



July 19, 1999

Mr. Donald L. Little
Chief of Police
City of Deer Park
P.O. Box 700
Deer Park, Texas 77536

OR99-2012

Dear Mr. Little:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 126733.

The City of Deer Park Police Department received a request for information concerning a certain individual. You represent that the requestor is a representative of the Deer Park Independent School District. You express concern that the release of a particular document would violate the common-law privacy rights of the author of the document.

Section 552.101 of the Government Code excepts from required public disclosure information considered to be confidential by law, including information made confidential by judicial decision. This exception applies to information made confidential by 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). Information may be withheld under section 552.101 in conjunction with the common-law right to privacy if the information contains highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person and if the information is of no legitimate concern to the public. *See Industrial Found.* Under this test, we consider the information at issue to be protected from disclosure to the public. However, invasion of the privacy interest protected by the common-law right to privacy requires that publicity be given to the private affairs of an individual. *Id.* at 683. We do not consider a release to another governmental body to be a release to the public. As you represent that the requestor seeks the information in his capacity as a Deer Park Independent School District representative, we therefore conclude that the release to the requestor in this instance does not constitute an invasion of the common-law tort of invasion of privacy. *See also* Attorney General Opinion H-917 at 1 (1976) (interagency transfer of private information does not destroy its confidential character).

We are resolving this matter with this 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 may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Kay H. Hastings
Assistant Attorney General
Open Records Division

KHH/eaf

Ref.: ID# 126773

Encl. Submitted documents

cc: Mr. Don Dean
203 Ivy Street
Deer Park, Texas 77536
(w/o enclosures)