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Supreme Court of the United States.

FEDERAL COMMUNICATIONS COMMISSION and UNITED STATES OF AMERICA, Petitioners,  
v.  
AT&T, INC. et al., Respondents.

No. 09-1279.  
November 16, 2010.

On Writ of Certiorari to the United States Court of Appeals for the Third Circuit

**Brief for the Project On Government Oversight, the Brechner Center for Freedom  
of Information, and Tax Analysts as Amici Curiae in Support of Petitioners**

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### \*i Question Presented

Under Exemption 7(C) of the Freedom of Information Act, 5 U.S.C. § 552(b)(7)(C), law-enforcement records are exempt from mandatory disclosure to the extent that their disclosure “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” The word *person* as used in FOIA is defined to include corporations.

The question discussed in this brief is whether the word *personal* is merely the “adjectival form” of the noun *person*, so that *given person's* definition, *personal privacy* should be interpreted here to mean *corporate privacy*, or whether *personal* instead has a distinct meaning of its own that is unaffected by FOIA's treatment of corporations as persons.

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### \*1 Interest of Amici Curiae<sup>1</sup>

Amici are organizations with a strong interest in preserving and enhancing the effectiveness of the Freedom of Information Act as a tool in ensuring open government.

The Project On Government Oversight (POGO) is a nonpartisan independent watchdog organization that promotes good-government reforms. POGO investigates corruption, and conflicts of interest in the federal government, and in doing so it relies on the Freedom of Information Act. POGO has found that in many cases, the nondisclosure of government records has to do with hiding corruption, intentional wrongdoing, or gross mismanagement by the government or its contractors. That problem would be greatly magnified if the Third Circuit's decision in this case were to be affirmed. (Additional information about POGO can be found at POGO's website, [www.pogo.org](http://www.pogo.org).)

The Brechner Center for Freedom of Information is a unit of the College of Journalism and Communications at the University of Florida. Its mission is to advance understanding, appreciation and support for freedom of information in Florida, and thereby

to foster open government and participatory democracy. In addition, the Center serves as a resource for journalists, lawyers, and members of the public by providing information about freedom of information and access to government information. \*2 (Additional information about the Brechner Center can be found at [www.brechner.org](http://www.brechner.org).)

Tax Analysts is a leading publisher of tax news and analysis, serving over 150,000 tax professionals in law and accounting firms and government agencies, as well as the taxpaying public generally. Through periodicals such as Tax Notes, State Tax Notes and Tax Notes International and its website, [www.taxanalysts.com](http://www.taxanalysts.com), Tax Analysts provides a wide range of information and resources on taxation issues. Since its founding in 1970 as a non-profit organization, Tax Analysts has used the FOIA to obtain and disseminate information on tax policy and the Internal Revenue Service's administration of tax laws.

### Introduction and Summary of Argument

This case is regarded by many as a follow-up to *Citizens United v. Federal Election Commission*.<sup>2</sup> That is to say, it is regarded as a case raising questions about the scope of corporate “personhood.” But the decision below rested primarily on textual grounds. The Third Circuit held that because FOIA defines *person* as including corporations, the *phrase personal privacy* in Exemption 7(C) includes corporate privacy as well as individual privacy. That conclusion was mistaken, and as a result the Court need not reach the broader question of what rights corporations do or do not enjoy.

Neither the *phrase personal privacy* nor the word *personal* is defined in FOIA, so in the absence of anything suggesting otherwise, the meaning of *personal privacy* “has to turn on the language as we normally speak \*3 it[.]”<sup>3</sup> By that measure, *personal privacy* is something that can be possessed only by human beings.

Nevertheless, AT&T argues (and the Third Circuit held) that *personal privacy* should be interpreted here as *corporate privacy*. That conclusion is based on the theory that the meaning of the word *personal* as is used in FOIA is governed by the definition of the word *person* as including corporations.<sup>4</sup> According to AT&T, *personal* is the “adjectival form” of the noun *person* and as a result, its meaning is necessarily affected by the definition of *person*. As we will show, AT&T's argument is mistaken.

To begin with, *personal* is not the “adjectival form” of *person*. The suggestion that an adjective can be a form of a noun makes little sense; presumably what AT&T means is that *personal* is derived from *person*. But that is wrong as a matter of etymology: *personal* entered the English language separately from the word *person*. Both were borrowed from French, where they had evolved from the Latin words *personalis* and *persona*, respectively. And although those Latin words had a common origin, that fact does not provide any reliable clue as to what the English word *personal* means now.

Moreover - and more important - in the 700 years since the first attested use of *personal* in English, the word has evolved on a semantic trajectory of its own. It is therefore a mistake to treat the meaning of *personal* as nothing more than the sum of the meanings of its parts: the noun *person* plus the suffix *-al*. It is clear \*4 from both from dictionary definitions and actual usage that there is more to the meaning of *personal* than simply “of or pertaining to a particular person.” The word's meaning - as revealed by the contexts in which it is used - is such that it seems to be used exclusively with reference to human beings.

For example, consider some of the ways in which *personal* is commonly used:

take personal responsibility for something

invade someone's personal space

cultivate personal relationships

a personal friend

take a personal interest in something

suffer a personal injury

ask a personal question

take offense at a personal remark

a personal opinion

for personal use only

do something for personal gain

do something as a personal favor

butting into someone's personal affairs

make a personal appearance

give personal attention of something

to have personal problems

have good personal hygiene

keep track of personal finances

Any fluent speaker of English would know that using these expressions in reference to a corporation would be anomalous. And these examples are not in any way unusual; as we will show, they are absolutely typical of how *personal* is used in real life.

Given the word *personal*'s strong semantic association with *human* persons, there is no reason to think that its meaning as used in Exemption 7(C) would change in \*5 response to how FOIA defines *person*. And that conclusion is not changed by the fact that we are dealing here with a legal context. *Personal privacy* is not a legal term of art, and the contexts in which it has been used by the courts and by commentators show that it has been used consistently with its everyday meaning. Similarly, the word *personal* has often been used by Congress in its ordinary, human-centric sense.

## ARGUMENT

### A. The meaning of *personal* is not dependent on the meaning of *person*.

#### 1. AT&T's interpretation cannot be justified on the basis of the argument that *personal* is the "adjectival form" of *person*.

In order to evaluate AT&T's argument that *personal* is the “adjectival form” of *person*, one must first figure out what exactly an “adjectival form of a noun” is. It certainly is nothing like the plural form of a noun (*persons*) or the possessive form (*person's*): those forms are themselves nouns, while the “adjectival form” is not a noun but an adjective. To say *X is a form of a Y* is to say that X is a kind of a Y, and an adjective is not a kind of a noun.

So on a literal level, calling *personal* the adjectival form of *person* makes little sense. It is best understood, we think, as an imprecise way of saying that *personal* is derived from *person* - that it came into existence when the noun *person* was changed into an adjective by the addition of the suffix *-al*. Thus, AT&T's argument is essentially based on etymology. But it cannot be justified on that basis.

\*6 First, the English word *personal* was not in fact derived from the English word *person*. *Personal* entered the English language (in the 1300s) as a borrowing from Middle French of the word *personel*.<sup>5</sup> The latter word developed from the Latin word *personalis*, which in turn was derived from the Latin word *persona*.<sup>6</sup> So even if one restates AT&T's position as claiming that *personal* is derived from *person*, the claim is true only of those words' Latin precursors.

In interpreting Exemption 7(C), knowing the roots of the Latin word *personalis* more than a thousand years ago provides little help. Although this Court has on occasion discussed the etymology of a word in the course of interpreting a statute in which the word appears,<sup>7</sup> it has never suggested that the interpretation of statutes should turn on matters of linguistic ancient history. And the fact is that the origin of a word is not reliable evidence of its current meaning.<sup>8</sup> Word meanings often change over time, so what a word means today may be very different from what it meant in the distant past. For example -

*meticulous* originally meant “fearful, timid”;<sup>9</sup>

\*7 *obnoxious* originally meant “exposed to harm, liable, answerable, submissive, subject to punishment”;<sup>10</sup>

*quaint* originally meant “wise, knowing, skilled, clever”; “cunning, crafty, given to scheming”; “cunningly or skillfully made”; “beautiful, pretty, dainty, handsome, fashionable, elegant”; or “proud, haughty”;<sup>11</sup>

*marshal* originally meant “person in charge of the upkeep of horses”;<sup>12</sup>

*knight* originally meant “boy, lad”;<sup>13</sup>

*magazine* originally meant “storehouse”;<sup>14</sup>

and, of particular relevance here:

*persona*, the Latin precursor of *person*, originally meant “character in a drama,” “actor,” or “mask worn by an actor.”<sup>15</sup>

Thus, as lexicographer Sidney Landau has said, “Etymology may be valuable in its own right, but it tells us little about current meaning and is in fact often misleading.”<sup>16</sup>

**\*8 2. The current meaning of an adjective such as *personal* does not necessarily depend on the current meaning of the corresponding noun.**



While the English word *personal* is not derived from the English word *person*, the two words share a common origin in the Latin word *persona*. But the fact that two words share a common origin does not by any means guarantee that the words' current meaning are linked in the manner posited by AT&T.

This can be seen by looking at other adjectives whose origins, like *personal*'s, can be traced to a Latin adjective that was derived from a noun. Under AT&T's argument, each of these would be the "adjectival form" of the corresponding noun. But in many cases, the relationship between (at least one of) the adjective's current meanings and (at least one of) the current meanings of the corresponding noun is attenuated:

*actual*; corresponds to *act*

*consensual*; corresponds to *consensus*

*crucial*; corresponds to *crux*

*genial*; corresponds to *genius*

*ideal*; corresponds to *idea*

*integral*; corresponds to *integer*

*local*; corresponds to *locus*

*partial* (=not impartial); corresponds to *part*

*special*; corresponds to *species*

*usual*; corresponds to *use*

*verbal*; corresponds to *verb*

*virtual*; corresponds to *virtue*

In none of these cases can the adjective's meaning be broken down into the template [*NOUN* + *-al*].

