



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

July 22, 1991

Ms. Cathy L. Meyer  
Assistant City Attorney  
City of Irving  
P.O. Box 152288  
Irving, Texas 75015-2288

OR91-336

Dear Ms. Meyer:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 12530.

The City of Irving, Texas, received three requests for information relating to an incident in which an individual experienced carbon monoxide poisoning. You have released several documents in response to these requests. Based on section 3(a)(1) of the Open Records Act, you seek to withhold three categories of information: a tape recording of a 911 call, portions of a police report, and an emergency medical service report.

We agree that you must not release this information based on section 3(a)(1) of the Open Records Act, which excepts from required public disclosure information deemed confidential by law, either Constitutional, statutory, or by judicial decision. Section 3(a)(1) applies to information made confidential by the common law tort of public disclosure of private facts. *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert denied*, 430 U.S. 931 (1977). Information is protected from disclosure if it contains highly intimate or embarrassing facts about a person's private affairs, the release of which would be highly objectionable to a person of ordinary sensibilities, and it is of no legitimate interest to the public. *Id.* The tape recording of the 911 call and the marked portions of the police report consist of such facts which, if released, would violate the privacy rights of the individual involved. The emergency medical report is, likewise, protected from required public disclosure pursuant to section 3(a)(1) of

the Open Records Act, in conjunction with section 5.08(b) of the Medical Practice Act, article 4495b, V.T.C.S. Open Records Decision No. 579 (1990) (copy enclosed).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-336.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Opinion Committee

KHG/er

Enclosures: ORD-579  
Tape

Ref. ID-12530  
OR91-336