



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 15, 2010

Ms. Heather Silver
Assistant City Attorney
Office of the City Attorney
City Hall
Dallas, Texas 75201

OR2010-18842

Dear Ms. Silver:

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# 403970.

The City of Dallas (the "city") received a request for the name, title, and salary of ten city employees with the Project Reconnect/Offender Re-entry Program who are paid through a specified fund, a "matrix of how the \$250,000 from general fund is scheduled to be spent[,] and a list of "all citizens helped through any program funded through Project Reconnect/Offender Re-entry Program" during a specified time period. You state the city will release some information to the requestor. You claim the submitted list of names 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 from disclosure "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, which protects information that (1) contains highly intimate or embarrassing facts, the publication of which would be highly objectionable to a reasonable person, and (2) 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 or 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. In addition, this office has found some kinds of medical information or information

indicating disabilities or specific illnesses are excepted from required public disclosure under common-law privacy. *See* Open Records Decision Nos. 470 (1987) (illness from severe emotional and job-related stress), 455 (1987) (prescription drugs, illnesses, operations, and physical handicaps).

You state the submitted information “consists of the requested ‘list of names of all citizens helped through any program funded through Project Reconnect/Offender Re-entry Program’” during the specified time period. You further inform us the Project Reconnect/Offender Re-entry Program “is for the formerly incarcerated person with a history of substance abuse, diagnosed mental illness, and/or diagnosed with HIV/AIDS.” Based on your representations, we agree the submitted information is highly intimate or embarrassing and not of legitimate public concern. Therefore, the city must withhold the submitted list of names under section 552.101 of the Government Code in conjunction with common-law privacy. As our ruling is dispositive, we need not consider your remaining argument against disclosure.

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, toll free, at (888) 672-6787.

Sincerely,



Mack T. Harrison
Assistant Attorney General
Open Records Division

MTH/em

Ref: ID# 403970

Enc. Submitted documents

c: Requestor
(w/o enclosures)