



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 25, 2009

Mr. Samuel D. Hawk
Ms. P. Armstrong
Assistant City Attorney
Criminal Law and Police Division
1400 South Lamar
Dallas, Texas 75215

OR2009-02453

Dear Mr. Hawk and Ms. Armstrong:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 335700 (Dallas Open Record Request Nos. 2008-8547 and 2009-0695).

The Dallas Police Department (the "department") received two requests from different requestors, one for all information pertaining to a named individual and one for a specified incident report. You state that the department has released some of the requested information from the specified incident report to one of the requestors. You claim that portions of the submitted incident report are excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted report.

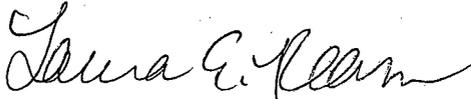
Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses the doctrine of common-law privacy, which protects information if it (1) contains highly intimate or embarrassing facts, the publication of which would be highly objectionable to a reasonable person, and (2) is not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). The types of information considered intimate and embarrassing by the Texas Supreme Court in *Industrial Foundation* included information relating to sexual assault, pregnancy, mental or physical abuse in the workplace, illegitimate children, psychiatric

treatment of mental disorders, attempted suicide, and injuries to sexual organs. *Id.* at 683. You claim that portions of the information in the submitted report, including the complainant's identity, are confidential under the doctrine of common-law privacy. We agree that some of the information in the submitted report is highly intimate or embarrassing and of no legitimate public interest. This information, which we have marked, must be withheld under section 552.101 of the Government Code in conjunction with common-law privacy. However, in this instance, the complainant's identity and the remaining information in the submitted report are not intimate or embarrassing and may not be withheld under section 552.101 in conjunction with common-law privacy. As you raise no other exceptions against the disclosure of the remaining information, it must be released to the requestors.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Laura E. Ream
Assistant Attorney General
Open Records Division

LER/jb

Ref: ID# 335700

Enc. Submitted documents

cc: 2 Requestors
(w/o enclosures)