



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 16, 1996

Mr. Claud H. Drinnen
Assistant City Attorney
City of Amarillo
P.O. Box 1971
Amarillo, Texas 79105-1971

OR96-2404

Dear Mr. Drinnen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102607.

The City of Amarillo received a request for "a complete copy of the report # 96-89548." You claim that the requested report is excepted from disclosure pursuant to section 552.101 of the Government Code in conjunction with the common-law right of privacy and pursuant to section 552.108 of the Government Code.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). We note, however, that information normally found on the front page of an offense report is generally considered public.¹ *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). Here, section 552.108 excepts the requested report from disclosure with the exception of the information in the report that constitutes front page offense report information.

Because the front page offense report information is not excepted from disclosure under section 552.108, we must determine whether the front page information is excepted from disclosure under section 552.101 in conjunction with the common-law right of privacy.

¹We note that you must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report.

Information is protected by the doctrine of common-law privacy if (1) the information 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 Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Having reviewed the front page offense report information, we conclude that it is not protected by common-law privacy and, therefore, must be released to the requestor. The city may withhold the remainder of the report pursuant to section 552.108.

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 any questions about this ruling, please contact our office.

Yours very truly,


Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 102607

Enclosures: Submitted documents

cc: Mr. Fred Evans
Box 5571
Borger, Texas 79008
(w/o enclosures)