



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

March 26, 1990

Honorable Fred G. Rodriguez
Bexar County Criminal District Attorney
300 Dolorosa, Suite 5072
San Antonio, Texas 78205-3030

OR90-115

Dear Mr. Rodriguez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 8808.

The Bexar County Sheriff received an open records request for all information contained in the personnel files of three named officers, including all complaints filed against the officers, the resulting internal investigation reports, and any disciplinary action taken. You state that you have released to the requestor the officers' entire personnel files except for photographs of the officers, which are protected by section 3(a)(19) of the Open Records Act, and the officers' home addresses and telephone numbers, which are protected by section 3(a)(17).

You also seek to withhold, pursuant to the common-law privacy aspect of section 3(a)(1), an internal affairs file concerning the investigation of unfounded allegations "of a defamatory nature" against one of the officers. A previous determination of this office, Open Records Decision No. 400 (1983), a copy of which is enclosed, resolves your request. The internal affairs file at issue is not protected by common-law privacy; it must therefore be released.

Because prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-115.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Garrison".

Susan Garrison
Assistant Attorney General
Opinion Committee

Ref.: ID# 8808, 9122

Enclosure: Open Records Decision No. 400

cc: Ramiro Estrada, Jr.
Attorney at Law
Commerce Plaza Building
111 Soledad, Suite 1700
San Antonio, Texas 78205

Leah A. Curtis
Assistant Criminal District Attorney
Civil Section
300 Dolorosa, 4th Floor
San Antonio, Texas 78205-3030