



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 28, 1995

Mr. Robert P. Rose
Assistant City Attorney
City of Austin,
Law Department
P.O. Box 1088
Austin, Texas 78767-1088

OR95-880

Dear Mr. Rose:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 34582.

The City of Austin (the "city") received a request for various information including several particular police incident reports. You assert that one of the requested reports, No. 94 1231447, is excepted from required public disclosure based on section 552.101 of the Government Code, as private information.

Section 552.101 of the Government Code protects from required public disclosure information that is confidential by law, including information that is protected from disclosure based on the common-law right to privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Information may be withheld under section 552.101 in conjunction with the common-law right to privacy if the information contains highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person and if the information is of no legitimate concern to the public. *See id.*

We agree that the report contains highly intimate information that is of no legitimate concern to the public. *See* Open Records Decision No. 422 (1984). Consequently, the city must not release all of the information to the requestor. Gov't Code § 552.101. We have marked a sample of the type of information that the city must withhold. The remainder of the report is public.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Government Section

KHG/rho

Ref.: ID# 34582

Enclosures: Marked documents

cc: Ms. Joan A. Ely
Attorney at Law
1302 West Avenue
Austin, Texas 78701
(w/o enclosures)