To be sure, there are adjectives whose meanings do conform more closely to that template, such as *governmental*, *departmental*, and *accidental*. If AT&T's argument \*9 were directed at those words, it would be much more plausible. But each word has to be considered on its own, without preconceptions. As we will show in the next section, *personal* has to be grouped with *actual*, *consensual*, and *crucial*, not with *governmental*, *developmental*, and *accidental*.

**B. The meaning of *personal* in Exemption 7(C) is unaffected by the statutory definition of *person* because *personal* is used only with reference to human beings.**

***1. Dictionaries consistently define personal in terms supporting the government's interpretation.***

Although AT&T relies on dictionary definitions of *personal*, such definitions support the government's interpretation, not AT&T's.



Let us start with one of the definitions AT&T relies on: “of or relating to a particular person.”<sup>17</sup> This is the first definition in *Webster’s Third New International Dictionary*. Or rather, it is *part* of the first definition. This is the full definition:

of or relating to a particular person: affecting one individual or each of many individuals: peculiar or proper to private concerns: not public or general <~ allegiance> <~ baggage> <~ correspondence>

**\*10** The corresponding definition in the previous edition of this dictionary, which AT&T also selectively quotes from, is substantially identical.<sup>18</sup>

AT&T’s argument is undermined by the portions of these definitions that it does not quote. The definition’s second clause says, “affecting one *individual* or each of many *individuals*,” which is inconsistent with AT&T’s interpretation of the definition (in the context of this case) as “of or relating to a particular [corporate] person.” The next clause reads, “peculiar or proper to private concerns,” which suggests a specialized meaning that does not derive directly from the meaning of *person*. Finally, the definition’s examples (“personal allegiance,” “personal baggage,” and “personal correspondence”) are phrases that are primarily if not exclusively applicable to human beings.

Other definitions - in the dictionaries AT&T cites and in others - similarly refute the suggestion that *personal* is merely “the adjectival form of ‘person.’” In Appendix A to this brief, we have set out the definitions of *personal* from 14 dictionaries, ranging from the scholarly and comprehensive *Oxford English Dictionary* to general-purpose dictionaries to dictionaries intended for advanced learners of English as a foreign language.<sup>19</sup> **\*11** These dictionaries all define *personal* in terms showing (a) that it has a specialized meaning (or rather, a set of specialized meanings), and (b) that given those meanings, one would expect the word to be used in regard to human beings and not corporations:

- “of and concerning one’s private life, relationships, and emotions rather than matters connected with one’s public or professional career”<sup>20</sup> (or a similar definition) as in *personal life*, *personal relationship*, and *I have something personal to tell you*;<sup>21</sup>

- “of, affecting, or belonging to a particular person rather than to anyone else”<sup>22</sup> (or a similar definition), as in *personal taste*, *personal responsibility*, *personal fortune*, *personal belongings*, *personal opinion*, *personal assistant*, *personal tragedy*, and *personal preference*;<sup>23</sup>

- \*12** • “relating to the person or body”<sup>24</sup> (or a similar definition), as in *personal hygiene* and *personal injury*;<sup>25</sup>

- “done, made, or performed in person” (or a similar definition), as in *a personal interview*, *personal attention*, and *make a personal appearance*;<sup>26</sup> and

- “referring to a particular person’s character, appearance, opinions, etc. in a way that is offensive”<sup>27</sup> (or a similar definition), as in *there’s no need to get personal* and *an uncalled-for, highly personal remark*.<sup>28</sup>

Several dictionaries give additional definitions that reinforce our point:

- “having oneself as an object; directed towards oneself,” as in *personal vanity* and *personal awareness*;<sup>29</sup>

- “of or arising from the personality,” as in *personal magnetism*;<sup>30</sup> and

- \*13** • “belonging to human beings, not to things or abstractions.”<sup>31</sup>

These definitions describe ways of using the word *personal* that make sense only with respect to *people*, not artificial entities that are deemed juridical *persons*. And note that the sense of *personal* that is primarily triggered by the phrase *personal privacy* is the first one in our list: “of and concerning one’s private life, relationships, and emotions rather than matters connected with one’s public or professional career[.]”<sup>32</sup> Also relevant to some extent is the second sense on the list: “belonging to, associated with, or intended for a particular person,”<sup>33</sup> While that definition might seem at first to leave open the possibility of using this sense of *personal* with respect to a corporation, the examples that exemplify this sense of *personal* (e.g., *personal responsibility*, *personal fortune*, *personal belongings*, *personal opinion*, *personal assistant*) pertain only to human beings.

**2. The meaning of personal is shown by the contexts in which it is ordinarily used, which concern people, not corporations.**

a. The conclusion suggested by the definitions we have discussed is confirmed by how *personal* is actually used in ordinary language.

To prove that point, we will rely on evidence of the kind that lexicographers have increasingly come to rely on: the analysis of electronic text collections called “corpora” \*14 (the plural of “corpus”).<sup>34</sup> A corpus is like Lexis on steroids. It is a database of texts gathered from a variety of real-world sources (books, newspapers, magazines, transcripts of spoken language) that has been processed in ways that enable one to search for and analyze patterns in the language. So if one wants to find out, say, which nouns are most commonly modified by *personal*, it is possible to generate a list of those words, ranked by frequency. This provides powerful evidence of what meanings the word can have; as this Court has noted, “the meaning of a word cannot be determined in isolation, but must be drawn from the context in which it is used.”<sup>35</sup> Lexicographers follow much the same principle.<sup>36</sup>

Dictionaries have relied on evidence of actual usage starting at least as far back as Samuel Johnson, who included illustrative quotations drawn from literary sources.<sup>37</sup> The *Oxford English Dictionary* is famously based on evidence in the form of millions of quotations submitted by a small army of readers.<sup>38</sup> And dictionaries since then have relied heavily on examples of actual usage.<sup>39</sup>

\*15 Moreover, this Court has itself looked to such evidence. In *District of Columbia v. Heller*, the Court considered examples of actual usage from the period before and shortly after the adoption of the Second Amendment.<sup>40</sup> And in *Muscarello v. United States*, the Court “surveyed modern press usage...by searching computerized newspaper data bases” to find out if there were instances in which the verb *carry* was used to describe the act of transporting a firearm in a car.<sup>41</sup> Thus, there is nothing new about examining how a word is used in real life in order to determine what the word means.

What *is* new about the use of corpora is that it has made it possible to quickly review and analyze huge quantities of text, which has enabled lexicographers to see patterns of usage that would otherwise have gone unnoticed. This is widely regarded as having revolutionized the writing of dictionaries.<sup>42</sup> Until recently, the use of corpora was limited to lexicographers, linguists, and other researchers. But these sophisticated tools are now available to anyone with internet access.

\*16 Beginning in 2007, three large corpora were made available for public use online: the TIME Corpus of American English, a 100 million word corpus of texts taken from *Time* magazine, covering the period 1923 through the 2000s;<sup>43</sup> the Corpus of Contemporary American English (“COCA”), a 410 + million word corpus containing 20 million words from each year beginning in 1990;<sup>44</sup> and most recently the Corpus of Historical American English (“COHA”), a 400 million word corpus containing 20 million words from each decade from the 1810s through the 2000s.<sup>45</sup> These corpora are the tools we will use to look at how the word *personal* is used in real life.

b. Our method will be to find out what nouns *personal* most often modifies, and we will do this by querying each corpus so that it returns the nouns that appear most frequently in the position immediately following *personal*. As the Court will see, the results decisively support the conclusion that *personal* has developed a specialized meaning such that it is used with regard to human beings, not corporations.<sup>46</sup>

\*17 Since the “invasion of personal privacy” language in Exemption 7(C) was enacted in 1974,<sup>47</sup> we will begin by using COHA and the TIME Corpus to look at usage during the 1970s. The following are the pairings in each corpus that occurred at least ten times, listed in order of their frequency:<sup>48</sup>

COHA: personal life, personal income, personal property, personal interest, personal experience, personal relationship, personal problem, personal reason, personal injury, personal thing, personal appearance, personal contact, personal matter, personal friend, personal power, personal opinion, personal fortune, personal gain, personal history, personal letter, personal use, personal view, personal question, personal tragedy, personal physician, personal attack, personal affair, personal freedom, personal feeling, personal loan, personal knowledge, personal style, personal responsibility, personal secretary, personal quality, personal involvement, personal choice, personal appeal, personal account, personal finance, personal liberty, personal nature, personal preference, personal level, personal integrity, personal feel, personal communication, personal staff.<sup>49</sup>

TIME (not including overlap with COHA): personal triumph, personal message, personal interview, \*18 personal ambition, personal aide, personal popularity, personal prestige, personal paper, personal attorney, personal relations, personal tax, personal touch, personal statement, personal decision.<sup>50</sup>

Except for *personal property*, which can be used as a legal term of art, each of these phrases can be used only with regard to human beings. For example, corporations don't have personal lives and don't receive personal income. They have no personal interests or personal feelings and are unable to have personal experiences, personal relationships, or personal preferences. These results are evidence that the meaning of *personal* is independent of (although certainly related to) that of *person*, and that *personal* has a strong semantic association with concepts that are applicable to humans but not corporations.

