



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 29, 1996

Ms. Tatia R. Randolph
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
Municipal Building
Dallas, Texas 75201

OR96-1964

Dear Ms. Randolph:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101490.

The Dallas Police Department (the "department") received a request for "a crime survey showing the number and type of incidents covering a 24 month period [from July 5, 1996]" and "a copy of the 911 tape relating to" a sexual assault. You seek to withhold the 911 tape from required public disclosure pursuant to section 552.101 of the Government Code.¹

Section 552.101 excepts information from required public disclosure if it is confidential by law, either constitutional, statutory, or by judicial decision. Information is excepted from required public disclosure by a common-law right of privacy under section 552.101 if the information (1) contains highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person and (2) the information is not of legitimate concern to the public. *Industrial Foundation of the South v. Texas Industrial Accident Board*, 540 S.W.2d 668 (Tex. 1976), cert. denied, 430 U.S. 931 (1977).

In Open Records Decision No. 393 (1983), this office concluded that, although, generally, only that information which either identifies or tends to identify a victim of sexual assault or other sex-related offense may be withheld under common-law privacy, because the

¹As you raise no exception to the other information requested, we assume that you have released or will release that information to the requestor.

identifying information was inextricably intertwined with other releasable information, the governmental body was required to withhold the entire report. Open Records Decision No. 393 (1983) at 2. This office has received correspondence from the requestor indicating that the requestor knows the identity of the victim. We believe that, in this instance, withholding only identifying information from the requestor would not preserve the victim's common-law right to privacy. We conclude, therefore, that the department must withhold the entire 911 tape pursuant to section 552.101 and the common-law right to privacy.

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 handwritten signature in black ink that reads "Todd Reese". The signature is written in a cursive style with a long horizontal line extending to the right.

Todd Reese
Assistant Attorney General
Open Records Division

RTR/rho

Ref.: ID# 101490

Enclosure: Submitted tape

cc: Mr. Dick Riddle
Investigative Research Associates
1131 Rockingham Drive #225
Richardson, Texas 75080
(w/o enclosure)