



November 15, 1999

Mr. Steven D. Monté
Assistant City Attorney
Criminal Law and Police Division
Office of the City Attorney
City Hall
Dallas, Texas 75201

OR99-3239

Dear Mr. Monté:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128799.

The City of Dallas Police Department (the "department") received a request for a copy of service report #0498564-H. You assert that the requested information is excepted from disclosure based on common law privacy under section 552.101. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision. Section 552.101 also encompasses the doctrine of common-law privacy. Information must be withheld from disclosure under section 552.101 in conjunction with the common-law right to privacy if (1) the information contains highly intimate or embarrassing facts the release of which would be highly objectionable to a reasonable person, and (2) the information is not of legitimate concern to the public. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 683-85 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). In Open Records Decision No. 339 (1982), we concluded that a sexual assault victim has a common-law privacy interest which prevents the disclosure of information that would identify her/him. We conclude that the department must withhold information identifying sexual assault victims from disclosure under section 552.101 of the Government Code above, the remaining information must be released.

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,

A handwritten signature in black ink, appearing to read "Rose-Michel Munguía". The signature is fluid and cursive, with a large initial "R" and "M".

Rose-Michel Munguía
Assistant Attorney General
Open Records Division

RMM/ch

Ref: 128799

Encl. Submitted documents

cc: Mr. Richard Riddle
Investigative Research Associates
P.O. Box 832947
Richardson, Texas 75083-2947
(w/o enclosures)