



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 1, 2009

Mr. Mack Reinwand
Assistant City Attorney
Arlington Police Department-Legal Division
P.O. Box 1065
Arlington, Texas 76004-1065

OR2009-05807

Dear Mr. Reinwand:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 341515 (Police Dept. Reference No. 2009-02-040).

The Arlington Police Department (the "department") received a request for two specified police reports. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

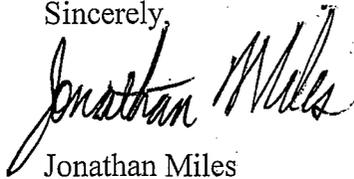
Section 552.101 of the Government Code excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses the doctrine of common-law privacy. Common-law privacy protects information if (1) the information contains highly intimate or embarrassing facts, the publication 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, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). The types of information considered intimate and embarrassing by the Texas Supreme Court in *Industrial Foundation* included information relating to sexual assault, pregnancy, mental or physical abuse in the workplace, illegitimate children, psychiatric treatment of mental disorders, attempted suicide, and injuries to sexual organs. *Id.* at 683. Generally, only highly intimate information that implicates the privacy of an individual is withheld. However, in certain circumstances, where it is demonstrated that the requestor knows the identity of the

individual involved, as well as the nature of certain reports, the entire report must be withheld to protect the individual's privacy. Here, although you seek to withhold the submitted reports in their entireties, you have not demonstrated, nor does it otherwise appear, this is a situation where the entirety of the submitted information must be withheld on the basis of common-law privacy. However, we do find the submitted reports contain information that is highly intimate or embarrassing and not a matter of legitimate public interest. Thus, the department must withhold the information we have marked pursuant to section 552.101 in conjunction with common-law privacy. The remaining information must be released.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Jonathan Miles
Assistant Attorney General
Open Records Division

JM/eeg

Ref: ID# 341515

Enc. Submitted documents

c: Requestor
(w/o enclosures)