



February 16, 1999

Ms. Barbara C. Heptig
Assistant City Attorney
P.O. Box 1065
Arlington, Texas 76004-1065

OR99-0449

Dear Ms. Heptig:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 122220.

The Arlington Police Department (the "department") received a request for copies of three police reports involving a particular person. You have released two of the reports but you contend that the third report must be withheld pursuant to section 552.101 of the Government Code. We have considered the exception you claimed and have reviewed the documents at issue.

The doctrine of common law privacy excepts from disclosure information which contains highly intimate or embarrassing facts, the disclosure of which would be highly objectionable to a reasonable person, provided that such information is of no legitimate concern to the public. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 682 (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. We agree that portions of the information are protected from disclosure based on the common law right to privacy and have marked the documents accordingly.

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,

David Van Brunt Price
David Van Brunt Price
Assistant Attorney General
Open Records Division

DVP\nc

Ref: ID# 122220

Enclosures: Marked documents

cc: Ms. Tabitha Phillips
1403 Naches Drive
Arlington, Texas 76014
(w/o enclosures)