The evidence becomes even stronger when the same query is run on a larger sample size. We have run the same query on COHA and the TIME Corpus for longer time periods: the 1950s-1970s for both corpora, the 1900s-1970s for COHA, and 1923-1970s for the Time Corpus. We have also run it on COCA, which contains more than 410 million words. In each instance, the pattern is the same as in the results given above: *personal* appears almost exclusively in phrases that can be used regarding humans but not corporations.

Set out below are the fifteen most frequent phrases from each of these expanded searches; the 100 most frequent are set out in Appendices B-F, and the 200 \*19 most frequent can be viewed online via the URLs provided in the footnotes.

COHA (1950s-1970s): personal income, personal experience, personal life, personal friend, personal interest, personal property, personal relationship, personal identity, personal appearance, personal problem, personal matter, personal reason, personal contact, personal opinion, personal physician.<sup>51</sup>

COHA (1900s-1970s): personal friend, personal experience, personal interest, personal property, personal appearance, personal income, personal service, personal life, personal contact, personal matter, personal liberty, personal relationship, personal relation, personal affair, personal opinion.<sup>52</sup>

*TIME* (1950s-1970s): personal income, personal life, personal friend, personal fortune, personal experience, personal letter, personal attack, personal triumph, personal secretary, personal history, personal physician, personal popularity, personal problem, personal reason, personal relationship.<sup>53</sup>

*TIME* (1923-1970s): personal income, personal friend, personal life, personal physician, personal fortune, personal property, personal history, personal representative, personal triumph, \*20 personal experience, personal letter, personal secretary, personal popularity, personal attack, personal reason.<sup>54</sup>

*COCA*: personal life, personal computer, personal experience, personal relationship, personal responsibility, personal information, personal trainer, personal communication, personal use, personal finance, personal history, personal income, personal interest, personal level, personal problem.<sup>55</sup>

Note that although COCA covers a period beginning more than 15 years after the language at issue here was enacted, the results from COCA are consistent with those from COHA and the TIME Corpus, albeit with a somewhat different mix of words. This suggests that the aspect of meaning that is at issue here has remained stable over time and that *personal* means the same thing now as it did when the language at issue was enacted.

### **3. The conclusion that the phrase personal privacy does not encompass corporate “privacy” is supported by the behavior of the word privacy.**

The government and Comptel have argued that privacy (as opposed to, say, secrecy and confidentiality) is a concept associated with human beings, not corporations.<sup>56</sup> \*21 That conclusion is supported by the linguistic behavior of the word *privacy*.

In order to determine the extent to which the word is associated with humans, we performed several types of corpus searches. First, we determined which adjectives were used most often to modify *privacy*. In each search, *personal* was in the top three, and the only adjectives that appeared more frequently were adjectives of quantity or degree (*little*, *absolute*, and *strict*).<sup>57</sup> *Individual privacy* appeared in COHA as number 6, in the TIME corpus as number 2, and in COCA as number 3. Other phrases appearing with disproportionate frequency included *medical privacy*, *online privacy*, and *patient privacy*, all of which are strongly associated with human beings.

In another set of searches, we examined the use of possessive pronouns with *privacy* (*my privacy*, *his privacy*, *its privacy*, etc.). We did this because the personal pronoun used in a particular instance can be a good indicator of whether the entity to which possession is being ascribed is human: one would expect *my* to be used only with reference to humans (or to fictional creatures such as talking animals), *his* and *her* to be used only with reference to humans or animals, *your* and *our* to be used mostly but not entirely with reference to humans, *their* to be used with reference to any type of entity, and *its* to be used with reference to entities other than humans.

\*22 Our corpus results showed that with few exceptions, *privacy* was used with reference to human beings. Looking first at the numbers (which are summarized in the table below), there was a high proportion of pronouns that would be expected to be used almost exclusively in reference to humans (*my*, *his*, *her*) or used mostly with reference to humans (*your*, *our*). In addition, only a small proportion of the pronouns would be expected to be used in reference to entities other than humans (*its*).

COHA <sup>58</sup> 1930s-80s		TIME <sup>59</sup> 1930s-80s		COCA <sup>60</sup>
his	70	his	43	351
their	50	their	26	199

her	38	her	18	his	189
your	26	our	3	her	176
our	14	my	3	my	132
my	13	your	2	our	123
its	9	its	1	its	33

But these figures substantially understate the extent to which *privacy* was used in reference to humans. Reviewing the individual results shows that except for uses of the phrase *its privacy*, the pronoun almost invariably refers to a human or group of humans. And most of the seeming exceptions involved the use of *privacy* in reference to humans indirectly - for example, the use of *its privacy* in reference to the privacy afforded to humans by a particular place (“he chose this part of \*23 the lake to swim in for its privacy”<sup>61</sup>). Only two results (out of a total of 1,423) involved a reference to privacy as something possessed by a corporation or similar entity.<sup>62</sup>

This pattern is also repeated elsewhere. In the corpora we have been discussing, the phrase *personal privacy* occurs much more frequently than *corporate privacy*, even after adjusting for the difference in frequency between *personal* and *corporate*:<sup>63</sup>

	<i>personal</i>	<i>corporate</i>
COHA	17,999	3,600
TIME	16,361	6,336
COCA	71,314	24,335

<http://corpus.byu.edu/coha/?c=coha&q=7252434> (COHA: *personal*); <http://corpus.byu.edu/coha/?c=coha&q=7252405> (COHA: *corporate*); <http://corpus.byu.edu/time/?c=time&q=7252455> (TIME: *personal*); <http://corpus.byu.edu/time/?c=time&q=7252472> (TIME: *corporate*); <http://corpus.byu.edu/coca/?c=coca&q=7252506> (COCA: *personal*); <http://corpus.byu.edu/coca/?c=coca&q=7252506> (COCA: *corporate*).

	COHA 1930s-80s	TIME 1930s-80s	COCA
personal privacy	14	10	87
personal privacy (adjusted)	2.8	3.9	29.7
corporate privacy	0	0	1

\*24 The pattern can also be seen in Google search results. *Personal privacy* (in quotation marks) gets 3.9 million hits, while *corporate privacy* (in quotation marks) gets only 932,000.<sup>64</sup> Moreover, the latter result is misleadingly high. Many of the hits represent news stories about this case, and in many others *corporate privacy* appears as part of a phrase such as *corporate privacy policy*, *corporate privacy guidelines*, and *corporate privacy abuses*. If the search is modified to filter out this irrelevant data, the count is reduced by more than 95%.<sup>65</sup> And even then, many of the results are still irrelevant, such as *corporate privacy principles*, *corporate privacy battle*, and *corporate privacy breaches*.<sup>66</sup>

\*25 Significantly, *privacy* behaves differently than the words *confidentiality* and *secrecy*, in that the latter are much more amenable to being combined with *corporate* than is *privacy*. *Corporate confidentiality* gets about 15,500 Google hits, while *personal confidentiality* gets only 11,100.<sup>67</sup> Similarly, *corporate secrecy* beats *personal secrecy* 34,600 to 7,860, a ratio of more than 4:1.<sup>68</sup> These results are significant because secrecy and confidentiality are interests that are protected by FOIA Exemption 4, which covers “trade secrets and commercial or financial information obtained from a person and privileged or confidential[.]”<sup>69</sup> The results are therefore consistent with the conclusion that protection of non- \*26 public corporate information from disclosure under FOIA is governed by Exemption 4, not Exemption 7.

**C. As used in Exemption 7(C), the word *personal* and the phrase *personal privacy* retain their ordinary meanings, and therefore are not amenable to being used in reference to corporations.**

We have focused so far on the ordinary meaning of the word *personal* in nonlegal contexts. But the fact that this case involves a legal context does not affect the analysis of what *personal privacy* means as it is used in Exemption 7(C).

To begin with, neither *personal* nor *personal privacy* is a legal term of art. Although the most recent edition of *Black's Law Dictionary* lists many phrases beginning with the word *personal* (including such ordinary terms as *personal check*, *personal effects*, *personal history*, *personal name*, *personal reputation*, *personal knowledge*, and *personal security*) it has no entry for *personal privacy* and does not define *personal* in terms that are out of the ordinary.<sup>70</sup> An earlier edition (published six years before the “personal privacy” language in Exemption 7(C) was enacted) similarly has no entry for *personal privacy* and similarly defines *personal* consistently with its ordinary meaning: “Appertaining to the person; belonging to an individual; limited to the person; having the nature of partaking of the qualities of human beings, or of movable property.”<sup>71</sup>

Furthermore, as shown below, both *personal* and *personal privacy* are often used in legal contexts in their ordinary senses.

**\*27 1. Courts have consistently used the word *personal* and the phrase *personal privacy* in accord with their ordinary meanings.**

In a variety of contexts, courts have used the word *personal* and the phrase *personal privacy* in ways incompatible with the suggestion that the phrase can be understood in the context of this case as *corporate privacy*. In fact, the use of *personal privacy* by this Court, along with other courts, reflects an understanding that personal privacy is by definition not something that can be possessed by a corporation.

a. We begin with the latter point. This Court said in 1941 that “[t]he constitutional privilege against self-incrimination is essentially a personal one, applying only to natural individuals” and that it therefore “cannot be utilized by or on behalf of any organization, such as a corporation.” It went on to say that individuals acting on behalf of a corporation “cannot be said to be exercising their personal rights and duties nor to be entitled to their purely personal privileges[.]” and that corporate records “embody no element of personal privacy[.]”<sup>72</sup> Similarly, the Court said in 1968 that a search of corporate offices “involve[s] absolutely no invasion of the ‘personal privacy’ or security of the agent or employee as an individual[.]”<sup>73</sup>

Similar statements have been made by other courts, such as this statement by the Georgia Supreme Court in a case where the regents of a public university were resisting a request for disclosure of certain records: “In this appeal, there is no claim on behalf of any individual \*28 of an invasion of personal privacy. It is not a *personal* right to privacy that is urged upon us, but rather a *corporate* preference for privacy...”<sup>74</sup>



b. In other areas, courts have similarly used the phrase *personal privacy* in contexts in which the phrase could only be understood as referring to human beings.

