



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

May 17, 2010

Ms. Linda Hight  
Records Coordinator  
Cleburne Police Department  
P.O. Box 677  
Cleburne, Texas 76033

OR2010-07027

Dear Ms. Hight:

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# 379777.

The Cleburne Police Department (the "department") received a request for information relating to a specified call number, including 911 audio. You state that some of the submitted information has been released. You claim that some of the remaining information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

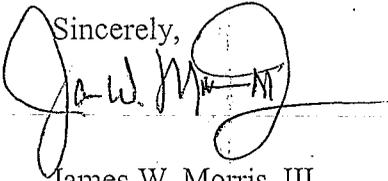
Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses common-law privacy, which protects information that is highly intimate or embarrassing, such that its release would be highly objectionable to a person of ordinary sensibilities, and of no legitimate public interest. *See Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). Common-law privacy encompasses the specific types of information that are held to be intimate or embarrassing in *Industrial Foundation*. *See id.* at 683 (information relating to sexual assault, pregnancy, mental or physical abuse in workplace, illegitimate children, psychiatric treatment of mental disorders, attempted suicide, and injuries to sexual organs). This office has determined that other types of information also are private under section 552.101. *See generally* Open Records Decision No. 659 at 4-5 (1999) (summarizing information attorney general has held to be private).

You contend that the highlighted portions of the submitted call report are protected by common-law privacy under section 552.101. You also seek to withhold the entire recording of the 911 call on that basis. Having reviewed the information at issue, we find that the highlighted portions of the call report are highly intimate or embarrassing and not a matter of legitimate public interest. We therefore conclude that the department must withhold that information under section 552.101 in conjunction with common-law privacy. Although we find that the 911 recording is not private in its entirety, we conclude that the same types of information you have highlighted in the call report must be redacted from the recording under section 552.101 and common-law privacy.<sup>1</sup> If the department lacks the technical means to redact information from the 911 recording, then the entire recording must be withheld. The rest of the submitted 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](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, toll free, at (888) 672-6787.

Sincerely,



James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/rl

Ref: ID# 379777

Enc: Submitted information

cc: Requestor  
(w/o enclosures)

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<sup>1</sup>The information that must be redacted from the 911 recording is located at the following time intervals: 00:07-00:09, 00:25-00:28, 0:59-1:01; 1:14-1:15, 1:16-1:17; 1:42-1:46, and 1:47-1:55.