



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 15, 1996

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

OR96-0718

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 39488.

The City of Austin (the "city") received a request for information concerning Shirley Zirkle since March 1, 1993. You assert that portions of the requested information are excepted from required public disclosure based on section 552.101 of the Government Code in conjunction with the common-law right to privacy.

Section 552.101 excepts from required public disclosure information considered to be confidential by law, including information made confidential by judicial decision. This exception applies to information made confidential by 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 requested information contains information protected from required public disclosure under section 552.101 and the common-law right to privacy. *See Open Records Decision No. 455 (1987)*. Accordingly, we have marked the type of information that the city must withhold from public disclosure.

We have also marked two portions of information that the city must withhold from disclosure pursuant to section 552.117 of the Government Code if the employee to whom it relates has elected that such information not be disclosed to the public in accordance with section 552.024 of the Government Code.

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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 39488

Enclosures: Marked documents

cc: Maria Rocha
Electric Utility Department
City of Austin
P.O. Box 1088
Austin, Texas 78767-1088
(w/o enclosures)