



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 9, 1998

Mr. Mark E. Dempsey
Assistant City Attorney
City of Garland
P.O. Box 469002
Garland, Texas 75046-9002

OR98-0103

Dear Mr. Dempsey:

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# 111725.

The City of Garland (the "city") received a request for any and all records relating to the requestor's relatives and their home address. You claim that portions of the requested police report are excepted from disclosure based on section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

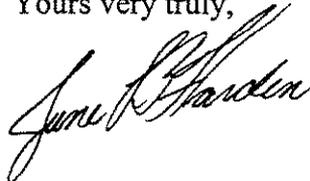
Section 552.101 excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." The common-law right to privacy, incorporated into the Open Records Act by section 552.101, protects information if it is highly intimate or embarrassing such that its release would be highly objectionable to a reasonable person *and* the public has no legitimate interest in it. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). In Open Records Decision No. 339 (1982), we concluded that a sexual assault victim has a common-law privacy interest which prevents disclosure of information that would identify her/him.

Therefore, the city must withhold information that identifies the victim of a sexual assault under section 552.101 in conjunction with the common-law right to privacy. We have marked the information accordingly. The city must release the remaining portions of the offense report 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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is written in a cursive style with a large, looping initial "J".

June B. Harden
Assistant Attorney General
Open Records Division

JBH/alg

Ref.: ID# 111725

Enclosures: Marked documents