justice at the University of Wisconsin, Madison; Julie Fagan is Clinical Associate Professor of Medicine at the University of Wisconsin Women's Health Center and serves on the hospital ethics committees for both the University of Wisconsin Hospital and Meriter Hospital) “Medical Privacy and the Public's Right to Vote: What Presidential Candidates Should Disclose” https://doi.org/10.1080/03605310600860825

Committee on Ethics, U.S House of Representatives “Policies Underlying Disclosure,” https://ethics.house.gov/financial-dislosure/policies-underlying-disclosure Accessed August 10, 2020.

Official White House Press Release, 2012. “FACT SHEET: The STOCK Act: Bans Members of Congress from Insider Trading” The White House Office of the Press Secretary. White House Archives. April 4, 2012. https://obamawhitehouse.archives.gov/the-press-office/2012/04/04/fact-sheet-stock-act-bans-members-congress-insider-trading Accessed August 10, 2020.