



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 29, 2009

Ms. Katie Lentz  
Open Records  
Williamson County Sheriff's Office  
508 South Rock Street  
Georgetown, Texas 78626

OR2009-10514

Dear Ms. Lentz:

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# 350454.

The Williamson County Sheriff's Office (the "sheriff") received a request for reports concerning three specified incidents. You claim that the submitted 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.

Initially, we note the requestor agreed to exclude Texas driver's license, license plate, and vehicle identification numbers and social security numbers from the request. Thus, any driver's license, license plate, and vehicle identification numbers and social security numbers within the submitted documents are not responsive to the present request for information and the sheriff need not release this information to the requestor in response to the request.

We will now address your argument against disclosure of the submitted reports. Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section 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. *Indus. Found. v.*

*Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). The type 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. 540 S.W.2d at 683. Upon review, we find that the information we have marked in the submitted documents and the information we have indicated in the submitted recordings is intimate or embarrassing and of no legitimate public concern; therefore, the sheriff must withhold this information under section 552.101 of the Government Code in conjunction with common-law privacy.

However, we note that the requestor may have a special right of access to this information. See Gov't Code § 552.023(a); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual or authorized representative asks governmental body to provide information concerning that individual). Section 552.023(a) provides that “[a] person or a person’s authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person’s privacy interests.” See *id.* Thus, if the requestor is the authorized representative of the individual whose privacy is implicated, the information we have indicated may not be withheld from this requestor under section 552.101 in conjunction with common-law privacy, and must be released to the requestor pursuant to section 552.023. In either case, the remaining information is not intimate or embarrassing and of no legitimate public concern. Therefore, the sheriff must release the remaining responsive information to the requestor.

In summary, (1) the sheriff need not release nonresponsive information in response to this request; and (2) to the extent the requestor is not the authorized representative of the individual whose privacy is implicated, the sheriff must withhold the information we have indicated under section 552.101 of the Government Code in conjunction with common-law privacy. We note, however, that if the sheriff lacks the technical capability to redact the information subject to common-law privacy in the submitted recordings, the sheriff must withhold the recordings in their entirety. See Open Records Decision No. 364 (1983). The remaining information must be released to the requestor.

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](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,

A handwritten signature in black ink, appearing to read "Chris Sterner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Christopher D. Sterner  
Assistant Attorney General  
Open Records Division

CDSA/eeg

Ref: ID# 350454

Enc. Submitted documents

c: Requestor  
(w/o enclosures)