



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 22, 1995

Mr. Craig Watkins
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
City Hall
Dallas, Texas 75201

OR95-793

Dear Mr. Watkins:

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# 32767.

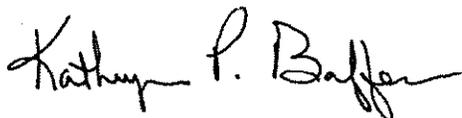
The City of Dallas (the "city") received an open records request for a full report of any complaints filed against a particular Dallas police officer. You contend that this information is excepted from required public disclosure by section 552.102 of the Government Code since this information is of a personal nature. You have submitted for our review a copy of the internal affairs report from the personnel file of the particular police officer.

Section 552.102(a) protects "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. . . ." The test for section 552.102(a) protection is the same as that for information protected by common-law privacy under section 552.101: to be protected from required disclosure the information must contain highly intimate or embarrassing facts about a person's *private* affairs such that its release would be highly objectionable to a reasonable person *and* the information must be of no legitimate concern to the public. *Hubert v. Harte-Hanks Texas Newspapers, Inc.*, 652 S.W.2d 546 (Tex. App.--Austin 1983, writ ref'd n.r.e.). This office has interpreted *Hubert* as a restraint on the government's ability to delve into the personal affairs of its employees. See Open Records Decision No. 562 (1990) at 9.

Since the information at issue pertains solely to a city employee's actions while a public servant, such cannot be deemed to be outside the public's interest. See Open Records Decision No. 444 (1986). Section 552.102 was not intended to protect the type of information at issue here. Since you have not demonstrated that the information requested is excepted from required disclosure, you must release the submitted information to the requestor.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kathryn P. Baffes
Assistant Attorney General
Open Government Section

KPB/LRD/rho

Ref: ID# 32767

Enclosures: Submitted documents

cc: Ms. Melissa Bourns
9466 East Valley Ranch Parkway #2047
Irving, Texas 75063
(w/o enclosures)