

**09-530 NASA V. NELSON**

DECISION BELOW: 530 F.3d 865

LOWER COURT CASE NUMBER: 07-56424

**QUESTION PRESENTED:**

1. Whether the government violates a federal contract employee's constitutional right to informational privacy when it asks in the course of a background investigation whether the employee has received counseling or treatment for illegal drug use that has occurred within the past year, and the employee's response is used only for employment purposes and is protected under the Privacy Act, 5 U.S.C. 552a.

2. Whether the government violates a federal contract employee's constitutional right to informational privacy when it asks the employee's designated references for any adverse information that may have a bearing on the employee's suitability for employment at a federal facility, the reference's response is used only for employment purposes, and the information obtained is protected under the Privacy Act, 5 U.S.C. 552a.

JUSTICE KAGAN TOOK NO PART

CERT. GRANTED 3/8/2010