For example, the phrase has been used to describe the interest that is invaded by a strip search<sup>75</sup> or by surveillance of the interiors of stalls in a public restroom.<sup>76</sup> It has been used in conjunction with references to the home, such as in these statements:

“No violation of personal privacy such as that existing in the home is involved [here].”<sup>77</sup>

“[T]he distinction [between contraband and other property] is not sufficient to sanction an invasion of the right to personal privacy in the home....”<sup>78</sup>

“The object of the inquiry is to enforce a familial monetary obligation, not to interfere with personal privacy. There is no intrusion into the \*29 home nor any participation in interpersonal decisions among its occupants....”<sup>79</sup>

Courts have also referred to personal privacy as something that belongs to individuals:

“The subject of an individual's interest in and right to personal privacy has, in the last decade, become a matter of a somewhat extensive discussion by legal commentators.”<sup>80</sup>

“The right of privacy is defined as a personal right protecting the individual's ‘right to be let alone.’ Generally speaking, it is a wrongful invasion of that personal privacy which a person has as a part of his private life.”<sup>81</sup>

Finally, at least one court has distinguished between personal privacy and the privacy that a public official is entitled to in the performance of his duties:

“Eavesdropping upon a cabinet meeting discussion or an executive session of an appellate court would be an invasion of that privacy..., but if there would be a right to such privacy it would be a right of official privacy which would be invaded, not personal privacy....”<sup>82</sup>

**\*30 2. Congress has repeatedly used the word *personal* in accord with its ordinary meaning.**

Over and over again, Congress has used the word *personal* in a way that is consistent with the pattern of usage that is shown by the corpus evidence. We determined this by performing a Lexis search for all uses of *personal* in the United States Code as in effect in 1992, which was the earliest year for which Lexis provided a searchable version of the Code.<sup>83</sup> A total of 1,675 documents containing the word *personal* were found, and while in many instances the word was used as part of a legal term of art, there were also many in which it was used in its everyday sense.

In virtually all of the latter cases, one sees the same pattern as is seen in COHA, the TIME corpus, and COCA: *personal* was used as part of a phrase that can be used with respect to human beings but not corporations. Here are the first twenty entries in an alphabetical list of the phrases we found; the entire list is set out in Appendix G:<sup>84</sup>

personal account, personal action, personal adjustment counseling, personal advantage, personal aim, personal appearance, personal assets, personal assistance, personal assistant, personal baggage, personal benefit, personal bias, personal capacity,



personal care, personal care services, personal characteristics, personal checks, personal choice, personal circumstances, personal civil legal \*31 affairs, personal communications system, personal conflict of interest, personal consequences, personal consultation, personal consumption.

**3. Commentators have used the phrase personal privacy to refer to a concept distinct from corporate confidentiality.**

It is not uncommon to see a reference to personal privacy as something distinct from corporate confidentiality or corporate privacy, as is shown by these quotes from law-review articles and other legal commentary:

“Richard Posner himself, while favoring corporate confidentiality, is generally against legal protection of personal privacy.  
...”<sup>85</sup>

“In contrast to individual tax returns, there is no offsetting personal privacy interest in maintaining corporate confidentiality.”<sup>86</sup>

“It has been argued that computer technology also poses the risk of a potential invasion of corporate privacy, but such concerns are secondary to that of personal privacy which arguably has constitutional protection domestically, and protection internationally under a number of Human Rights agreements.”<sup>87</sup>

\*\*\*

\*32 It is abundantly clear, from both dictionaries and actual usage, that *personal* is not the “adjectival form” of *person* and that the meaning of *personal* is not dependent on or linked to that of *person*. There is no reason to think that the meaning of *personal privacy* in Exemption 7(C) is affected by FOIA’s definition of *person* as including corporations.

## Conclusion

The Third Circuit’s decision should be reversed.

## \*1a Appendix A

### Definitions of *personal*

*Oxford English Dictionary Online* ... 2a

*Webster’s New International Dictionary* (2d ed. unabridged 1953) ... 4a

*Merriam-Webster’s Third New International Dictionary* (1961/1993) ... 5a

*Funk & Wagnalls New Standard Dictionary of the English Language* (1962) ... 6a

*Random House Dictionary of the English Language* (Unabridged ed. 1967) ... 7a

*Merriam-Webster’s Collegiate Dictionary* (7th ed. 1972) ... 9a

*American Heritage Dictionary of the English Language* (1980) ... 10a

*Webster’s New Universal Unabridged Dictionary* (2d ed. 1983) ... 11a

*New Oxford American Dictionary* (2d ed. 2005) ... 12a

*Encarta Webster's Dictionary of the English Language* (2d U.S. ed. 2004) ... 13a

*Collins English Dictionary* (10th ed. 2009) ... 14a

*Oxford Advanced Learner's Dictionary* (7th ed. 2005) ... 15a

*Macmillan Dictionary* (2007) ... 17a

*Longman Dictionary of Contemporary English* (5th ed. 2009) ... 19a

**\*2a Oxford English Dictionary Online**

**(Draft revision 2010)<sup>a</sup>**

**(Illustrative quotations omitted.)**

A. *adj.*

I. General uses.

1. a. Of, relating to, concerning, or affecting a person as a private individual (:rather than as a member of a group or the public, or in a public or professional capacity); individual, private; one's own.

b. Designating an official or employee attached to someone in a close or exclusive subordinate capacity, as *personal assistant*, *personal maid*, *personal trainer*, etc.

2. a. Done, made, held, performed, etc., in person, or by the person concerned; involving the actual presence or action of the individual (as opposed to an agent or representative). Of a reciprocal action or relationship: conducted between individuals directly.

b. Present or engaged in person. *Obs.*

3. a. Of, relating to, or belonging to one's person, body, or appearance; bodily; physical.

b. Affecting one's body; relating to one's physical safety or well-being.

4. a. Having an individual as object; relating to a person in his or her individual capacity; directed towards, aimed at, or referring to a particular person or to oneself, esp. in a disparaging or offensive sense or manner.

b. Of a person, publication, etc.: that remarks on a person's character, private concerns, etc., esp. in a **\*3a** disparaging or offensive way; characterized by or given to making such remarks.

c. Having oneself as object; directed towards oneself.

d. Of an article, advertisement, notice, etc.: dealing with or relating to the private matters of an individual.

- e. Of a letter or other communication: directed to or intended for a particular individual.
- f. Of a radio, television, piece of stereo equipment, etc.: designed to be used by a single individual; small and (usually) portable.
- 5. a. Characteristic of a person or conscious being, as opposed to a thing or abstraction. *Obs.*
- b. Having the nature or attributes of a person; existing as an entity with self-awareness, not as an abstraction or an impersonal force.
- 6. *personal to.*
- a. Directed towards or referring to (a particular individual or group of people). Now *rare*.
- b. Belonging exclusively or specially to; having particular significance, importance, or meaning for.
- II. Technical uses.
- [Omitted.]
- III. Other uses.
- 10. Attractive, handsome; presentable; = PERSONABLE *adj.* 1a. *Obs. rare.*

**\*4a Webster's New International Dictionary**

**(2d ed. unabridged 1953)**

- 1. Of or relating to a particular person; affecting one individual or each of many individuals; peculiar or proper to private concerns; not public or general; as, *personal* allegiance, comfort, desire, baggage.
- 2 a: Done in person without the intervention of another: direct from one person to another; as, a *personal* inquiry; *also Obs.*: engaged or present in person b carried on between individuals directly.
- 3 Pertaining to the person, or body; bodily; as, *personal* charms, appearance, ornaments, liberty.
- 4 a: Relating to an individual, his character, conduct, motives, or private affairs esp. in an invidious or offensive manner; as, *personal* reflections or remarks; also, relating to oneself, as *personal* vanity. b Making or given to making personal reflection.
- 5 a Relating to or characteristic of human beings as distinct from things. [Example quotation omitted.] b Rational and self-conscious; as, a *personal* God.
- 6 Exclusively for a given individual; as, a personal letter.

...

[Page 1828]

**\*5a Merriam-Webster's Third New International Dictionary**

(1961/1993)

1: of or relating to a particular person: affecting one individual or each of many individuals: peculiar or proper to private concerns: not public or general <~ allegiance> <~ baggage> <~ correspondence>

2 a: done in person without the intervention of another: direct from one person to another <a ~ inquiry>; *also*: originating in or proceeding from a single person <a ~ ultimatum> <~ government> b *obs*: engaged or present in person c: carried on between individuals directly <a ~ interview>

3: relating to the person or body: bodily <~ appearance> <~ liberty>

4 a: relating to an individual, his character, conduct, motives, or private affairs esp. in an invidious or offensive manner <~ reflections>; *also*: relating to oneself <~ vanity> b: making or given to making personal reflection <very ~ in his comments>

5 a: relating to or characteristic of human beings as distinct from things b: rational and self-conscious <a ~ God>

6: exclusively for a given individual <a ~ letter>

...

[Page 1686.]

**\*6a Funk & Wagnalls New Standard Dictionary of the English Language**

(1962)

1. Pertaining to or characteristic of a particular person; not general or public; as, *personal* regard for a man; a purely *personal* matter.

