



THE ATTORNEY GENERAL
OF TEXAS

JIM SLATTON
ATTORNEY GENERAL

July 9, 1990

Mr. Blake Hansen
Attorney for Ector County I.S.D.
Bank One Building, Suite 612
3800 East 42nd
Odessa, Texas 79762

OR90-294

Dear Mr. Hansen:

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# 9842.

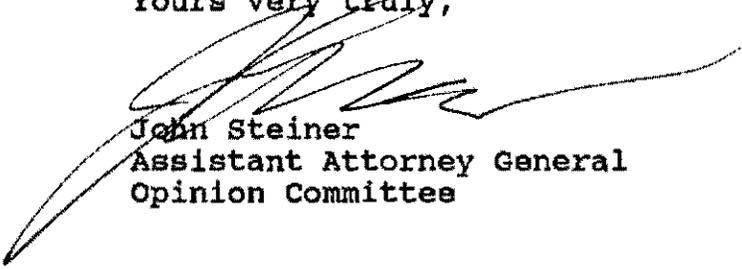
We have considered the exception you claimed, specifically section 3(a)(2), with respect to the documents at issue. The test for exception from public disclosure under section 3(a)(2) is whether the information, if publicized by a private person, would render that person liable for the tort of public disclosure of private facts as recognized at common law. Hubert v. Harte-Hanks Texas Newspapers, 652 S.W.2d 546, 550 (Tex. App. - Austin 1983, writ ref'd n.r.e.); see also Open Records Decision No. 545 (1990). The common-law right of privacy terminates at death. Moore v. Charles B. Pierce Film Enter., 589 S.W.2d 489, 491 (Tex. Civ. App. - Texarkana 1979, writ ref'd n.r.e.), Attorney General Opinion H-917 (1976).

As the privacy interests of a deceased individual may not serve as the basis for excepting the requested information under section 3(a)(2), and as you have asserted no other exception, we have no basis for finding that the requested information may be withheld. Therefore the information must be released.

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 OR90-294.

Yours very truly,



John Steiner
Assistant Attorney General
Opinion Committee

JS/le

Ref.: ID# 9842

Enclosure: Open Records Decision No. 545
Attorney General Opinion H-917

cc: Roy L. Bell
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