



Office of the Attorney General

State of Texas

April 30, 1993

DAN MORALES
ATTORNEY GENERAL

Ms. Sandra C. Joseph
Open Records Counsel/Disclosure Officer
Comptroller of Public Accounts
Austin, Texas 78774

OR93-197

Dear Ms. Joseph:

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# 18751.

The Comptroller of Public Accounts (the comptroller) received an open records request for "the most recent negotiation of [a] crime victim warrant" issued to a particular individual. You have informed this office that the requestor has made clear to you that he is in fact seeking a copy of the most recent warrant issued to the named crime victim.¹ You have provided this office with a letter from the Crime Victim's Compensation Division of the Office of the Attorney General (the division) in which the division director requests that the crime victim's home address be withheld pursuant to section 3(a)(8) of the Open Records Act.

Although the attorney general will not ordinarily raise an exception that might apply but that the governmental body has failed to claim, *see* Open Records Decision No. 325 (1982), we will raise section 3(a)(1) because the release of confidential information could impair the rights of third parties and because its improper release constitutes a misdemeanor. *See* V.T.C.S. art. 6252-17a, § 10(a). Section 3(a)(1) of the act protects "information deemed confidential by law, either Constitutional, statutory, or by judicial decision," including information deemed confidential by common-law privacy. In Open Records Decision No. 169 (1977) (copy enclosed), this office held that although an individual's home address normally may not be withheld from the public on privacy grounds, such information may be withheld upon a demonstration of "truly exceptional circumstances such as, for instance, an imminent threat of physical danger." *Id.* at 6.

¹You state that although the State Treasurer maintains all cancelled warrants, the Treasurer requires certain information from the comptroller's officer to locate specific warrants. Consequently, you deem it proper for the request to be addressed to the comptroller's office for access to the warrant at issue.

The director of the division has informed your office that the open records request is being made by the crime victim's husband, who spent 47 days in jail as the result of assault charges the victim filed against him and that the victim is currently in fear of bodily injury from her husband. Further, the victim has specifically requested that her address not be made public. Given these circumstances, this office believes that the victim's address should be kept confidential pursuant to Open Records Decision No. 169. Consequently, we need not address the applicability of section 3(a)(8) at this time. However, because neither you nor the division director have argued that information other than the victim's address contained in the warrant is excepted from required public disclosure, the comptroller must release the remaining information contained in the warrant at this time.

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 OR93-197.

Yours very truly,



Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/RWP/le

Ref.: ID# 18751
ID# 19261

Enclosure: Open Records Decision No. 169

cc: Mr. Eric Lohmann
c/o Anne P. Lohmann
Conservator for the Estate of Sharon Lohmann
Crime Victim #920211
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