



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 7, 1991

Mr. Tim Curry  
Criminal District Attorney  
Tarrant County  
200 West Belknap Street  
Fort Worth, Texas 76196-0201

OR91-016

Dear Mr. Curry:

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# 11213.

The Criminal District Attorney of Tarrant County received an open records request, forwarded by the Tarrant County Sheriff, for all information regarding a particular closed rape investigation. The requestor specifically seeks "any and all information related to identification and address of the victim." You state that you have released much of the investigative file to the requestor; you contend, however, that other information that you have marked should be withheld pursuant to section 3(a)(1) of the Open Records Act.

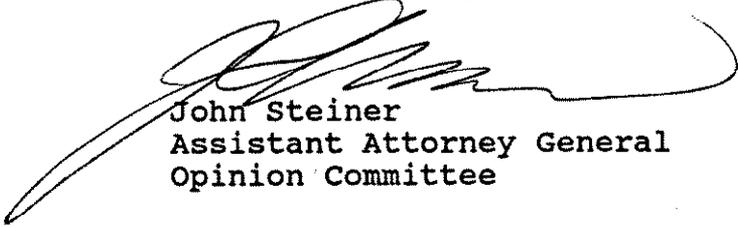
We have reviewed the documents at issue. A previous determination of this office, Open Records Decision No. 339 (1982), resolves your request. For this reason, you must withhold the description of the offense and information that tends to reveal the victim's name and address pursuant to the common-law privacy aspect of section 3(a)(1). You must also withhold, pursuant to section 3(a)(1), all medical records contained in the file. See V.T.C.S. art. 4495b, § 5.08(b).

You also contend that the location of the offense comes under the protection of section 3(a)(1). Open Records Decision No. 339 held that in some instances the location of a particular rape could be withheld pursuant to the common-law right to privacy if such disclosure would furnish a basis for identification of the victim. However, such is not the case in this instance: the rape occurred at the suspect's home, not at that of the victim. Consequently,

the location of the crime must be released. You may, however, withhold the other information that you have marked pursuant to section 3(a)(1).

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 OR91-016.

Yours very truly,



John Steiner  
Assistant Attorney General  
Opinion Committee

JS/RWP/le

Ref.: ID# 11213

cc: Joe O. Clark  
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