



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 18, 1997

Ms. Marva M. Gay  
Assistant County Attorney  
Harris County  
1001 Preston, Suite 634  
Houston, Texas 77002-1891

OR97-0880

Dear Ms. Gay:

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# 105829.

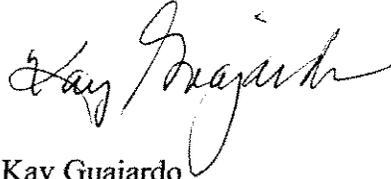
Harris County Constable Dick Moore received a request for three items of information. You state that Constable Moore has provided the requestor items one and three, but that the second requested item is excepted from public disclosure by section 552.101 of the Government Code.

Section 552.101 of the Government Code excepts from required public disclosure information that is considered to be confidential by law, either constitutional, statutory, or by judicial decision. You assert that the information is protected from public disclosure based on the common-law right to privacy. You also raise section 552.101 in conjunction with section 611.002 of the Health and Safety Code.

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 Indus. Found. of the S. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). We have reviewed the document at issue and conclude that the county must withhold it from public disclosure based on section 552.101 of the Government Code in conjunction with the common-law right to privacy.

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,

A handwritten signature in black ink, appearing to read "Kay Guajardo". The signature is fluid and cursive, written over a white background.

Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 105829

Enclosure: Submitted document

cc: Ms. Jennifer Leigh Linell  
23214 Prairie Bird  
Spring, Texas 77073  
(w/o enclosure)