



April 12, 1999

Ms. Kathleen Weisskopf  
Assistant City Attorney  
City of Arlington  
P.O. Box 231  
Arlington, Texas 76004-0231

OR99-0989

Dear Ms. Weisskopf:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 123350.

The Arlington Police Department (the "department") received a request for information concerning offense report number 983530542. You contend that the requested information is excepted from public disclosure pursuant to common-law privacy as encompassed by section 552.101 of the Government Code. We have considered the exception you claim and reviewed the documents submitted.

Section 552.101 of the Government Code protects information coming within the common-law right to privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (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 have reviewed the submitted information and conclude that it is not protected by common-law privacy because the information is not highly intimate and embarrassing and there is a legitimate public interest in the information. Thus, except for the information discussed below, you must release the information.

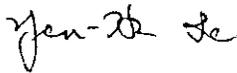
The submitted information includes a social security number that may be confidential under federal law and information excepted from public disclosure by section 552.130 of the Government Code. A social security number is excepted from required public disclosure under section 552.101 of the Government Code in conjunction with 1990 amendments to the federal Social Security Act, § 42 U.S.C. § 405(c)(2)(C)(viii)(I), *if it was obtained or is maintained by a governmental body pursuant to any provision of law enacted on or after October 1, 1990.* See Open Records Decision No. 622 (1994). Additionally, Section 552.130 excepts from public disclosure information that relates to a driver's license

Ms. Kathleen Weisskopf - Page 2

or motor vehicle title or registration issued by an agency of this state. We have marked the information that you must withhold.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Yen-Ha Le".

Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/nc

Ref.: ID# 123350

Encl: Marked documents

cc: Mr. James M. Fortson & Ms. Teresa A. Fortson  
3865 Weatherford Highway.  
Cleburne, Texas 76031  
(w/o enclosures)