



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

April 3, 2009

Mr. Ronald J. Bounds  
Assistant City Attorney  
City of Corpus Christi  
P.O. Box 9277  
Corpus Christi, Texas 78469-9277

OR2009-04410

Dear Mr. Bounds:

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# 339024.

The City of Corpus Christi (the "city") received a request for a specified e-mail sent by a named individual. You claim the submitted e-mail is excepted from disclosure in its entirety under section 552.101 of the Government Code. Alternatively, you claim that portions of the submitted e-mail are excepted from disclosure under section 552.137 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

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. This exception encompasses the doctrine of common-law privacy, which protects information that (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). To demonstrate the applicability of common-law privacy, both prongs of this test must be demonstrated. *Id.* at 681-82. In Open Records Decision No. 169 (1977), this office recognized that information that would ordinarily be subject to disclosure may be withheld under section 552.101 in conjunction with common-law privacy on a showing of "special circumstances." This office considers such "special circumstances" to refer to a very narrow set of situations in which release of the information at issue would likely cause someone to face "an imminent threat of physical danger." ORD 169 at 6. "Special circumstances" do not include "a generalized and speculative fear of harassment or retribution." *Id.*

You explain that the submitted e-mail was sent to the city by a public access television producer who was correcting his home address on a city public access television permit. You argue that release of the author's home address would allow the requestor to "possibly effectuate physical violence towards this individual." In support of your argument, you have submitted communications between the requestor and public access television producers. Although these communications reflect a disagreement over public access television programming, they do not contain any actual threats by the requestor. Thus, after reviewing your representations and the submitted information, we find the city has failed to demonstrate that release of any portion of the e-mail at issue would cause its author to face an imminent threat of physical danger. Accordingly, no information may be withheld under section 552.101 in conjunction with common-law privacy.

Section 552.137 excepts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body" unless the member of the public consents to its release or the e-mail address is of a type specifically excluded by subsection (c). See Gov't Code § 552.137(a)-(c). You have marked e-mail addresses under section 552.137, and you state these addresses are not subject to section 552.137(c). Further, you state that the individual at issue has not consented to the release of this information. Accordingly, the city must withhold the e-mail addresses you marked under section 552.137 of the Government Code. As no other exceptions are raised, the remaining information must be released to the requestor.

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](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,



Reg Hargrove  
Assistant Attorney General  
Open Records Division

RJH/eeg

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Ref: ID# 339024

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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