2. Belonging or relating to or constituting a person or persons, as distinguished from things; characteristic of human beings or free agents.

3. Performed by or done to the person directly concerned; transacted or existing between principals and not through agents; done, in person; as *personal* service; *personal* obligation. [quotation omitted]

4. Springing from or belonging to oneself; affecting or relating to one individually; as, *personal* memoirs; a *personal* statement; *personal* habits.

5. Of or pertaining to the body or appearance; as, *personal* beauty.

6. Directly characterizing an individual; hence, reflecting on one's character or conduct; disparaging.

7. *Law*. [Omitted.]

8. *Gram*. [Omitted.]

9. † Present in person.

[Page 1844.]

**\*7a Random House Dictionary of the English Language**

**(Unabridged ed. 1967)**

1. of, pertaining to, or coming as from a particular person; individual; private: *a merely personal opinion, based on guesswork.*
  2. relating to, directed to, or intended for a particular person: *a personal favor; one's personal life; a letter marked "Personal."*
  3. intended for use by one person: *a personal car.*
  4. referring or directed to a particular person in a disparaging or offensive sense or manner: *personal remarks.*
  5. making personal remarks or attacks: *to become personal in a dispute.*
  6. done, carried out, held, etc., in person: *a personal conference.*
  7. pertaining to or characteristic of a person or self-conscious being: *That is my personal belief.*
  8. of the nature of an individual rational being.
  9. pertaining to one's person, or bodily aspect: *personal cleanliness.*
  10. *Gram.* a. noting person: *In Latin portō "I carry," -ō is a personal ending.* b. of, pertaining to, or characteristic of the personal pronoun.
  11. of or pertaining to personal property: *personal interests.*
  12. *U.S. Journalism.* a. a short news paragraph in a newspaper concerning a particular person, as one who is socially prominent, or a group of particular persons who are socially prominent, b. a brief, private notice in a **\*8a** newspaper or magazine, often addressed to a particular person and typically bearing an abbreviated salutation and signature to preserve its confidentiality, usually printed in a special part of the classified advertising section.
- [Page 1075.]

**\*9a Merriam-Webster's Collegiate Dictionary**

**(7th ed. 1972)**

- 1: of, relating to, or affecting a particular person: PRIVATE
- 2 a: done in person without the intervention of another; *also*: proceeding from a single person b: carried on between individuals directly
- 3: relating to the person or body
- 4: relating to an individual or his character, conduct, motives, or private affairs often in an offensive manner
- 5 *a*: rational and self-conscious

6: of, relating to, or constituting personal property

7: denoting grammatical person

[Page 630.]

**\*10a American Heritage Dictionary of the English Language**

**(1980)**

1. Of or relating to a particular person; private; one's own: *personal affairs*.
  2. a. Done, made, or performed in person: *a personal appearance*. b. Done to or for or directed toward a particular person: *a personal favor*.
  3. Concerning a particular person and his or her private business, interests, or activities; intimate: *I have something personal to tell you*.
  4. a. Aimed pointedly at the most intimate aspects of a person, especially in a critical or hostile manner: *an uncalled-for, highly personal remark*. b. Tending to make remarks, or be unduly questioning, about another's affairs: *He always becomes personal in an argument*.
  5. Of or relating to the body or physical being: *personal cleanliness*.
  6. Relating to or having the nature of a person or self-conscious being: *belief in a personal God*.
  7. Law. Relating to a person's movable property: *personal effects*. Compare real.
  8. Grammar. Indicating grammatical person.
- [Page 978.]

**\*11a Webster's New Universal Unabridged Dictionary**

**(2d ed. 1983)**

1. belonging to human beings, not to things or abstractions.
2. private; individual; affecting individuals; peculiar or proper to a certain person or to private actions or character; as, extreme *personal* annoyance.
3. pertaining to the person, body, or physical appearance; as, *personal* charms or accomplishments
4. done in person or by oneself without the use of another person or outside agency; as, a *personal* interview.
5. having to do with the character, personality, intimate affairs, conduct, etc. of a certain person; as, a *personal* remark.
6. tending to make remarks, or be inquisitive, about the private affairs of others.

7. of, like, or having the nature of a person, or rational self-conscious being; as, a *personal* God
8. in grammar, indicating grammatical person, as the inflectional endings of verbs in Latin and Greek; see also *personal pronoun*
8. in law, of or constituting personal property.
- [Page 1338.]

**\*12a New Oxford American Dictionary**

(2d ed. 2005)

1 [*attrib.*] of, affecting, or belonging to a particular person rather than to anyone else: *her personal fortune was recently estimated at \$37 million.* ☐ done or made by a particular person; involving the actual presence of action of a particular individual: *the president and his wife made personal appearances for the reelection of the state governor.* ☐ done, intended, or made for a particular person: *a personal loan*

2 of and concerning one's private life, relationships, and emotions rather than matters connected with one's public or professional career: *the book describes his acting career and gives little information about his personal life.* ☐ referring to an individual's character, appearance, or private life esp. in a hostile or critical way: *his personal remarks about Mr. Mellor's work ethic were unprofessional.* | *you look like a drowned rat - nothing personal.*

3 [*attrib.*] of or relating to a person's body: *personal hygiene.*

4 [*attrib.*] *Grammar* ...

5 existing as a self-aware entity, not as an abstraction or an impersonal force: *Jews, Christians, and Muslims believe in a personal God.*

[Page 1269.]

**\*13a Encarta Webster's Dictionary of the English Language**

(2d U.S. ed. 2004)

1. relating to somebody's private life: relating to the parts of somebody's life that are private • *personal relationships*
2. relating to one person: relating to a specific person rather than anyone else • *my personal opinion*
3. done by one person only: done by a specific person rather than by that person's delegate • *that personal touch*
4. intended for somebody: intended for or owned by a specific person rather than anyone else
5. referring offensively to somebody: referring, especially in an offensive way, to somebody's beliefs, actions, or physical characteristics • *That personal remark was definitely uncalled-for.*
6. unfairly remarking or questioning about others: making unacceptable remarks or being too probing about other people • *There's no need to get personal.*



7. of body: relating to somebody's body • *personal hygiene*
  8. RELIG conscious and individual: having the character or nature of a conscious and individual entity
  9. LAW of movable property: relating to or constituting a person's movable property • *personal effects*
- [Page 1407-08.]

**\*14a Collins English Dictionary**

(10th ed. 2009)<sup>b</sup>

1. of or relating to the private aspects of a person's life: *personal letters; a personal question*
2. (prenominal) of or relating to a person's body, its care, or its appearance: *personal hygiene; great personal beauty*
3. belonging to or intended for a particular person and no-one else: *as a personal favour; for your personal use*
4. (prenominal) undertaken by an individual himself: *a personal appearance by a celebrity*
5. referring to, concerning, or involving a person's individual personality, intimate affairs, etc, esp in an offensive way: *personal remarks; don't be so personal*
6. having the attributes of an individual conscious being: a personal God
7. of or arising from the, personality: *personal magnetism*
8. of, relating to, or denoting grammatical person
9. law Compare *real* of or relating to movable property, such as money

**\*15a Oxford Advanced Learner's Dictionary**

(7th ed. 2005)<sup>c</sup>

YOUR OWN 1 [only before noun] your own; not belonging to or connected with anyone else ☐ *personal effects/belongings/possessions* ☐ *personal details* (=your name, age, etc.) ☐ *Of course, this is just a personal opinion.* ☐ *Coogan has run a personal best of just under four minutes.* ☐ *The novel is written from personal experience.* ☐ *Use stencils to add a few personal touches to walls and furniture.* ☐ *All hire cars are for personal use only.*

FEELINGS/CHARACTER/RELATIONSHIPS 2 [only before noun] connected with individual people, especially their feelings, characters and relationships ☐ *Having good personal relationships is the most important thing for me.* ☐ *He was popular as much for his personal qualities as for his management skills.*

NOT OFFICIAL 3 not connected with a person's job or official position ☐ *The letter was marked 'Personal'.* ☐ *I'd like to talk to you about a personal matter.* ☐ *I try not to let work interfere with my personal life.* ☐ *She's a personal friend of mine* (=not just somebody I know because of my job). ☐ *Please keep personal phone calls to a minimum.*

DONE BY PERSON 4 [only before noun] done by a particular person rather than by somebody who is acting for them ☐ *The President made a personal appearance at the event.* ☐ *I shall give the matter my personal attention.* ☐ *She takes a personal interest in the work of the charity.* ☐ *The Principal has little personal contact with the students.*

**\*16a** DONE FOR PERSON 5 [only before noun] made or done for a particular person rather than for a large group of people or people in general ☐ *We offer a personal service to all our customers.* ☐ *a personal pension plan* (= a pension organized by a private company for one particular person) ☐ *Will you do it for me as a personal favour?*

OFFENSIVE 6 referring to a particular person's character, appearance, opinions, etc. in a way that is offensive ☐ *Try to avoid making personal remarks.* ☐ *There's no need to get personal!* ☐ *Nothing personal* (= I do not wish to offend you), *but I do have to go now.*

CONNECTED WITH BODY 7 [only before noun] connected with a person's body ☐ *personal cleanliness/hygiene* ☐ *She's always worrying about her personal appearance.* ☐ *This insurance policy covers you against personal injury or death.*  
[Page 1127.]

