



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 18, 2009

Mr. David K. Walker  
County Attorney  
Montgomery County  
207 West Phillips, Suite 100  
Conroe, Texas 77301

OR2009-13176

Dear Mr. Walker:

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# 355652.

The Montgomery County Sheriff's Department (the "sheriff") received a request for information pertaining to a specified 9-1-1 call. You claim the submitted 9-1-1 call audio recording and notes 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. This section 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). The types of information considered intimate or 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 the submitted information should be withheld in its entirety on the basis of common-law privacy. Generally, only in certain instances do we require an entire report to be withheld to protect the victim's privacy. Here, the submitted information involves a family disturbance. In this instance, you have not demonstrated, nor does the information reflect, a situation in which the information must be withheld in its entirety on the basis of

common-law privacy. However, we agree that portions of the information, which we have indicated, are highly intimate or embarrassing and not of legitimate public interest. Thus, the sheriff must withhold the indicated information under section 552.101 of the Government Code in conjunction with common-law privacy.

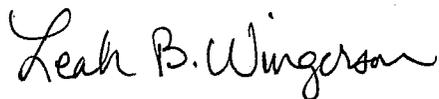
We note the remaining information includes Texas driver's license information, which we have marked, that does not belong to the requestor. Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency is excepted from public release.<sup>1</sup> Gov't Code § 552.130(a)(1), (2). Therefore, the sheriff must withhold the marked Texas driver's license information under section 552.130 of the Government Code.

In summary, the sheriff must withhold the indicated information under section 552.101 of the Government Code in conjunction with common-law privacy, and the marked Texas driver's license information under section 552.130 of the Government Code. The remaining information must be released.

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, toll free, at (888) 672-6787.

Sincerely,



Leah B. Wingerson  
Assistant Attorney General  
Open Records Division

LBW/dls

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<sup>1</sup>The Office of the Attorney General will raise mandatory exceptions on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

Ref: ID# 355652

Enc. Submitted documents

c: Requestor  
(w/o enclosures)