



September 10, 1999

Ms. Elaine S. Hengen
Assistant City Attorney
The City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901-1196

OR99-2529

Dear Ms. Hengen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 127165.

The City of El Paso (the "city") received a request for information related to case number 97141381. You indicate that you have released a redacted copy of the responsive information. You contend that the redacted information is excepted from public disclosure by sections 552.101 and 552.130 of the Government Code. You have supplied the responsive information to this office for review. We have considered the exceptions 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. Section 552.101 encompasses the common-law right to privacy. The common-law right to privacy protects information if (1) the information contains highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person, and (2) the information is not of legitimate concern to the public. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). In this case, the redacted information concerns the conduct of an individual which led to that individual's arrest. Information regarding complaints filed by citizens and their resolution by the police department is of legitimate concern to the public. Open Records Decision No. 418 (1984). Therefore, the information is not excepted from disclosure by the common-law privacy aspect of section 552.101 of the Government Code.

Section 552.130 of the Government Code governs the release and use of information obtained from motor vehicle records, and provides in relevant part as follows:

(a) Information is excepted from [required public disclosure] if the information relates to:

- (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state; [or]
- (2) a motor vehicle title or registration issued by an agency of this state[.]

You must withhold driver's license numbers, VIN numbers, and the license plate numbers pursuant to section 552.130.

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.

Sincerely,



Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 127165

Encl. Submitted documents

cc: Ms. Monica Merced
El Paso Times
P.O. Box 20
El Paso, Texas 79999
(w/o enclosures)