



October 15, 1999

Mr. Steven D. Monté
Assistant City Attorney
City of Dallas
2014 Main Street, Room 206
Dallas, Texas 75201

OR99-2967

Dear Mr. Monté:

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#128901.

The City of Dallas (the "city") received a request for several specific police reports. You state that two of the requested reports involve allegations of sexual assault. You assert that the complainants' identities and a detailed description of the offense are excepted from required public disclosure based on section 552.101 of the Government Code in conjunction with the common-law right to privacy.

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 id.*

Information that either identifies or tends to identify a victim of sexual assault is protected from public disclosure based on the common-law right to privacy. *See Open Records Decision Nos. 393 (1983), 339 (1982)*. We conclude that the city must not release to the public any information that furnishes a basis for identification of the victim. The remaining information must be released. We have marked the documents accordingly.

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/nc

Ref.: ID# 128901

Encl. Marked documents

cc: Mr. Derek Carrillo
509 Anthony Drive
Evless, Texas 76039
(w/o enclosures)