



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 27, 2015

Ms. Danielle Folsom
Assistant City Attorney
City of Houston
P.O. Box 368
Houston, Texas 77001-0368

OR2015-22522

Dear Ms. Folsom:

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# 584756 (GC No. 22606).

The Houston Emergency Center (the "center") received a request for a specified 9-1-1 audio recording. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We note that some of the submitted information, which we have indicated, is not responsive to the request at issue because it does not consist of the 9-1-1 audio recording the requestor specified. This ruling does not address the public availability of that information, and the center need not release any non-responsive information.

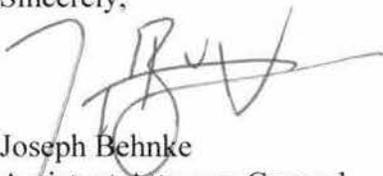
Section 552.101 of the Government Code excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person, and (2) 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 satisfied. *Id.* at 681-82. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at 683. Generally, only highly intimate or embarrassing information implicating the privacy of an individual is

withheld. However, in certain situations where the requestor knows the identity of the individual involved, as well as the nature of certain incidents, information must be withheld in its entirety to protect the individual's privacy. In this instance, although the requestor knows the nature of the event underlying the 9-1-1 audio recording at issue, we have no indication the requestor knows the identity of the individual whose information is at issue. Consequently, although you assert the information at issue is confidential in its entirety pursuant to common-law privacy, we find this is not a situation in which all of the information at issue must be withheld to protect any individual's privacy interest. Furthermore, the information at issue does not identify any individual whose privacy interest may be at issue. Accordingly, we find you have failed to demonstrate any portion of the responsive information is highly intimate or embarrassing and of no legitimate public interest. Therefore, the center may not withhold any portion of the responsive information under section 552.101 of the Government Code in conjunction with common-law privacy. As you raise no further exceptions to disclosure, the responsive 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Joseph Behnke
Assistant Attorney General
Open Records Division

JB/akg

Ref: ID# 584756

Enc. Submitted documents

c: Requestor
(w/o enclosures)