



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 17, 1997

Ms. Barbara G. Heptig
Assistant City Attorney
City of Arlington
P.O. Box 231
Arlington, Texas 76004-0231

OR97-2070

Dear Ms. Heptig:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 108710.

The Arlington Police Department (the "department") received an open records request for two specific offense reports. You state that you have released to the requestor one of the requested reports. You inquire, however, whether the narrative portion of the other report is confidential under common-law privacy and thus excepted from required public disclosure pursuant to section 552.101 of the Government Code.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," including information coming within the common-law right to privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Common-law privacy protects information if it is highly intimate or embarrassing, such that its release would be highly objectionable to a reasonable person, *and* it is of no legitimate concern to the public. *Id.* at 683-85. This office has recognized that certain types of medical information might raise a claim of common law privacy if it relates, for example, to

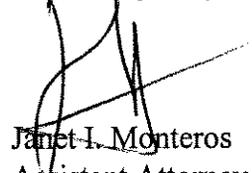
a drug overdose, acute alcohol intoxication, obstetrical/gynecological illness, convulsions/seizures or emotional/mental distress.

Open Records Decision No. 370 (1983). *See also* Open Records Decision Nos. 343 (1982), 262 (1980).

We believe that certain portions of the offense report implicate an individual's common-law privacy interests. We have marked the information that the department must withhold pursuant to section 552.101. Because you raise no other exception to public disclosure with regard to the remaining information, the remaining portions of the report must be released.

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,



Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/RWP/alg

Ref.: ID# 108710

Enclosures: Marked documents

cc: Ms. Bredshadt Diere
2002 Oakwood Court
Arlington, Texas 76012
(w/o enclosures)