



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 4, 1995

Mr. Michael L. May
Assistant City Attorney
City of Dallas
City Hall
Dallas, Texas 75201

OR95-1349

Dear Mr. May:

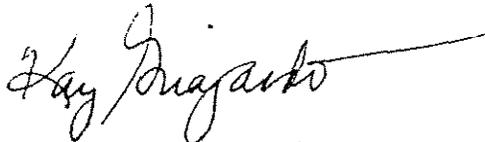
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 30181.

The City of Dallas (the "city") received an open records request for witness statements relating to a sexual assault of a certain individual. You originally contended that the requested records are excepted from disclosure pursuant to section 552.108 of the Government Code, known as the "law enforcement" exception. You subsequently explained that the requested records are no longer excepted under section 552.108, since the case has been closed. However, you seek to withhold from disclosure the name and address of the complainant under section 552.101 of the Government Code based on the common-law right to privacy.

We need not consider here whether the requested information is protected from required public disclosure under section 552.101 in conjunction with the common-law right to privacy. Section 552.023 of the Government Code grants a right of access to private information to the person whose right of privacy would be implicated by the release of the information. The requestor represents the individual whose privacy rights are implicated by the release of the requested information. Consequently, pursuant to section 552.023 of the Government Code, the city must release the requested information to the requestor.

We are resolving this matter with an 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 should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", with a long horizontal flourish extending to the right.

Kay H. Guajardo
Assistant Attorney General
Open Records Division

KHG/SAB/rho

Ref: ID# 30181

Enclosures: Submitted documents

cc: Mr. Richard Armstrong
Nations Bank Building
101 East Park Boulevard, Suite 555
Plano, Texas 75074
(w/o enclosures)