



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 14, 1998

Mr. Kevin D. Pagan  
Assistant City Attorney  
City of McAllen  
P.O. Box 220  
McAllen, Texas 78505-0220

OR98-0949

Dear Mr. Pagan:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 114359.

The McAllen Police Department received a request for the photographs taken at a specified autopsy. You state that the photographs are "autopsy" photos contained in the files of the McAllen Police Department." You contend that the photographs are excepted from required public disclosure because they are confidential medical records. We disagree. *See* V.T.C.S. art. 4495b, § 5.08(b); Open Records Decision Nos. 546 (1990) (MPA intended to protect privacy and medical interests of patient), 272 (1981) at 1 (common-law and constitutional privacy rights lapse upon the death of the subject). You point to no statute and we know of none that make the requested photographs confidential in this case. The requested photographs 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,

A handwritten signature in black ink that reads "Don Ballard".

Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/ch

Ref: ID# 114359

Enclosures: Submitted document

cc: Mr. Stephen A. Spence  
328 Fourth Street  
Comfort, Texas 78013  
(w/o enclosures)