



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 14, 2013

Mr. C.E. Cox  
Lieutenant  
Administrative Services  
Bell County Sheriff's Office  
104 South Main Street  
Belton, Texas 76513

OR2013-00785

Dear Mr. Cox:

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# 475887.

The Bell County Sheriff's Office (the "sheriff's office") received a request for a specified report involving a named individual. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.108 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. This section encompasses the doctrine of common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person and (2) not of legitimate concern to the public. *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 demonstrated. *See id.* at 681-82. The type of information considered highly 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. Generally, only highly intimate information implicating the privacy of an individual is withheld. However, in certain situations where the requestor knows the

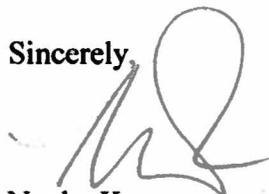
identity of the individual involved, as well as the nature of certain incidents, information must be withheld in its entirety to protect the individual's privacy.

In this instance, the request reveals the requestor knows the identity of the individual involved in the submitted report but not the nature of the incident at issue. However, you copied the requestor on your brief to this office, and that brief reveals the nature of the private information at issue.<sup>1</sup> Therefore, withholding only certain details of the incident from the requestor would not preserve the subject individual's common-law right of privacy. Accordingly, the sheriff's office must withhold the submitted information in its entirety under section 552.101 of the Government Code in conjunction with common-law privacy.<sup>2</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.

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,



Nneka Kanu  
Assistant Attorney General  
Open Records Division

NK/bhf

Ref: ID# 475887

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup>In the future, the sheriff's office should redact such information from its brief before sending a copy to the requestor. See Gov't Code §§ 552.301(e-1), .352(a) (person commits offense if person distributes information confidential under the Act).

<sup>2</sup>As our ruling is dispositive, we need not address your remaining argument against disclosure of the submitted information.