



ALA v. West Valley

26 F.3d 989 (1994)

Country: United States

Region: Americas

Year: 1994

Court: 10th Circuit Court of Appeal

Health Topics: Health information, HIV/AIDS, Infectious diseases

Human Rights: Right to privacy

Facts

The Appellant brought this appeal challenging the District Court's grant of summary judgment declaring that the Appellant had not suffered an "injury in fact" and therefore had no standing.

The Appellant was arrested at a retail store and the arresting police officer discovered, through a piece of paper in the Appellant's wallet, that the Appellant had tested positive for HIV. At the time of the arrest, the Appellant believed he was HIV-positive. Later, at the police station, the officer told the Appellant's sister and two housemates that the Appellant had HIV or AIDS. The officer had no evidence or reasonable suspicion that the Appellant had exchanged blood products or bodily fluids with the sister or housemates. After the Appellant was taken into custody, the officer also informed the warden that the Appellant was HIV-positive, even though the Appellant had not engaged in any conduct that would have placed any person in the jail at risk.

As a result of the officer's disclosures, the Appellant's friends and family ignored him and refused to visit him in jail, and he was subjected to harassment and discrimination by prison guards and fellow prisoners; the Appellant required treatment for depression while in jail. The Appellant was later tested and found to have never been infected with HIV.

Decision and Reasoning

The court held that the Appellant had suffered an "injury in fact" for the purposes of standing. It stated that even though the Appellant tested negative for HIV, this was "simply immaterial" to the question of whether the Appellant had sustained an injury as a result of the officer's disclosures of his supposed HIV status. The court held that the direct psychological injury stemming from damage to his relationships with his friends and family caused by the officer's disclosures was more than sufficient to satisfy the "injury in fact" requirement for standing.

The court further held that the invalidity of the HIV test results discovered in the Appellant's wallet had no effect on the Appellant's expectation of privacy in them. It held that the actual validity of the HIV test results was "entirely irrelevant" as to whether the Appellant had an expectation of privacy in them. The court stated that there was "no dispute that confidential medical information [was] entitled to constitutional privacy protection." It noted that the invalid test results could constitute personal information even to an individual who was not HIV-positive.

Decision Excerpts

"Officer Johnson's divulgements severely damaged Plaintiff's personal life. His friends and family shunned him and refused to visit him in jail. His fellow prisoners and the prison guards subjected him to harassment and discriminatory treatment as a result of the AIDS label attached by Defendants. Plaintiff had to undergo treatment for depression while in jail because of the damage that the broadcasts caused to his familial relationships. He was particularly distraught because his relationship with his mother had suffered irreparable damage." 26 F.3d, p. 990.

"We believe [] that the actual validity of the HIV test results discovered in Plaintiff's wallet is entirely irrelevant to whether he has a reasonable expectation of privacy in the results, or whether he suffered an "injury in fact" as a result of the unlawful disclosures. Plaintiff alleged that at the time of his arrest he believed that he had the HIV virus. Likewise, everyone involved believed that the information was correct, and treated him

accordingly. The fact that the test results ultimately turned out to be false is simply immaterial to the question of whether Plaintiff sustained a personal injury as a result of the broadcasts. Plaintiff's allegations of direct psychological injury stemming from the damage the broadcasts caused to his relationships with his friends and family are more than sufficient to satisfy the "injury in fact"™ requirement for standing. 26 F.3d, pp. 990-

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