



# The Attorney General of Texas

July 26, 1983

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Gene Kloss, Captain  
Crime Control Bureau  
Ector County  
P. O. Box 2066  
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Open Records Decision No. 393

Re: Whether police report  
regarding sexual abuse of a  
child is excepted under the  
Open Records Act

Dear Captain Kloss:

In 1980, an individual was charged with aggravated kidnapping and aggravated sexual abuse of a child. This individual, who is now an inmate of the Texas Department of Corrections, has asked you for a copy of the Ector County sheriff's report of the investigation into these crimes. You have asked whether the Open Records Act, article 6252-17a, V.T.C.S., requires you to comply with this request.

Section 3(a)(1) of the Open Records Act excepts from required public disclosure:

information deemed confidential by law, either Constitutional, statutory, or by judicial decision.

In Open Records Decision No. 339 (1982), this office considered the availability of law enforcement records relating to a particular case of sexual abuse. This decision contains the following discussion:

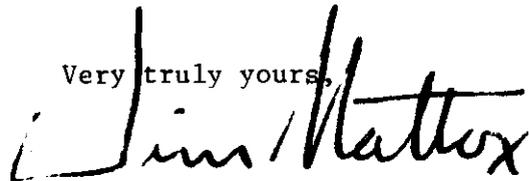
In the present instance, we believe that much of this information may be withheld under section 3(a)(1), as "information deemed confidential by law," in this case, common law privacy. A common law right of privacy will ordinarily exist in any information which contains highly intimate or embarrassing facts about a person, the disclosure of which would be "highly objectionable to a person of ordinary sensibilities," and, in addition, is of no legitimate concern to the public. Industrial Foundation of the South v. Texas Industrial Accident Board, 540 S.W.2d 668, 678-81 (Tex. 1976). . . . It is clear that a

detailed description of an incident of aggravated sexual abuse raises an issue of common law privacy. See Open Records Decision Nos. 260, 237 (1980). . .

In our opinion, common law privacy permits the withholding of the name of every victim of a serious sexual offense. See Open Records Decision No. 205 (1978). The mere fact that a person has been the object of a rape or attempted rape does, we believe, reveal "highly intimate or embarrassing facts" about the victim, and, in our view, disclosure of this fact would be "highly objectionable to a person of ordinary sensibilities." Although there is certainly a strong public interest in knowing that a crime has been committed, we do not believe that such interest requires the disclosure of the names of victims. Furthermore, certain other information, such as the location of the crime, might furnish a basis for identification of the victim.

The report at issue here consists almost entirely of detailed statements of the officers who investigated these crimes, and statements of the complainant, witnesses, and others. Each of these statements refers repeatedly to the victim of these crimes or to the victim's relatives, and each also contains abundant information which could easily furnish a basis for identification of the victim. For the reasons discussed in Open Records Decision No. 339 (1982), we conclude that the information which either identifies or would tend to identify the victim may be withheld under the common law right of privacy. We further conclude that this identifying information accounts for such a large part of the police report and is so inextricably intertwined with the remainder of this report that it would be unfeasible to attempt to separate the remainder and make it available. The nonidentifying information would, if separated, be devoid of meaning. We therefore conclude that you may deny this request in its entirety.

Very truly yours,



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