



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 10, 1992

Mr. Leonard W. Peck, Jr.
Assistant General Counsel
Legal Affairs Division
Texas Department of Criminal Justice
Institutional Division
P. O. Box 99
Huntsville, Texas 77342-0099

OR92-391

Dear Mr. Peck:

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# 15415.

The Texas Department of Criminal Justice has received a request for records of an investigation into allegations of sexual harassment. The alleged perpetrator, victim, and the persons giving statements, are all employees of the department. You claim that the requested information may be withheld under sections 3(a)(1) and 3(a)(8) of the Open Records Act. Section 3(a)(1) requires withholding of, *inter alia*, material within the ambit of common-law and constitutional privacy protection. Section 3(a)(8) permits withholding by law enforcement agencies of, *inter alia*, information which would unduly interfere with law enforcement.

We have reviewed the documents at issue. We note first that, as the requestor here is the alleged perpetrator of the alleged sexual harassment and as much of the requested information consequently relates to him, we are treating his request under section 3B of the Open Records Act. Since, under section 3B, a person's own privacy interests may not be asserted against him to withhold requested information about himself, we need not consider here whether such privacy interests could be asserted to withhold any of the information from the public generally. *See, e.g.*, Open Records Decision No. 579 (1990). Therefore, this ruling should not be taken to apply to requests from the general public for this information.

Leaving aside, therefore, the question whether the requestor here would have any privacy interests in the requested information sufficient to withhold it from the general public, we believe that a previous published decision of this office resolves your request. Open Records Decision No. 579 (1990), a copy of which is enclosed, considered with regard to equivalent kinds of information, the exceptions to disclosure you raise here and determined that the information did not fall within such exceptions. We adhere to that decision. For this reason, you must release the requested information to the requestor here.

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 OR92-391.

Yours very truly,



William Walker
Assistant Attorney General
Opinion Committee

WW/lmm

Ref.: ID# 15415

Enclosure: Open Records Decision No. 579

cc: Mr. Douglas Weisinger
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(w/o enclosures)

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(w/o enclosures)