



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 3, 1995

Mr. John Steiner
Division Chief, Law Department
City of Austin
Norwood Tower
P.O. Box 1088
Austin, Texas 78767-1088

OR95-1037

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. We assigned your request ID# 35828.

The City of Austin received an open records request for a copy of a particular 9-1-1 call and the C.A.D. printout from the call. You contend that the identity of the complainant is excepted from disclosure under common-law privacy as it is incorporated into section 552.101 of the Government Code. You also contend that all the requested information is excepted from disclosure by section 552.108.

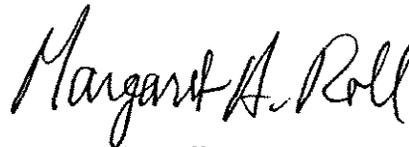
We conclude that common-law privacy requires you to withhold the audio recording of the 9-1-1 call and any information identifying the complainant contained in the C.A.D. printout. Common-law privacy permits a governmental body to withhold information that would reveal the identity of a victim of a serious sexual offense. Open Records Decision No. 339 (1982) at 2-3. In this case, the audio-tape of the 9-1-1 call reveals the identity of a victim of a serious sexual offense because it contains the voice of the victim as well as her name. The C.A.D. printout reveals the name and address of the victim.

We also conclude that you may withhold other portions of the C.A.D. printout under section 552.108. In cases that are currently under active investigation, section 552.108 excepts from disclosure all information except that generally found on the first page of the offense report. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976).

You have demonstrated that the case at issue here is currently under active investigation. Therefore, you may withhold from the C.A.D. printout under section 552.108 all the information except that generally found in the first page of the offense report. You may also withhold under section 552.101 any information revealing the identity of the victim. You must release the remainder of the information contained in the C.A.D. printout.¹

We are resolving this matter with an 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 should 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,



Margaret A. Roll
Assistant Attorney General
Open Records Division

MAR/rho

Ref.: ID# 35828

Enclosures: Submitted documents

cc: Mr. Raymond M. Espersen
P.O. Box 2492
Austin, Texas 78767

¹Most of the information in the C.A.D. printout appears to be information generally found on the first page of the offense report, including the information describing the offense, and very little of the information appears to reveal the identity of the victim. Thus, we believe that you are required to release most of the information in the C.A.D. printout.