



December 30, 1999

Ms. Pamela Wolek
Assistant City Attorney
City of Amarillo
P.O. Box 1971
Amarillo, Texas 79105-1971

OR99-3826

Dear Ms. Wolek:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130952.

The Amarillo Police Department (the “department”) received a request for “the name of the man who threatened to jump from a overpass in Amarillo recently.” You contend that the requested information¹ is excepted from disclosure pursuant to, *inter alia*, section 552.101 of the Government Code in conjunction with the common-law right of privacy.

Section 552.101 of the Government Code protects “information considered to be confidential by law, either constitutional, statutory, or by judicial decision,” including 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.

¹Although you also contend that the entire police incident report pertaining to this matter is also protected from public disclosure, we address here the public nature of only that information specifically sought by the requestor.

In *Industrial Foundation*, the Texas Supreme Court specifically held that information that relates to attempted suicide is intimate and embarrassing. *Indus. Found.*, 540 S.W.2d at 683; *see also* Open Records Decision Nos. 422 (1984), 343 (1982). Further, in this instance, this office can discern no legitimate public interest in the disclosure of the name of the individual involved in this incident. Accordingly, we concluded that the requested information is protected by common-law privacy and must be withheld from disclosure pursuant to section 552.101.²

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

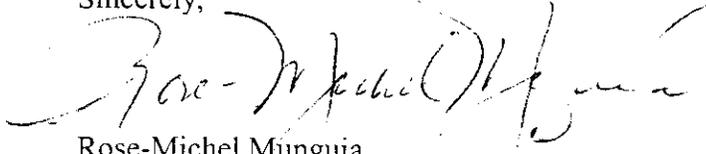
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

²Because we resolve your request under section 552.101, we need not address your other arguments for non-disclosure.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "Rose-Michel Munguia". The signature is fluid and cursive, with the first name "Rose" being particularly prominent.

Rose-Michel Munguia
Assistant Attorney General
Open Records Division

RMM/RWP/jc

Ref: ID# 130952

Encl. Submitted documents

cc: Ms. Cynthia Puckett
3612 Lenwood Drive
Amarillo, Texas 79109-4612
(w/o enclosures)