



December 4, 2025

SENT VIA E-FILING

Office of the Attorney General
Attention: Open Records Division MC-014
P. O. Box 12548
Austin, Texas 78711-2548

Re: Public Information Request: G034926-111725

Dear Attorneys General:

The City of Georgetown (the “City”) received a clarified Public Information Act Request on November 18, 2025. A copy of the Request is attached as Exhibit A. Please note City offices were closed November 27th and 28th in observance of the Thanksgiving Holiday. The Requestor has requested “[a] list of all open records requests (also known as public information requests) submitted to Georgetown, Texas and its departments” from “January 1, 2025 to the date a search is conducted.” The City seeks a determination as to the applicability of the Act to the material responsive to the Request. Representative samples of each exception is attached as Exhibit B.

Government Code Section 552.101 and Common-Law Privacy– Insurance Carrier

The City believes that some of the information contained in Exhibit B is exempt from disclosure pursuant to Section 552.101 of the Government Code together with common-law privacy. Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” *Id.* § 552.101. Section 552.101 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). The Attorney General has concluded personal financial information not relating to a financial transaction between an individual and a governmental body is generally highly intimate or embarrassing, including a person’s choice of insurance carrier. *See* Open Records Decision Nos. 600 (1992). Therefore, because Exhibit B contains insurance carrier selections, the City believes this information must be withheld.

Government Code Section 552.101 and Common-Law Privacy– Sexual Assault Victim

The City believes some of the information identified in Exhibit B are exempt from disclosure under Section 552.101 of the Government Code in conjunction with the common-law right of privacy. Common-law privacy protects information that (1) is highly intimate or embarrassing such that its release would be highly objectionable to a reasonable person, and (2) is not of legitimate public concern. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685

(Tex. 1976). The Attorney General has long recognized that information relating to serious sexual offenses implicates common-law privacy. See Open Records Decision No. 339 at 2 (1982) (“it is clear that a detailed description of an incident of aggravated sexual abuse raises an issue of common-law privacy”). The Attorney General has further determined that “common-law privacy permits the withholding of the name of every victim of a serious sexual offense,” including rape or attempted rape. *Id.* Thus, the City must withhold not only the names of victims, but also “other information that might furnish a basis for identification of the victim[s].” *Id.* at 3.

The Attorney General has also concluded that when identifying information is inextricably intertwined with otherwise releasable information, the governmental body must withhold the entire record. Open Records Decision No. 393 at 2 (1983); see also Open Records Decision No. 339 (1982); *Morales v. Ellen*, 840 S.W.2d 519 (Tex. App.—El Paso 1992, writ denied) (identities of witnesses to and victims of sexual harassment are highly intimate or embarrassing and of no legitimate public interest); Open Records Decision No. 440 (1986) (detailed descriptions of serious sexual offenses must be withheld).

Additionally, the names of witnesses and their detailed statements must be withheld when such information would identify a victim of sexual harassment or assault, as the public does not have a legitimate interest in this information. *Morales*, 840 S.W.2d at 524–25. Here, certain portions of the requested records contain information that identifies, or could identify, victims and/or witnesses of sexual harassment or assault. Accordingly, the City believes such information must be withheld under Section 552.101 and common-law privacy.

Government Code 552.101 and Family Code Section 261.201

The City believes some of the information identified in Exhibit B is confidential under Section 552.101 of the Government Code in conjunction with Section 261.201 of the Family Code. Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Tex. Gov’t Code § 552.101. Section 552.101 encompasses information other statutes make confidential, such as Section 261.201 of the Family Code.

Section 261.201(a) makes confidential the “report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and [e]xcept as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.” Family Code § 261.201(a)(1) &(2). “Abuse” includes physical injury, as well as mental or emotional injury, or even “causing or permitting the child to be in a situation in which the child sustains mental or emotional injury.” Family Code § 261.001(1). This confidential information may only be released “for purposes consistent with the [Family Code] and applicable federal or state law or rules adopted by an investigating agency.” Family Code § 261.201(a).

