



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 21, 1997

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

OR97-0411

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# 104061.

The City of Austin (the "city") received a request for two offense reports. You state that the city released to the requestor one of the requested reports in its entirety. You assert that portions of the second requested report are excepted from required public disclosure based on Government Code section 552.101 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. of the South 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 believe that, in this instance, the public has a legitimate interest in the information at issue. Accordingly, the city may not withhold the information from the requestor based on section 552.101 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# 104061

Enclosures: Submitted documents

cc: Mr. Mark W. Sims
Attorney at Law
606 West 11th Street
Austin, Texas 78701
(w/o enclosures)