



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 26, 1994

Mr. David A. Blackburn  
City Attorney  
The City of Killeen  
P.O. Box 1329  
Killeen, Texas 76540

OR94-176

Dear Mr. Blackburn:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 23493.

The City of Killeen (the "city") received a request for "the adoption paperwork" for a Keeshound adopted from the city animal shelter. You contend that the requested information is excepted from required public disclosure under section 552.101 of the Government Code.

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." For information to be protected from public disclosure under the common-law right of privacy as section 552.101 incorporates it, the information must meet the criteria set out in *Industrial Foundation of the South v. Texas Industrial Accident Board*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). The *Industrial Foundation of the South* court stated that

information . . . is excepted from mandatory disclosure under Section 3(a)(1) as information deemed confidential by law if (1) the information contains highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person, and (2) the information is not of legitimate concern to the public.

540 S.W.2d at 685; Open Records Decision No. 142 (1976) at 4 (construing former V.T.C.S. article 6252-17a, section 3(a)(1)). In *Industrial Foundation of the South* the Texas Supreme Court considered intimate and embarrassing information such as that relating to sexual assault, pregnancy, mental or physical abuse in the workplace, illegitimate children, psychiatric treatment of mental disorders, attempted suicide, and injuries to sexual organs. 540 S.W.2d at 683.

The adoption paperwork contains the name, home and work phone number, address, driver's license number, date of birth, sex, and height of the adopting party and the breed, sex, age, color, name, and markings of the animal being adopted. The requested information contains nothing intimate and embarrassing. Accordingly, you may not withhold the requested information under section 552.101 of the Government Code. See Open Records Decision No. 455 (1987) at 7-9 (concluding that person's home address and telephone number, birthdate, height, and name ordinarily do not qualify as information disclosural privacy protects).

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

Yours very truly,



Kymberly K. Oltrogge  
Assistant Attorney General  
Open Government Section

KKO/LBC/rho

Ref.: ID# 23493

Enclosures: Open Records Decision No. 455  
Submitted documents

cc: Ms. Vickie A. Flowers  
1002 Clairidge  
Killeen, Texas 76542  
(w/o enclosures)