**\*17a Macmillan English Dictionary**

(2007)<sup>d</sup>

1. your own

2. private

3. aimed at one person

4. with direct relationship

5. done by someone themselves

6. +phrases

1. [usually before noun] used about your own opinions or feelings ☐ *My own personal view is that boxing should be banned.* ☐ *Choosing a new car is a matter of personal preference.* ☐ 1a. used about events or experiences in your life ☐ *her own personal tragedy* ☐ *Most writers use personal experience as the basis for their novels.* ☐ 1b. used about things that you own ☐ *Many of her personal belongings had been stolen.* ☐ *Every scrap of personal property was removed from his pockets.* ☐ 1c. used about services or objects that you do not share with anyone else ☐ *I've decided to hire a personal trainer.* ☐ *He has his own personal telephone in his bedroom.*

2. private and not known or available to most people ☐ *This is a personal matter and does not concern you.* ☐ *a personal conversation/letter* ☐ for personal reasons: *She quit her job for personal reasons.* ☐ personal problems (= ones concerning your relationships or health): *He's had a few personal problems recently.*

3. aimed at one particular person, in an unfriendly or offensive way ☐ *He saw her comments as a personal attack.*

**\*18a** 4. [only before noun] involving a direct relationship between two people who know each other ☐ *The two leaders had a good personal relationship.* ☐ *Sue and Harry are close personal friends.* ☐ personal chemistry (= strong feelings when two people have a very special close relationship): the unique personal chemistry between twins

5. done by a person directly, instead of by a representative ☐ *The Dixie Chicks will be making a personal appearance at the awards ceremony.* ☐ *the president's personal involvement in the project* ☐ 5a. used for describing something that is friendly and shows your personality ☐ *Her visit to my office was a nice personal touch.*

6. [Phrases using *personal* omitted.]

**\*19a Longman Dictionary of Contemporary English<sup>e</sup>**

(5th ed. 2009)

1 [only before noun] belonging or relating to one particular person, rather than to other people or to people in general ☐ *My personal view is that we shouldn't offer him the job.* ☐ *Style and colour are a matter of personal taste.* ☐ *She took full personal responsibility for all the arrangements.* ☐ *When I went to her room all her personal belongings had gone.* ☐ *After Alan's death, his mother received his personal effects.* ☐ *I know from personal experience that you can't trust Ralph.* ☐ *the personal qualities needed to be successful in business* ☐ *The car is for personal use only.* ☐ *On a personal level he felt sympathy for them, but he had a job to do.* ☐ *celebrities with their own personal trainer*

2 relating to the private areas of your life: ☐ *I don't answer questions about my personal life.* ☐ *May I ask you a personal question?* ☐ *the records will include other personal details such as nationality, date of birth and address* ☐ *He's got a few personal problems at the moment.* ☐ *The envelope was marked 'Personal and Confidential'.* ☐ *We're not allowed to make personal phone calls at work.*

3 involving rude or upsetting criticism of someone: ☐ *It's unprofessional to make such personal remarks.* ☐ *a bitter personal attack on the president* ☐ *There's no need to get personal!* ☐ *(it's) nothing personal* (=used to tell someone that you are not criticizing them) ☐ *It's nothing personal, I just have to go home now.*

**\*20a** 4 if you give something your personal care or attention, you deal with it yourself instead of asking someone else to do it: ☐ *Small companies can devote more personal attention to each project.* ☐ *As you get promoted in a firm you lose that personal contact* (=meeting and dealing with people yourself).

5 personal friend someone who you know well, especially a famous or important person ☐ personal friend of ☐ *Apparently the director is a personal friend of hers.*

6 [only before noun] relating to your body or the way you look: ☐ *Grant was always fussy about his personal appearance.* ☐ *the importance of personal hygiene*

7 personal touch ☐ something you do to make something special, or that makes someone feel special: ☐ *It's those extra personal touches that make our service better.*

8 personal best the fastest time, most points etc that a sportsman or sportswoman has ever achieved: ☐ *I ran 20.51 seconds for a personal best.*

9 personal development improvements in your character and skills

**\*1aa Appendix B**

**COHA 1950s-1970s**

**The 100 most frequent pairings having the form *personal* [NOUN] [http:// corpus.byu.edu/coha/?c=coha&q=7079945](http://corpus.byu.edu/coha/?c=coha&q=7079945)**

personal income

personal experience

personal life

personal friend

personal interest

personal property

personal relationship

personal identity

personal appearance

personal problem

personal matter

personal reason

personal contact

personal opinion

personal physician

personal history

personal letter

personal responsibility

personal use

personal thing

personal freedom

personal gain

personal relation

personal question

personal power

personal injury

personal quality

personal service

personal loan

personal attack

personal attention

personal liberty

personal representative

personal affair

personal choice

personal ambition

personal feeling

personal view

personal fortune

personal preference

personal knowledge

personal appeal

personal effect

personal judgment

personal integrity

personal secretary

personal possession

personal popularity

personal belongings

personal tragedy

personal favor

personal consciousness

personal taste

personal touch

personal communication

**\*2aa** personal safety

personal live

personal message

personal acquaintance

personal feel

personal conviction

personal style

personal diplomacy

personal affront

personal business

personal charm

personal check

personal loss

personal need

personal observation

personal triumph

personal note

personal satisfaction

personal loyalty

personal interview

personal hygiene

personal account

personal decision

personal consideration

personal habit

personal vision

personal visit

personal involvement

personal level

personal finance

personal exemption

personal concern

personal commitment

personal paper

personal pride

personal security

personal remark

personal record

personal desire

personal staff



personal sense

personal belief

personal campaign

personal basis

personal nature

**\*1aaa Appendix C**

**COHA 1900s-1970s**

**The 100 most frequent pairings having the form *personal* [*NOUN*] [http:// corpus.byu.edu/coha/?c=coha&q=7080046](http://corpus.byu.edu/coha/?c=coha&q=7080046)**

personal friend

personal experience

personal interest

personal property

personal appearance

personal income

personal service

personal life

personal contact

personal matter

personal liberty

personal relationship

personal relation

personal affair

personal opinion

personal reason

personal ambition

personal knowledge

personal quality

personal responsibility

personal representative

personal problem

personal letter

personal freedom

personal history

personal attention

personal identity

personal power

personal charm

personal injury

personal use

personal influence

personal observation

personal question

personal gain

personal belongings

personal fortune

personal feel

personal thing

personal physician

personal appeal

personal character

personal attack

personal effect

personal feeling

personal preference

personal touch

personal habit

personal interview

personal view

personal popularity

personal acquaintance

personal possession

personal note

personal integrity

personal safety

**\*2aaa** personal sacrifice

personal right

personal desire

personal advantage

personal business

personal friendship

personal element

personal favor

personal exemption

personal conviction

personal satisfaction

personal taste

personal loan

personal triumph

personal choice

personal affront

personal loss

personal visit

personal magnetism

personal motive

personal pride

personal profit

personal account

personal charge

personal consideration

personal hygiene

personal message

personal tragedy

personal secretary

personal loyalty

personal comfort

personal judgment

personal nature

personal characteristic

personal check

personal equation

personal enemy

personal prejudice

personal success

personal concern

personal attitude

**\*1aaaa Appendix D**

**TIME Magazine Corpus 1950s-1970s**

**The 100 most frequent pairings having the form *personal* [*NOUN*] [http:// corpus.byu.edu/time/?c=time&q=7121810](http://corpus.byu.edu/time/?c=time&q=7121810)**

personal income

personal life

personal friend

personal fortune

personal experience

personal letter

personal attack

personal triumph

personal secretary

personal history

personal physician

personal popularity

personal problem

personal reason

personal relationship

personal use

personal loan

personal appearances

personal style

personal freedom

personal contact

personal appeal

personal choice

personal property

personal representative

personal interest

personal ambition

personal feeling

personal message

personal opinion

personal saving

personal responsibility

personal power

personal injury

personal diplomacy

personal touch

personal finance

personal appearance

personal expense

personal paper

personal tragedy

personal publicity

personal account

personal aide

personal staff

personal view

personal decision

personal integrity

personal note

personal liberty

personal matter

personal interview

personal friendship

personal conviction

personal affair

personal knowledge

**\*2aaaa** personal prestige

personal relations

personal safety

personal attention

personal charm

personal vendetta

personal thing



personal statement

personal taste

personal victory

personal wealth

personal check

personal bodyguard

personal campaign

personal assistant

personal visit

personal tax

personal belongings

personal sacrifice

personal preference

personal plea

personal honor

personal gain

personal enemy

personal affront

personal philosophy

personal possession

personal quality

personal service

personal vision

personal story

personal involvement

personal loss

personal loyalty

personal command

personal encounter

personal exemption

personal effects

personal courage

personal commitment

personal agony

personal habit

personal question

personal profit

#### **\*1aaaaa Appendix E**

#### **TIME Magazine Corpus 1923-1970s**

**The 100 most frequent pairings having the form *personal* [*NOUN*] [http:// corpus.byu.edu/time/?c=time&q=7122625](http://corpus.byu.edu/time/?c=time&q=7122625)**

