



Office of the Attorney General
State of Texas

August 6, 1993

DAN MORALES
ATTORNEY GENERAL

Ms. Debra L. Weinberg
Police Legal Advisor
City of Plano Police Department
909 14th Street
Plano, Texas 75074

OR93-502

Dear Ms. Weinberg:

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# 19050.

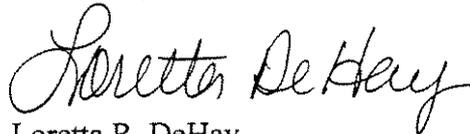
The City of Plano Police Department (the "department") has received a request for an "Information Report" concerning a suicide. You claim the information is excepted under section 3(a)(1) of the Open Records Act, and that release of the information would be "an invasion of a family's physical solitude or seclusion (intrusion) and/or the public disclosure of private facts."

Section 3(a)(1) excepts "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." You state that the department "does not release Information/Suicide Reports out of deference to the privacy of *the family of the deceased*" and that "the family [of the victim] contacted the police department and specifically requested that [the department] not release information about their loved one." (Emphasis added.) The right of privacy is personal and may not be maintained by the family of a deceased person under Texas law, Open Records Decision No. 432 (1985) at 3-6, and as such the right lapses upon the person's demise, Attorney General Opinion JM-229 (1984) at 3. Accordingly, the information may not be withheld under section 3(a)(1) of the Open Records Act. As you raise no other exceptions, you must release the information in its entirety.¹

¹We note that you also request an opinion concerning the identities of juvenile crime victims or complainants. Because the department has not received a request for records that concern the identities of juvenile crime victims or complainants, we do not address your question in this ruling. However, we are currently working on a separate file, RQ-467, that addresses the issue.

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 contact this office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

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LRD/LBC/jmn

Ref.: ID# 19050

Enclosures: Submitted documents

cc: Mr. David May
News Editor
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(w/o enclosures)