



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

May 1, 1990

Mr. John C. West, Jr.
Chief, Legal Services
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR90-159

Dear Mr. West:

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# 8474.

You have received a request regarding all records relating to a particular wrecking service located in a particular county. Specifically, you have been asked for "any written complaints or accusations which implicates [a particular business] in any way." You state that you have provided the requestor with all of the information that he has requested except a copy of an anonymous letter to the director of the department, which makes a number of allegations about certain employees of the department. You assert that this anonymous letter is excepted from disclosure by section 3(a)(1) of the act, namely the doctrine of "false light" privacy.

A governmental body must withhold information under section 3(a)(1) on the basis of "false light" privacy if it finds that release of the information would be highly offensive to a reasonable person, that public interest in disclosure is minimal, and that serious doubt exists about the truth of the information. Open Records Decision No. 438 (1986). Because the right of privacy is personal, it protects only the subject of the confidential information. Open Records Decision No. 432 (1985). In this instance, you claim that the anonymous letter contains several untrue statements about department employees whose release would be highly offensive to a reasonable person. We agree with your characterization and conclude that you may withhold such information. Remaining portions of the anonymous letter, however, must be disclosed.

Because case law and 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 OR90-159.

Yours very truly,



Jim Moellinger
Assistant Attorney General
Opinion Committee

JM/le

Ref.: ID# 6818, 8474

Enclosure: Documents Sent