



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 18, 1998

Ms. Leah Curtis Morris  
Law Offices of Harold F. Curtis, Jr.  
2708 Washington Street  
Greenville, Texas 75401

OR98-0462

Dear Ms. Morris:

On behalf of the Greenville Police Department (the "department"), 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# 112956.

The department received a request for a certain police report. You state that the department released to the requestor the report's front page. You ask whether other information in the report should be released to the requestor. You raise no exception to the public release of the requested information.

The Open Records Act (the "act") presumes that government records are open to the public unless the records are within one of the act's exceptions to disclosure. Gov't Code § 552.021. The burden of proving that an exception applies to requested records is on the governmental body. *Id.* § 552.301. If a governmental body does not establish how and why an exception applies to the requested information, this office has no basis on which to pronounce it protected. *See* Open Records Decision No. 363 (1983).

We have considered whether the information is made confidential by law, in particular by judicial decisions recognizing the common-law right to privacy. *See* Open Records Decision No. 455 (1987) (attorney general will raise section 552.101 on behalf of governmental body); Gov't Code § 552.101 (excepting from disclosure information made confidential by law); *Industrial Found. of the S. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977) (establishing common-law privacy test). We do not believe the information is made confidential by law. Accordingly, the department must release the 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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Kay Hastings".

Kay Hastings  
Assistant Attorney General  
Open Records Division

KHH/rho

Ref.: ID# 112956

Enclosures: Submitted documents

cc: Ms. Ann Lenius  
6011 Interstate 30  
Lakeway Apts #114  
Greenville, Texas 75402  
(w/o enclosures)