



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 23, 1996

Mr. Joe Bridges  
Assistant District Attorney  
Denton County Criminal District Attorney's Office  
Counsel to the Sheriff  
127 N. Woodrow Lane  
Denton, Texas 76205

OR96-1736

Dear Mr. Bridges:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100730.

The Denton County Sheriff's Department (the "department"), which you represent, received a request for "copies of any and all visits [a certain named individual] had with court attorney . . . while [a certain named individual] was in the custody of Denton County Sheriff's Dept. from 2-27-92 through 7-20-93." You claim that the requested information should be withheld from disclosure pursuant to Open Records Decision No. 430 (1985). We have considered the argument you have made and have reviewed the documents at issue.

In Open Records Decision No. 430 (1985), we concluded that inmate's visitors lists are excepted under the former section 552.101 as information deemed confidential by constitutional law. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." The constitutional right to privacy protects two interests. Open Records Decision No. 600 (1992) at 4 (citing *Ramie v. City of Hedwig Village*, 765 F.2d 490 (5th Cir. 1985), *cert. denied*, 474 U.S. 1062 (1986)). The first is the interest in independence in making certain important decisions related to the "zones of privacy" recognized by the United States Supreme Court. Open Records Decision No. 600 (1992) at 4. The zones of privacy recognized by the United States Supreme Court are matters pertaining to marriage, procreation, contraception, family relationships, and child rearing and education. *See id.*

The second interest is the interest in avoiding disclosure of personal matters. The test for whether information may be publicly disclosed without violating constitutional privacy rights involves a balancing of the individual's privacy interests against the public's need to know information of public concern. See Open Records Decision No. 455 (1987) at 5-7 (citing *Fadjo v. Coon*, 633 F.2d 1172, 1176 (5th Cir. 1981)). The scope of information considered private under the constitutional doctrine is far narrower than that under the common law; the material must concern the "most intimate aspects of human affairs." See Open Records Decision No. 455 (1987) at 5 (citing *Ramie v. City of Hedwig Village*, 765 F.2d 490, 492 (5th Cir. 1985), *cert. denied*, 474 U.S. 1062 (1986)).

In previous Open Records Decisions, this office has concluded that the release of lists of persons who visit inmates and persons who correspond with inmates violate the inmates' constitutional right of privacy under section 552.101 of the Government Code. Open Records Decision Nos. 430 (1985) (visitor lists), 428 (1985) (correspondence logs). Therefore, we conclude that the department must withhold the inmate's visitor's log.

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

Yours very truly,

A large, stylized handwritten signature in black ink that reads "Sam Haddad". The signature is written over a printed name "Sam Haddad" which is partially obscured by the ink.

Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/ch

Ref.: ID# 100730

Enclosures: Submitted document

cc: Ms. Sherry Kielman  
2837 Golf Crest Drive  
Wharton, Texas 77488  
(w/o enclosures)