



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

February 12, 2013

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

OR2013-02463

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# 478808 (CCPD File Number: WDav1).

The Corpus Christi Police Department (the "department") received a request for a specified police report and the statements of three named individuals. You state the department has made available to the requestor some of the requested information. You claim that 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 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 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. Additionally, this office has found some kinds of medical information or information indicating disabilities or specific illnesses are generally highly intimate or embarrassing. See Open Records Decision Nos. 470 (1987) (illness from severe emotional and job-related stress), 455 (1987) (prescription drugs, illnesses, operations, and physical handicaps). Upon review, we find the information we have indicated on the submitted audio recording is highly

intimate or embarrassing and of no legitimate public interest. Therefore, this information must be withheld under section 552.101 in conjunction with common-law privacy. However, we note the public has a legitimate interest in knowing the general details of a crime. See generally *Lowe v. Hearst Communications, Inc.*, 487 F.3d 246, 250 (5th Cir. 2007) (noting a “legitimate public interest in facts tending to support an allegation of criminal activity” (citing *Cinel v. Connick*, 15 F.3d 1338, 1345-46 (1994)); *Houston Chronicle*, 531 S.W.2d 177, 186-187 (public has legitimate interest in details of crime and police efforts to combat crime in community). Thus, we find the remaining information is not highly intimate or embarrassing information of no legitimate public concern, and the department may not withhold any of the remaining information under section 552.101 in conjunction with common-law privacy.

You claim the department lacks the technical capability to redact the information at issue from the submitted audio recordings. However, because the department had the ability to copy the submitted audio recording in order to submit the requested information for our review, we believe the department has the capability to produce a copy of only the non-confidential portions of the submitted audio recording. Therefore, we find the department must withhold the information in the audio recording we have indicated under section 552.101 of the Government Code in conjunction with common-law privacy. The department must release remaining information in the audio recordings.

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,



Jeffrey W. Giles
Assistant Attorney General
Open Records Division

JWG/dls

Ref: ID# 478808

Enc. Submitted documents

c: Requestor
(w/o enclosures)