



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 3, 1998

Ms. Cheryl N. Elliott
General Counsel
Texas Southern University
3100 Cleburne Avenue
Houston, Texas 77004

OR98-1826

Dear Ms. Elliott:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117177.

Texas Southern University (the "university") received a request for certain correspondence held by the university. You submitted a copy of the correspondence at issue to this office for review. You assert that the correspondence is protected from disclosure pursuant to section 552.102 of the Government Code.

Section 552.102(a) of the Government Code provides that information is excepted from disclosure "if it is information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Information protected under the privacy aspect of section 552.102 must be both highly intimate or embarrassing to a reasonable person and also be of no legitimate public concern. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 930 (1977); *Hubert v. Harte-Hanks Tex. Newspapers Inc.*, 652 S.W.2d 546 (Tex. App.--Austin 1983, writ ref'd n.r.e.). We have reviewed the correspondence at issue and conclude that it does not meet this test and thus it is not protected from disclosure under section 552.102. The correspondence must be released to the requestor.

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, appearing to read "Ruth H. Soucy".

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 117177

Enclosure: Submitted document

cc: Robert Jackson, Ph.D.
Texas Faculty Association
1415 Southmore
Houston, Texas 77004
(w/o enclosure)