



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 9, 1997

Mr. Thomas H. Arnold
City Attorney
City of Texarkana
P.O. Box 1967
Texarkana, Texas 75504

OR97-1344

Dear Mr. Arnold:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 107192.

The City of Texarkana (the "city") received a request for "all adjudicated and open civil service records" concerning former police officer Pat Savage. You assert that portions of the requested information are excepted from required public disclosure based on sections 552.101 and 552.117 of the Government Code.

Section 552.101 excepts from required public disclosure information considered to be confidential by law, including information made confidential by judicial decision. This exception applies to information made confidential by the common-law right to privacy. *Industrial Found. of the S. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Information may be withheld under section 552.101 in conjunction with the common-law right to privacy if the information contains highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person and if the information is of no legitimate concern to the public. *See id.* You assert that information that identifies the victim of a sexual assault is protected from disclosure based on the common-law right to privacy. We agree. *See* Open Records Decision No. 339 (1982). We have marked the information that the city must not release based on section 552.101 in conjunction with the common law right to privacy.

Section 552.117 of the Government Code excepts from disclosure the home address, home telephone number, social security number, and information about family members of "a peace officer as defined by Article 2.12, Code of Criminal Procedure, or a security officer commissioned under Section 51.212, Education Code." The requestor indicates that Mr. Savage is no longer a Texarkana police officer. We have no information about whether Mr. Savage is a peace officer as defined in article 2.12 of the Code of Criminal Procedure.

Assuming Mr. Savage is currently a peace officer as defined in article 2.12, the city must withhold from public disclosure the information covered by section 552.117. The section 552.117 information may also be withheld from public disclosure if Mr. Savage has elected to keep that information confidential in accordance with section 552.024 of the Government Code. *See* Gov't Code § 552.117(1).

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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 107192

Enclosures: Marked documents

cc: Mr. Russell Minor
Reporter
Texarkana Gazette
P.O. Box 621
Texarkana, Texas 75501
(w/o enclosures)