personal income

personal friend

personal life

personal physician

personal fortune

personal property

personal history

personal representative

personal triumph

personal experience

personal letter

personal secretary

personal popularity

personal attack

personal reason

personal appearance

personal problem

personal interest

personal liberty

personal appearances

personal opinion

personal use

personal contact

personal loan

personal ambition

personal relationship

personal freedom

personal message

personal appeal

personal note

personal choice

personal feeling

personal affair

personal charm

personal exemption

personal publicity

personal view

personal style

personal tragedy

personal injury

personal interview

personal belongings

personal power

personal safety

personal responsibility

personal matter

personal expense

personal friendship

personal touch

personal integrity

personal bodyguard

personal account

personal effects

personal check

personal paper

personal prestige

**\*2aaaaa** personal staff

personal attention

personal knowledge

personal finance

personal saving

personal relations

personal gain

personal aide

personal conviction

personal profit

personal enemy

personal diplomacy

personal victory

personal service

personal sacrifice

personal visit

personal wealth

personal preference

personal decision

personal command

personal assistant

personal honor

personal habit

personal campaign

personal story

personal taste

personal thing

personal question

personal debt

personal attorney

personal journalism

personal loss

personal newsorgan

personal plane

personal tax

personal statement

personal tribute

personal vendetta

personal success

personal plea

personal feud

personal charge

personal column

personal possession

## **\*1aaaaaa Appendix F**

### **COCA**

**The 100 most frequent pairings having the form *personal* [NOUN] [http:// corpus.byu.edu/coca/?c=coca&q=7123549](http://corpus.byu.edu/coca/?c=coca&q=7123549)**

personal life

personal computer

personal experience

personal relationship

personal responsibility

personal information

personal trainer

personal communication

personal use

personal finance

personal history

personal income

personal interest

personal level

personal problem

personal story

personal care

personal attack

personal injury

personal style

personal opinion

personal freedom

personal choice

personal view

personal property

personal identity

personal growth

personal friend

personal feeling

personal contact

personal characteristic

personal reason

personal preference

personal account

personal question

personal belief

personal goal

personal thing

personal connection

personal space

personal matter

personal favorite

personal issue

personal interview

personal item

personal need

personal touch

personal note

personal data

personal development

personal gain

personal decision

personal effect



personal health

personal safety

personal hygiene

**\*2aaaaaa** personal assistant

personal tragedy

personal way

personal ad

personal appearance

personal value

personal quality

personal knowledge

personal control

personal power

personal involvement

personal belongings

personal behavior

personal service

personal security

personal saving

personal wealth

personal satisfaction

personal investment

personal commitment

personal letter

personal taste

personal concern

personal liberty

personal risk

personal bankruptcy

personal achievement

personal accomplishment

personal attention

personal fortune

personal meaning

personal shopper

personal expression

personal time

personal possession

personal business

personal record

personal observation

personal physician

personal exemption

personal sacrifice

personal integrity

personal distress

personal vision

**\*1aaaaaaa Appendix G**

**United States Code (1992)**

**Pairings having the form *personal* [*NOUN*]**

**(partial listing)**

personal account

personal action

personal adjustment counseling

personal advantage

personal aim

personal appearance

personal assets

personal assistance

personal assistant

personal baggage

personal benefit

personal bias

personal capacity

personal care

personal care services

personal characteristics

personal checks

personal choice

personal circumstances

personal civil legal affairs

personal communications system

personal conflict of interest

personal consequences

personal consultation

personal consumption

personal convenience

personal data

personal defenses

personal delivery

personal description

personal designee

personal dishonesty

personal dispute

personal effects

personal effort(s)

personal emergency situation

personal employees

personal equipment

personal estate

personal examination

personal expenses

personal favoritism

personal file

personal finance companies

personal financial counseling

personal financial difficulty(ies)

personal Foreign Service contact

personal funds

personal gain

**\*2aaaaaaa** personal hardship

personal health services

personal history

personal holidays

personal hospitality

personal hygiene practices

personal identity

personal income

personal independence

personal information

personal initiative

personal injury

personal inspection

personal inspection

personal interest

personal interview

personal investigation

personal item

personal jurisdiction

personal knowledge

personal labor

personal liability

personal library

personal loans

personal management

personal misconduct

personal mobility

personal money allowance

personal monitors

personal moral code

personal motor vehicle

personal needs

personal net worth

personal notice

personal notice

personal obligation

personal pecuniary benefit

personal possession

personal preferences

personal privacy

personal privacy interest

personal professional responsibility

personal property

personal protection

personal purposes

personal qualifications

personal rank

personal reasons

personal recognizance

personal records

personal relationships

personal religious

personal representative

personal request

personal residence

personal responsibilities

personal responsibility

**\*3aaaaaaa** personal risk liability

personal safety

personal savings

personal security

personal service

personal service income

personal services

personal solicitation

personal staff

personal statement

personal sustenance

personal theft insurance

personal traits

personal use

personal view(s)

personal violence

## Footnotes

- \* For all internet sources, the cited webpage was last accessed November 14, 2010.
- 1 No party's counsel authored this brief in whole or in part. No monetary contribution intended to fund the preparation or submission of this brief was made by any party or any party's counsel. Nobody other than amici or their counsel has made any such contribution. Letters evidencing the parties' consent to the filing of this brief have been lodged with the Clerk.
- 2 130 S. Ct. 876 (2010).
- 3 *Watson v. United States*, 552 U.S. 74, 79 (2007). See also, e.g., *Lopez v. Gonzales*, 549 U.S. 47, 53 (2006); *Asgrow Seed Co. v. Winterboer*, 513 U.S. 179, 187 (1995).
- 4 5 U.S.C. § 551(2).
- 5 *Oxford English Dictionary Online*, www.oed.com (Draft Revision Sept. 2010); see also 11 *Oxford English Dictionary* 599-600 (2d ed. 1989).
- 6 See sources cited in note 5, *supra*.
- 7 E.g., *Muscarello v. United States*, 524 U.S. 125, 128 (1998).
- 8 E.g., Philip Durkin, *The Oxford Guide to Etymology* 27-31 (2009); Howard Jackson, *Lexicography: An Introduction* 126 (2002).
- 9 *The Oxford Guide to Etymology*, *supra* note 8, at 28.
- 10 *Id.* at 29.
- 11 *Id.* at 228-30.
- 12 *Id.*
- 13 *Id.* at 239.
- 14 *Id.* at 244.
- 15 *Webster's Third New International Dictionary* 1686 (1961/1993) ("*Webster's Third*"); Robert K. Barnhart & Sol Steinmetz, *Chambers Dictionary of Etymology* 780 (1999).
- 16 Sidney I. Landau, *Dictionaries: The Art and Craft of Lexicography* 127 (2d ed. 2001).
- 17 *Webster's Third* at 1686, quoted in AT&T Br. in Opp. to Cert. Pet. 22.
- 18 *Webster's New International Dictionary of the English Language* 1828 (2d ed. unabridged 1953) ("*Webster's 2d*").
- 19 The dictionaries are (in addition to those cited above) the *Oxford English Dictionary Online* (2010 draft revision) ("*OED*"), *Funk & Wagnalls New Standard Dictionary of the English Language* (1962) ("*Funk & Wagnalls*"), the *Random House Dictionary of the English Language* (Unabridged ed. 1967) ("*Random House*"), *Merriam-Webster's Collegiate Dictionary* (7th ed. 1972) ("*M-W Collegiate*"), the *American Heritage Dictionary of the English Language* (1980) ("*American Heritage*"), *Webster's New Universal Unabridged Dictionary* (2d ed. 1983) ("*Webster's Universal*"), the *New Oxford American Dictionary* (2d ed. 2005) ("*NOAD*"), the *Encarta Webster's Dictionary of the English Language* (2d U.S. ed. 2004) ("*Encarta*"), the *Collins English Dictionary* (10th ed. 2009) ("*Collins*"), the *Oxford Advanced Learner's Dictionary* (7th ed. 2005) ("*OALD*"), the *Macmillan Dictionary* (2007) ("*Macmillan*"), and the *Longman Dictionary of Contemporary English* (5th ed. 2009) ("*Longman*").
- 20 *NOAD*, sense 2.
- 21 *OED*, sense 1a; *American Heritage*, sense 3; *Encarta*, sense 1; *Collins*, senses 1, 5; *OALD*, senses 1, 2; *Macmillan*, senses 1a, 2; *Longman*, sense 2. Cf. *Webster's Universal*, senses 1, 5.
- 22 *NOAD*, sense 1.
- 23 *OED*, sense 1b, 4f; *Random House*, sense 3; *Encarta*, sense 4; *OALD*, sense 1; *Collins*, sense 3; *Macmillan*, sense 1; *Longman*, sense 1.
- 24 *Webster's 3rd*, sense 3.



