



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 5, 1997

Mr. Rusty Renfroe, CLA  
City Attorney's Office  
City of Longview  
P.O. Box 1952  
Longview, Texas 75606-1952

OR97-2445

Dear Mr. Renfroe:

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# 110848.

The City of Longview (the "city") received a request for the blueprints of a particular residence. You assert that the requested information is excepted from required public disclosure based on section 552.101 of the Government Code in conjunction with the common-law right to privacy and also in conjunction with a provision in the Texas Architect's Act, V.T.C.S. article 249, section 9. You have submitted a representative sample of the requested information.<sup>1</sup>

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 S. 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.*

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<sup>1</sup>In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

You ground your privacy argument in concern for the safety of the residents. You suggest that the blueprints can be used to violate the residents' security. You point out that the blueprints reveal all means of ingress and egress and the location of windows. You state that the blueprints could be used to locate areas the resident has secured valuables.

We do not believe the blue prints are "highly intimate and embarrassing" information about the residents' private life. Furthermore, while we understand your concern for the potential use of the blueprints by one with a purpose to violate the security of the home, you do not state that the plans actually disclose the home owners' security measures or demonstrate an imminent threat of physical danger as opposed to a generalized and speculative concern for the security of the residence. *See* Open Records Decision No. 169 (1977). Thus, we conclude that the blueprints are not protected from public disclosure based on section 552.101 in conjunction with the common-law right to privacy. *Cf.* Open Records Decision No. 109 (1975).

V.T.C.S. article 249a, section 9, reads as follows:

Every registered architect shall obtain and keep a seal, such as is authorized, prescribed, and approved by the Texas Board of Architectural Examiners, with which he or she shall stamp or impress all drawings or specifications issued from his or her office for use in this State. The design of the seal shall be the same as that to be used by the Texas Board of Architectural Examiners, except that it shall bear the words "Registered Architect, State of Texas" instead of "Texas Board of Architectural Examiners." No person, firm, partnership, corporation or any other group or combination of persons shall use or attempt to use such prescribed seal, or any similar seal, or replica thereof unless the use is by and through an architect duly registered under the provisions of this Act. No architect duly registered under this Act shall authorize or permit the use of his seal by any unregistered person, firm, corporation, partnership or any other group or combination of persons without his personal supervision, and a violation hereof shall be grounds for cancellation of the registration certificate of any such offending architect.

You argue that the release of copies of blue prints which contain an architect's seal conflicts with the substance and intent of the Texas Architect's Act. However, to fall within section 552.101, a statute explicitly must require confidentiality; a confidentiality requirement will not be implied from the statutory structure. *See* Open Records Decision No. 465 (1987). Thus, we cannot conclude that the blueprints are excepted from disclosure based on section 552.101 in conjunction with V.T.C.S. article 249a, section 9.

We note that the blueprints may be copyrighted. If the plans are copyrighted, they may be open for public inspection, but the city is not required to furnish the requestor with copies of such records. The requestor assumes the duty of complying with the federal copyright law. *See* Open Records Decision No. 550 (1990).

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 Hastings  
Assistant Attorney General  
Open Records Division

KHH/rho

Ref.: ID# 110848

Enclosures: Submitted documents

cc: Mr. Marcus Headley  
1408 Tiffany Lane  
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(w/o enclosures)