



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 13, 1998

Mr. Saul Pedregon
Assistant City Attorney
Criminal Law and Police Division
2014 Main Street, Room 206
Dallas, Texas 75201

OR98-1921

Dear Mr. Pedregon:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117951.

The City of Dallas Police Department (the "department") received a request for (1) "all information requested by" two specified individuals and (2) all arrest reports pertaining to a named individual. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Where an individual's criminal history information has been compiled by a governmental entity, the information takes on a character that implicates the individual's right to privacy. *See United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989). In this instance, the requestor asks for all records of the complaints and investigations pertaining to a named individual. We believe that this individual's right to privacy has been implicated. Thus, you must withhold the information responsive to item 2 under section 552.101 of the Government Code. *See id.*; *see also* Gov't Code § 411.106(b).

You have interpreted the request for item 1 as a request for copies of "information requests" made by the two specified individuals. You contend that privacy excepts the requests from public disclosure. Section 552.101 encompasses both constitutional and common-law privacy and excepts from disclosure private facts about an individual. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Under common-law privacy, information may be withheld from the public when (1) it is highly intimate and embarrassing such that its release would be highly

objectionable to a person of ordinary sensibilities, and (2) there is no legitimate public interest in its disclosure. *Id.* at 685; Open Records Decision No. 611 (1992) at 1. The constitutional right to privacy protects the interests in (1) independence in making certain important decisions related to the “zones of privacy” recognized by the United States Supreme Court; and (2) avoiding disclosure of personal matters. Open Records Decision No. 600 (1992) at 4 (citing *Ramie v. City of Hedwig Village*, 765 F.2d 490 (5th Cir. 1985), *cert. denied*, 474 U.S. 1062 (1986)); *see* Open Records Decision No. 455 (1987) at 5-7 (citing *Fadjo v. Coon*, 633 F.2d 1172, 1176 (5th Cir. 1981)). After reviewing the requests that are responsive to item 1, we conclude that the documents do not contain any information excepted from disclosure by privacy rights. Thus, you may not withhold the requests under section 552.101.

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,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref.: ID# 117951

Enclosures: Submitted documents

cc: Ms. Della Young Wallace
20553 Redbud Lane
Frisco, Texas 75034
(w/o enclosures)