



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 8, 2009

Ms. Eileen McPhee
Carls, McDonald, & Dalrymple, L.L.P.
Barton Oaks Plaza 2
901 S. Mopac Expressway, Suite 500
Austin, Texas 78746

OR2009-06165

Dear Ms. McPhee:

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# 343789.

The City of Georgetown (the "city") received a request for domestic violence reports pertaining to a named individual from a specified period of time. You claim that portions of the submitted police reports are 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 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 (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. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). The type 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. Upon review, we find that most of the information you have marked, as well as additional information we have marked, is highly intimate or

embarrassing and not of legitimate concern to the public. This information must be withheld under section 552.101 in conjunction with common-law privacy. Although the remaining information you have marked may be intimate or embarrassing, it was used by police officers in deciding whether or not to file assault charges against an involved individual. Thus, we find there is a legitimate public interest in the remaining information you have marked. This information, which we have marked for release, may not be withheld under section 552.101 in conjunction with common-law privacy. As you do not raise any further exceptions to disclosure, the remaining information at issue 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, 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

Ref: ID# 343789

Enc. Submitted documents

c: Requestor
(w/o enclosures)