



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 8, 2012

Mr. Steven Meyer
Assistant City Attorney
Legal Division
Arlington Police Department
P.O. Box 1065, Mail Stop 04-0200
Arlington, Texas 76004-1065

OR2012-17996

Dear Mr. Meyer:

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# 471259 (Reference No. 8838-082712).

The Arlington Police Department (the "department") received a request for information related to a specified case number. You state some of the requested information either has been or will be released. You claim 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 information you submitted.

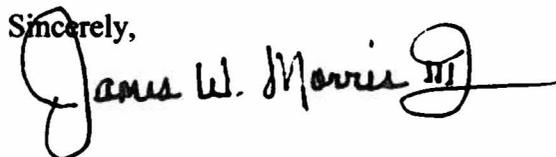
Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You claim section 552.101 in conjunction with common-law privacy, which protects information that is highly intimate or embarrassing, 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). We note that because privacy is a personal right that lapses at death, a deceased individual has no common-law right to privacy. *See Moore v. Charles B. Pierce Film Enters. Inc.*, 589 S.W.2d 489 (Tex. Civ. App.—Texarkana 1979, writ ref'd n.r.e.); *Justice v. Belo Broadcasting Corp.*, 472 F. Supp. 145 (N.D. Tex. 1979); Attorney General Opinions JM-229 (1984); H-917 (1976); Open Records Decision No. 272 (1981). In this instance, the submitted information involves an individual who died of injuries suffered in the accident to which the information pertains. We therefore conclude the department may not withhold any of the submitted information under section 552.101 of the Government Code in conjunction with common-law privacy.

We note the submitted information includes driver's license or personal identification numbers. Section 552.130 of the Government Code excepts from disclosure information related to a motor vehicle operator's or driver's license or permit or a personal identification document issued by an agency of this state or another state or country or a local agency authorized to issue an identification document.¹ See Gov't Code § 552.130(a)(1), (3). The city must withhold the driver's license or personal identification number we have marked under section 552.130 of the Government Code. Because section 552.130 protects personal privacy, the deceased individual's driver's license or personal identification number may not be withheld under this exception. Therefore, except for the information we have marked to be withheld under section 552.130, 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, 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/bhf

Ref: ID# 471259

Enc: Submitted documents

c: Requestor
(w/o enclosures)

¹This office will raise section 552.130 on behalf of a governmental body, as this section is a mandatory exception to disclosure. See Gov't Code §§ 552.007, .352, Open Records Decision No. 674 at 3 n.4 (2001) (mandatory exceptions).