- 25 E.g., *OED*, sense 3; *Funk & Wagnalls*, sense 5; *M-W Collegiate*, sense 3, *American Heritage*, sense 5; *Webster's Universal*, sense 3; *Random House*, sense 9; *NOAD*, sense 3; *Encarta*, sense 7; *Collins*, sense 2; *OALD*, sense 7; *Longman*, sense 6.
- 26 E.g., *OED*, sense 2a; *Funk & Wagnalls*, sense 3; *American Heritage*, sense 2; *Webster's Universal*, sense 4; *Random House*, sense 6; *NOAD*, sense 1; *Collins*, sense 4; *OALD*, sense 4; *Macmillan*, sense 5.
- 27 *OALD*, sense 6.
- 28 *OED*, sense 4a, 4b; *Funk & Wagnalls*, sense 6; *American Heritage*, sense 4; *Webster's Universal*, sense 5; *Random House*, senses 4, 5; *NOAD*, sense 2; *Encarta*, senses 5, 6; *Collins*, sense 5; *Macmillan*, sense 3; *Longman*, sense 3.
- 29 *OED*, sense 4c.
- 30 *Collins*, sense 7.
- 31 *Webster's Universal*, sense 1.
- 32 *NOAD*, sense 2.
- 33 *Id.*, sense 1.
- 34 See, e.g., Henri Béjoint, *The Lexicography of English* 348-57, 368-70 (2010); *Dictionaries: The Art & Craft of Lexicography*, *supra* note 16, at 192-93, 273-342.
- 35 *Deal v. United States*, 508 U.S. 129, 132 (1993).
- 36 See, e.g., *Dictionaries: The Art & Craft of Lexicography*, *supra* note 16, at 297-304.
- 37 *The Lexicography of English*, *supra* note 34, at 77.
- 38 See, e.g., *The Lexicography of English*, *supra* note 34, at 96-99; *Lexicography: An Introduction*, *supra* note 8, at 166-67.
- 39 See, e.g., *Random House Webster's Unabridged Dictionary* ix (2d ed. 1987/1997) ("Dictionary editors are objective reporters on the language, stating the observed facts of usage."); *iWebster's Third* at 4a ("In accordance with the principle that a definition, to be adequate, must be written only after an analysis of usage, the definitions in this edition are based chiefly on examples of usage collected since the publication of the preceding edition."); *Dictionaries: The Art & Craft of Lexicography*, *supra* note 16, at 189-207; *Lexicography: An Introduction*, *supra* note 8, at 28-29, 166-67.
- 40 128 S. Ct. 2783, 2791-97 (2008).
- 41 524 U.S. at 129.
- 42 See, e.g., *The Lexicography of English*, *supra* note 34, at 368-69; *Lexicography: An Introduction*, *supra* note 8, at 169.
- 43 Mark Davies, *TIME Magazine Corpus (100 million words, 1920s-2000s)*, <http://corpus.byu.edu/time> (2007-).
- 44 Mark Davies, *The Corpus of Contemporary American English: 410+ million words, 1990-present*, <http://www.americanacorporus.org> (2008-).
- 45 Mark Davies, *The Corpus of Historical American English 400+ million words, 1810-2009*, <http://corpus.byu.edu/coha> (2010-).
- 46 All corpus results discussed in this brief can be viewed online via the URL provided in the footnote for each set of results. In the PDF version of this brief, those URLs are clickable links.
- 47 Pub. L. No. 93-502, § 2(b) (Nov. 21, 1974), *codified at* 5 U.S.C. § 552(b)(7).
- 48 Some of the listings include plural forms of the noun as well as singular.
- 49 COHA, <http://corpus.byu.edu/coha/?c=coha&q=6871911> (sample size: 23,769,305 words).
- 50 TIME Corpus, <http://corpus.byu.edu/time/?c=time&q=6872290> (sample size: approx. 12.4: million words).
- 51 COHA, <http://corpus.byu.edu/coha/?c=coha&q=7079945> (sample size approximately 72 million words); *see* Appx. B.
- 52 COHA, <http://corpus.byu.edu/coha/?c=coha&q=7080046> (sample size approx. 191.5 million words); *see* Appx. C.
- 53 TIME Corpus, <http://corpus.byu.edu/time/?c=time&q=7121810> (sample size approx. 43.9 million words); *see* Appx. D.
- 54 TIME Corpus, <http://corpus.byu.edu/time/?c=time&q=7122625> (sample size approx. 78.2 million words); *see* Appx. E.
- 55 <http://corpus.byu.edu/coca/?c=coca&q=7123549> (sample size 410+ million words); *see* Appx. F.
- 56 Gov't Br. 18-19; *Comptel Br.* 9.
- 57 See COHA, <http://corpus.byu.edu/coha/?c=coha&q=7173997> (1930s-1980s); TIME Corpus, <http://corpus.byu.edu/time/?c=time&q=7173948> (1930s-1980s); COCA, <http://corpus.byu.edu/coca/?c=coca&q=7174149>.
- 58 <http://corpus.byu.edu/coha/?c=coha&q=7214133>.
- 59 <http://corpus.byu.edu/time/?c=time&q=7217553>
- 60 <http://corpus.byu.edu/coca/?c=coca&q=7214098>.

- 61 *Id.* (click on *its* in top right-hand frame, then go to no. 12). *See also id.* nos. 8, 11, 26, 31. In many of the instances in which *its privacy* appears, it forms part of a larger noun phrase such as *its privacy policy* or *its privacy implications* and therefore is not relevant here. *E.g., id.* nos. 1-6, 10, 14-23, 28.
- 62 *Id.* nos. 32, 33.
- 63 <http://corpus.byu.edu/coha/?c=coha&q=7252911> (COHA: *personal privacy*); <http://corpus.byu.edu/coha/?c=coha&q=7252897> (COHA: *corporate privacy*); <http://corpus.byu.edu/time/?c=time&q=7252847> (TIME: *personal privacy*); <http://corpus.byu.edu/time/?c=time&q=7252859> (TIME: *corporate privacy*); <http://corpus.byu.edu/coca/?c=coca&q=7252828> (COCA: *personal privacy*); <http://corpus.byu.edu/coca/?c=coca&q=7252785> (COCA: *corporate privacy*).
- The frequency counts on which the adjustments are based are as follows:
- 64 Compare <http://tinyurl.com/2w6haxa> (*personal privacy*) with <http://tinyurl.com/34knt19> (*corporate privacy*).
- 65 The following search (without the angle brackets) returned about 10,900 hits: <“corporate privacy” -“corporate privacy statement” - “corporate privacy policy” -“corporate privacy case” -“corporate privacy rights” -“high court” -“supreme court”>, <http://tinyurl.com/2vehcwY>.
- 66 The fact that one can find uses of *corporate privacy* does not affect any of our conclusions here. *Corporate privacy* obviously means something different from *personal privacy*, and there is no reason to think that the mere existence of the former phrase has an impact on the meaning of the latter. Nor does the sporadic use of *corporate privacy* eliminate the strong semantic association of the word *privacy* with human beings. Used by itself, *privacy* is likely to be understood as pertaining to human beings. When it is modified by *personal*, that understanding is reinforced and any inconsistent understanding is ruled out. But when it is modified by *corporate*, it is in effect coerced into meaning something else. The use by some people of the phrase *corporate privacy* also does not affect the conclusion that the only privacy interests protected by the law are personal privacy interests. *See* Gov't Br. 18-20; Comptel Br. 9-10. The scope of legal protection of privacy need not be, and is not, coextensive with the ordinary meaning of the word *privacy*. For example, there is liability for intruding upon someone's seclusion or publicizing private aspects of his life only if the conduct at issue is “highly offensive to a reasonable person[.]” *Restatement (2d) of Torts* §§ 652B, 652D. Thus, the law does not provide a remedy for everything that could be regarded as an invasion of privacy under the ordinary meaning of that phrase.
- 67 Compare <http://tinyurl.com/364vj86> (*corporate confidentiality*) against <http://tinyurl.com/2whac4w> (*personal confidentiality*).
- 68 Compare <http://tinyurl.com/33r9w3x> (*corporate secrecy*) against <http://tinyurl.com/366av7e> (*personal secrecy*).
- 69 5 U.S.C. § 552(b)(4).
- 70 *Black's Law Dictionary* (9th ed. 2009).
- 71 *Black's Law Dictionary* 1300 (rev. 4th ed. 1968).
- 72 *United States v. White*, 322 U.S. 694, 698-700 (1944).
- 73 *Mancusi v. DeForte*, 392 U.S. 364, 374 (1968).
- 74 *Board of Regents of the University System of Georgia v. Atlanta Journal*, 378 S.E.2d 305, 308 (Ga. 1989) (emphasis in the original).
- 75 *Safford Unified School Dist. No. 1 v. Redding*, 129 S. Ct. 2633, 2641 (2009); *Morales v. United States*, 406 F.2d 1298, 1300 (9th Cir. 1969).
- 76 *Britt v. Superior Court of Santa Clara County*, 374 P.2d 817, 819 (Cal. 1962).
- 77 *West Virginia v. Melanakis*, 40 S.E.2d 314, 318 (W. Va. 1946).
- 78 *Work v. United States*, 243 F.2d 660, 664 (D.C. Cir. 1957) (Burger, J., dissenting).
- 79 *Doe v. Norton*, 365 F. Supp. 65, 77 (D. Conn. 1973), *vacated sub nom. Roe v. Norton*, 422 U.S. 391 (1975).
- 80 *Opinion of the Justices*, 250 N.E.2d 448, 449 (Mass. 1969).
- 81 *Billings v. Atkinson*, 471 S.W.2d 908, 912 (Tex. Civ. App. 1971), *rev'd*, 489 S.W.2d 858 (Tex. 1973).
- 82 *Hull v. Curtis Publishing Co.*, 125 A.2d 644, 651 (Pa. Super. Ct. 1956).
- 83 The search was performed in the file US1992 in the United States Code Service Materials (Archived) library.
- 84 The list in Appendix G was compiled by examining about half of the 1,675 Lexis search results, so it may not include every relevant phrase in the United States Code.
- 85 Margaret Ann Wilkinson, *The Public Interest in Moral Rights Protection*, 2006 Mich. St. L. Rev. 193, 230 n.158 (2006).

- 86 Alan B. Morrison, *Balancing Privacy & Accountability: What To Do To Do About Tax Returns*, [http://www.citizen.org/litigation/article\\_redirect.cfm?ID=10162](http://www.citizen.org/litigation/article_redirect.cfm?ID=10162) (June 13, 2003).
- 87 Aryeh S. Friedman, *Law And The Innovative Process: Preliminary Reflections*, 1986 Colum. Bus. L. Rev. 1, 27 n.108 (1986).
- a <http://www.oed.com>. See also 11 *Oxford English Dictionary* 599-600 (2d ed. 1989).
- b <http://dictionary.reference.com/browse/personal>.
- c Available at [http:// www.oxfordadvancedlearnersdictionary.com/dictionary/personal](http://www.oxfordadvancedlearnersdictionary.com/dictionary/personal).
- d <http://www.macmillandictionary.com/dictionary/american/personal>.
- e <http://www.ldoceonline.com/dictionary/personal>.

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