



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 16, 1998

Ms. Patrice Benford
Assistant City Attorney
Criminal Law and Police Department
City of Dallas
Municipal Building
Dallas, Texas 75201

OR98-2201

Dear Ms. Benford:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118322.

The City of Dallas (the city) received a request for eight categories of information concerning the employment and the city's investigation of a named former police officer. You indicate that you have released most of the requested information. You state, nonetheless, that some of the requested information identifies a juvenile who is the alleged victim of a serious sexual offense. You argue that you must withhold this identifying information under section 552.101 based on the common-law right of privacy. The requestor, however, has notified this office that he is the attorney for the alleged juvenile victim.

After reviewing the submitted information, including the identifying material, we do not believe that you may withhold it based on a right of privacy to this particular requestor. The requestor has a right of access to the identifying information. Section 552.023 of the Government Code provides that

(a) A person or a person's authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person's privacy interests.

(b) A governmental body may not deny access to information to the person, or the person's representative, to whom the information

relates on the grounds that the information is considered confidential by privacy principles under this chapter but may assert as grounds for denial of access other provisions of this chapter or other law that are not intended to protect the person's privacy interests.

Section 552.023 of the Government Code grants a special right of access to a person or a person's authorized representative to records that contain information relating to the person that are protected from public disclosure by laws intended to protect that person's privacy interests. Thus, the special right of access provided by section 552.023 applies only when the requested information is about the person who is requesting the information. As we stated above, the requestor represents the alleged victim in this case. The information you seek to withhold appears to only identify the requestor's client. As you have raised no other exception to disclosure and we have found that the information may not be withheld because of a right of privacy, the city must release the submitted information to this 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,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/nc

Ref: ID# 118322

Enclosures: Submitted documents

cc: Mr. James Jones
Jones & Associates
5015 Tracy, Suite 100
Dallas, Texas 75205
(w/o enclosures)