



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 26, 1993

Ms. Elaine H. Piper
Assistant City Attorney
Police Legal Advisor
2 Civic Center Plaza
El Paso, Texas 79999

OR93-039

Dear Ms. Piper:

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# 17319.

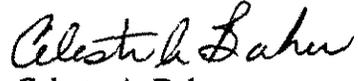
The El Paso Police Department has received three requests for information relating to a missing person. You advise that some of the requested information has been released. You claim, however, that some of the requested information is excepted from required public disclosure by the missing person's common-law privacy interests.

Information may be withheld from required public disclosure under common-law privacy if it meets the criteria articulated for section 3(a)(1) of the act by the Texas Supreme Court in *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). Under the *Industrial Foundation* case, information may be withheld on common-law privacy grounds only if it is highly intimate or embarrassing *and* is of no legitimate concern to the public.

We have examined the information submitted to us for review. We conclude that in this instance the information is of legitimate concern to the public given the public's interest in the location of the missing person. Accordingly, the requested information may not be withheld from required public disclosure under section 3(a)(1) of the Open Records Act and must be released in its entirety.

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 OR93-039.

Yours very truly,


Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/GCK/Imm

Enclosures: Marked Documents

Ref.: ID# 17319

cc: Mr. Dick Robert Markwell
P. O. Box 34834
San Antonio, Texas 78265-4834
(w/o enclosures)