



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 9, 2019

Ms. Nena Chima-Tetteh
Assistant City Attorney
Arlington Police Department
Mail Stop 04-0200
PO Box 1065
Arlington, Texas 76004-1065

OR2019-34551

Dear Ms. Chima-Tetteh:

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# 808678 (ORR 90459).

The Arlington Police Department (the "department") received a request for the arrest affidavit pertaining to a named individual. You claim some of 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.

Initially we note the requestor seeks only the arrest affidavit pertaining to the named individual. Accordingly, the remaining information is not responsive to the request for information, and the department need not release it in response to this request.

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 of the Government Code also 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 satisfied. *Id.* at 681-82. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in

Industrial Foundation. Id. at 683. Upon review, we find the department has failed to demonstrate any portion of the responsive information is highly intimate or embarrassing and of no legitimate public interest. Therefore, the department may not withhold any portion of the responsive information under section 552.101 of the Government Code in conjunction with common-law privacy. As it raises no other exceptions to disclosure, the department must release the responsive information.

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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Jesse Harvey
Assistant Attorney General
Open Records Division

JHI/eb

Ref: ID# 808678

Enc. Submitted documents

c: Requestor
(w/o enclosures)