



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 3, 1992

Ms. Amy Nickell Jacobs
Attorney at Law
Haynes and Boone, L.L.P.
1300 Burnett Plaza
Fort Worth, Texas 76102-4706

OR92-293

Dear Ms. Jacobs:

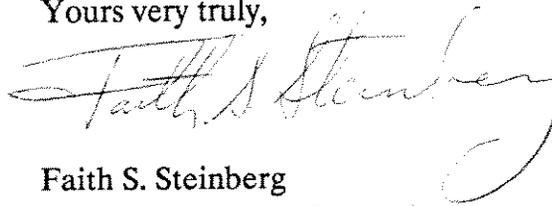
You ask us to reconsider OR92-55, in which we determined that certain copies of mobile telephone bills for a City of Coppell (the city) deputy fire chief are subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request for reconsideration was assigned ID# 15392.

You wish to withhold some items in the bills, claiming that their release would constitute an invasion of the deputy fire chief's common-law right of privacy and are thus excepted from required public disclosure by section 3(a)(1) of the Open Records Act. The doctrine of common-law privacy protects information containing highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person, provided the information is not of legitimate public concern. *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977).

In OR92-55, we determined that you had not demonstrated why the requested information is intimate or embarrassing and that it was thus not protected by common-law privacy interests. We have since received new information which demonstrates that the requested information is of an intimate and embarrassing nature. As you inform us that the deputy fire chief reimbursed the city for payment of the bills, in accordance with city policy on personal use of mobile telephones, we conclude that the public has no legitimate interest in the requested information. Accordingly, the requested information must be withheld from required public disclosure under section 3(a)(1) of the Open Records Act. Open Records Letter

OR92-55 (1992) is overruled. If you have any questions about this ruling, please refer to OR92-293.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Faith S. Steinberg". The signature is written in dark ink and is positioned to the right of the typed name.

Faith S. Steinberg
Assistant Attorney General
Opinion Committee

FS/MRC/GK/lmm

Ref.: ID# 15392

cc: Mr. Walter Pettijohn
525 Oak Grove
Coppell, Texas 75019