



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 27, 1994

Ms. Gretchen Kuehn Bohnert
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR94-038

Dear Ms. Bohnert:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code, formerly V.T.C.S. article 6252-17a.¹ Your request was assigned ID# 23506.

The City of Houston (the "city") received a request for certain information concerning indefinite suspensions of city personnel since January 1, 1991. The city seeks to withhold portions of the requested documents to protect the privacy rights of third parties. We agree that the city must withhold portions of the documents to protect the privacy rights of third parties. *See Morales v. Ellen*, 840 S.W.2d 519 (Tex. App.--El Paso 1992, writ denied).

However, we disagree with some of your markings. You must withhold all information that identifies a third party when that party's privacy rights are implicated. In addition, no privacy rights are implicated if the third party is not identified or if the behavior is not highly intimate or embarrassing. *See Industrial Found. of the S. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). We have marked the documents accordingly.

¹The Seventy-third Legislature repealed V.T.C.S. article 6252-17a. Acts 1993, 73d Leg., ch. 268, § 46, at 988. The Open Records Act is now codified in the the Government Code at chapter 552. *Id.* § 1, at 599. This codification of the Open Records Act is a nonsubstantive revision. *Id.* § 47, at 988.

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,



Kay Guajardo
Assistant Attorney General
Open Government Section

KHG/rho

Ref.: ID# 23506
ID# 23572

Enclosures: Submitted documents

cc: Mr. Wayne Dolcefino
KTRK-TV
P.O. Box 13
Houston, Texas 77001
(w/o enclosures)