



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 19, 1995

Ms. Tracy B. Calabrese
Assistant City Attorney
City of Houston
Legal Department
P.O.Box 1562
Houston, Texas 77251-1562

OR95-1487

Dear Ms. Calabrese:

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# 26240.

The Houston Police Department ("the department") received a request for "all police records or documents wherein subject [Charles Haskett] is listed as a suspect, possible suspect, whether arrested or not, whether charged or not, whether charges were dropped or not." You say that the department did not generate public release information documents when the offense reports were compiled. You also say that the requested information, which includes a criminal history report and two offense reports, is excepted from required public disclosure under section 552.101 of the Government Code and the common-law right to privacy.

We agree that the criminal history report is protected under section 552.101 of the Government Code and the common-law right to privacy. *See* Open Records Decision Nos. 616 (1993) at 2, 127 (1976) at 4 (citing *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976)).

Similarly, we conclude that you must withhold portions of the two offense reports pursuant to section 552.101 of the Government Code and the common-law right to privacy. The common-law right to privacy protects the identity of a victim of

a sexual offense. See Open Records Decision Nos. 393 (1983), 339 (1982). Thus, section 552.101 of the Government Code excepts from required public disclosure the name of the complainant and any information that tends to identify the complainant. Accordingly, the two offense reports must be released with redactions of all information that reveals the identity of the complainant.

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 may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Kay Guajardo". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/LRD/rho

Ref.: ID# 26240

Enclosures: Submitted documents

cc: Mr. Kendall C. Palmer
Attorney at Law
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Houston, Texas 77081
(w/o enclosures)