

January 21, 1999

Mr. Michael Bostic
Assistant City Attorney
Criminal Law and Police Division
The City of Dallas
City Hall
Dallas, Texas 75201



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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OR99-0169

Dear Mr. Bostic:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121199.

The City of Dallas (the "city") received a request for 911 call sheets and criminal statistics for a given address. You have supplied a representative sample of responsive information you seek to withhold.¹ You seek to withhold "everything related to sexual assaults, child abuse, and indecency with a child," contending that this information is excepted from disclosure by section 552.101 of the Government Code. You indicate that you intend to release the requested statistical data. We have considered the exception you claim and have reviewed the documents at issue.

Initially, we note that Open Records Letter No. 98-2551 (1998) addressed the issue of the city's release of the telephone numbers and addresses on 911 service call reports. You are directed to that decision with regard to these items of information responsive to the subject request.

You seek to withhold the name of the person making the call and details of reports of sexual assaults. 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*

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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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. 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. You also seek to withhold the name of the person making the call and details of reported child abuse and indecency with a child offenses. The section 552.101 exception extends to information made confidential by statute. Reports of child abuse or neglect (which includes reports of indecency with a child), are made confidential by section 261.201 of the Family Code. This statute reads as follows:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

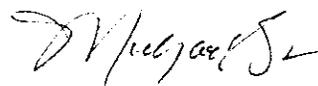
(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

We conclude that all information related to the report of abuse or neglect of a child is confidential pursuant to Section 261.201 of the Family Code and may not be released.

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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Michael J. Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 121199

Enclosures: Submitted documents

cc: Ms. Cathryn Hopkins
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(w/o enclosures)