



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 18, 2012

Mr. Ronald J. Bounds  
Assistant City Attorney  
City of Corpus Christi  
P.O. Box 9277  
Corpus Christi, Texas 78469-9277

OR2012-20358

Dear Mr. Bounds:

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# 474161 (CCPD# MLos1).

The Corpus Christi Police Department (the "department") received a request for information related to specified incidents involving the requestor's adult daughter. You claim that portions of the submitted information are 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. This section 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 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 daughterren, psychiatric treatment of mental disorders, attempted suicide, and injuries to sexual organs. *Id.* at 683. Generally, only highly intimate information that implicates the privacy of an individual is withheld. However, in certain instances, where it is demonstrated the requestor knows the identity of the individual involved, as well as the nature of certain incidents, the entire report

must be withheld to protect the individual's privacy. In this instance, the requestor knows the identity of the individual involved as well as the nature of the information in case number 1208010137. Therefore, withholding only the individual's identity or certain details of the incident from the requestor would not preserve the subject individual's common-law right of privacy. Additionally, we agree portions of case numbers 120160122 and 12400134 are highly intimate or embarrassing and not of legitimate public concern. Accordingly, the department must generally withhold case number 1208010137 in its entirety and the marked information in case numbers 120160122 and 12400134 under section 552.101 of Government Code in conjunction with common-law privacy.

However, we note the requestor is the parent of one of the adult individuals whose privacy interests are at issue. Further, one of the submitted reports lists the requestor as a "guardian" of her daughter. Thus, the requestor may be the authorized representative of this individual, and may have a right of access to information pertaining to that individual that would otherwise be confidential under common-law privacy. See Gov't Code § 552.023(a) ("person's authorized representative has special right of access, beyond right of general public, to information held by governmental body that relates to person and that is protected from public disclosure by laws intended to protect that person's privacy interests"); Open Records Decision No. 481 at 4 (1987) (privacy theories not implicated when individual requests information concerning himself). To the extent the information you have marked, in addition to the information we have marked, pertains to the requestor's daughter and the requestor is acting as her daughter's authorized representative, it may not be withheld from the requestor under common-law privacy. *Id.* However, to the extent the marked information does not pertain to the requestor's daughter or the requestor is not acting as her daughter's authorized representative, the department must withhold the marked information under section 552.101 of the Government Code in conjunction with common-law privacy.

You state you will redact a driver's license number pursuant to section 552.130 of the Government Code. As noted, the requestor may be the authorized representative of the individual whose information is at issue and, in that event, would have a right of access to her daughter's driver's license number. See Gov't Code § 552.023; ORD 481. If the requestor is the individual's authorized representative, the department may not withhold the information you have marked under section 552.130. If the requestor is not the individual's authorized representative, the department must withhold the information you marked under section 552.130 of the Government Code.

In summary, to the extent the information you have marked, in addition to the information we have marked, pertains to the requestor's daughter and she is acting as her daughter's authorized representative, it may not be withheld from the requestor under common-law privacy. However, to the extent the marked information does not pertain to the requestor's daughter or the requestor is not acting as her daughter's authorized representative, the department must withhold the marked information under section 552.101 of the Government Code in conjunction with common-law privacy. If the requestor is the individual's

authorized representative, the department may not withhold the information you have marked under section 552.130 of the Government Code. However, if the requestor is not the individual's authorized representative, the department must withhold the information you have marked under section 552.130 of the Government Code. The remaining 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,



Vanessa Burgess  
Assistant Attorney General  
Open Records Division

VB/dls

Ref: ID# 474161

Enc. Submitted documents

c: Requestor  
(w/o enclosures)