



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 14, 2011

Ms. T. Trisha Dang  
Assistant City Attorney  
City of Corpus Christi  
P.O. Box 9277  
Corpus Christi, Texas 78469-9277

OR2011-03463

Dear Ms. Dang:

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# 411160.

The Corpus Christi Police Department (the "department") received a request for reports involving the requestor and another named individual related to two specified incidents. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.130 of the Government Code. We have considered the exceptions 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. *See Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be established. *See id.* at 681-82. The types 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. Further, this office has found that some kinds of medical information or

information indicating disabilities or specific illnesses also are protected 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). Generally, only highly intimate or embarrassing information implicating the privacy of an individual is withheld. However, in certain situations where the requestor knows the identity of the individual involved, as well as the nature of certain incidents, an entire report must be withheld to protect the individual's privacy. In this instance, the requestor indicates that she knows the individual named and the circumstances surrounding the incident in case 02-069734. Accordingly, we find the report related to case 02-069734 must be withheld in its entirety under section 552.101 of the Government Code in conjunction with common-law privacy. Additionally, we find the information you have marked in the report related to case 03-062052 is highly intimate or embarrassing information that is of no legitimate concern to the public. Accordingly, the information you have marked under common-law privacy in this report must be withheld under section 552.101 of the Government Code on that basis.

Section 552.130 excepts from disclosure information related to a motor vehicle operator's or driver's license or permit issued by an agency of this state or a motor vehicle title or registration issued by an agency of this state. *See* Gov't Code § 552.130(a)(1), (2). We note you have marked a license plate number that relates to a vehicle owned by the requestor. Because section 552.130 protects personal privacy, we find the requestor in this case has a right of access to this information under section 552.023 of the Government Code. *See id.* § 552.023(a), (b) (individual has special right of access to information that relates to herself and is protected by laws intended to protect her privacy interests, and governmental body may not deny access on ground that information is considered confidential by privacy principles); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning herself). Accordingly, the department may not withhold the license plate number you have marked under section 552.130 of the Government Code.

In summary, the department must withhold the report related to case 02-069734 in its entirety under section 552.101 of the Government Code in connection with common-law privacy. The department must withhold the information you have marked pursuant to common-law privacy in the report related to case 03-062052 under section 552.101 of the Government Code. The remaining information must be released.<sup>1</sup>

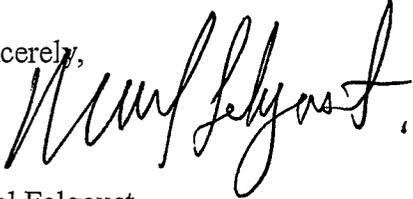
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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<sup>1</sup>Because the requestor has a special right of access to information being released in this instance, the department must again seek a ruling from this office if it receives another request for this same information from a different requestor.

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,

A handwritten signature in black ink, appearing to read "Neal Falgoust". The signature is written in a cursive style with a large initial "N".

Neal Falgoust  
Assistant Attorney General  
Open Records Division

NF/dls

Ref: ID# 411160

Enc. Submitted documents

c: Requestor  
(w/o enclosures)