The Family Code makes an exception to disclosure under Family Code Section 261.201(k). Family Code Section 261.201(k) creates a special right of access to information otherwise confidential under Section 261.201(a) for a “parent, conservator, or other legal representative of a

child who is the subject of reported abuse or neglect...” Family Code § 261.201(k).

In this case, the City believes some of the responsive information was used or developed in the investigation of alleged or suspected child abuse under Chapter 261 of the Family Code. Therefore, a portion of the City’s responsive information is confidential pursuant to Family Code Section 261.201(a). Also, the Requestor is not the parent, conservator, or legal representative of a child subject to the abuse. The City does not believe it can release the requested information to the Requestor.

Government Code 552.101 and Family Code Section 58.008(b)

The City believes some of the information identified in Exhibit B is confidential and exempted from disclosure pursuant to Family Code Section 58.008(b). Section 552.101 also encompasses information other statutes make confidential, such as Section 58.008 of the Family Code. Section 58.008 provides, in part, that law enforcement records concerning a child may not be disclosed to the public.

Some of the information contained in Exhibit B includes allegations of a child engaging in delinquent conduct or a child in need of supervision pursuant to Section 58.008 of the Family Code. Section 58.008(b) prohibits these records from being disclosed to the public. The Requestor does not have the requisite right of access under Section 58.008(d). Section 58.008(d) states:

Law enforcement records concerning a child may be inspected or copied by:

- (1) a juvenile justice agency, as defined by Section 58.101;
- (2) a criminal justice agency, as defined by Section 411.082, Government Code;
- (3) the child;
- (4) the child’s parent or guardian; or
- (5) the chief executive officer or the officer’s designee of a primary or secondary school where the child is enrolled only for the purpose of conducting a threat assessment or preparing a safety plan related to the child.

Tex. Fam. Code § 58.008(d).

Here, the Requestor is not the child nor the child’s parent or guardian. Therefore, the City does not believe it can release the records to the Requestor and the records should be withheld in their entirety. *See also* Tex. Att’y Gen. Op. OR2021-04347 (2021) (where the requestor is the parent of the victim pursuant to Section 261.201 but not the parent of the child alleged to have committed delinquent conduct, the records must be withheld in their entirety).

Government Code Section 552.101 and Common-Law Privacy– Suicide

The City believes that certain information contained in Exhibit B is exempt from disclosure pursuant to Section 552.101 of the Government Code together with 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).

Information contained in an incident report might raise a claim of common law privacy if it relates to emotional/mental distress. Open Records Decision No. 262 (1980); *See also* Open Records Decision No. 422 (1984). Some of the details of the requested information contained in Exhibit “B” relate to emotional/mental distress and are highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person. Furthermore, the information evidencing emotional/mental distress is of no legitimate concern to the public. Attempted suicide is not a crime in Texas, so the subject of the incident report should be treated akin to a medical patient or the victim of a crime. *See* Open Records Decision No. 422 (1984).

Government Code Section 552.101 and Common-Law Privacy – Protected Health Information

The City believes that some of the information contained in Exhibit B is also exempted from disclosure because the information is confidential pursuant to Government Code Section 552.101 in conjunction with common-law privacy and the United States Constitution. In this case, information that is intimate or embarrassing and in which the public has no legitimate interest is protected from required public disclosure under Texas common law. *See Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976); *Morales v. Ellen*, 840 S.W.2d 519 (Tex. App.--El Paso 1992, writ denied). “Moreover, the [Texas Public Information Act] protects information deemed confidential under the United States Constitution. Under Texas law, individuals have ‘the right to be free from the government disclosing private facts about its citizens and from the government inquiring into matters in which it does not have a legitimate and proper concern.’ Information regarding an individual’s illnesses or operations, physical handicaps, and use of prescription drugs is intimate personal information that is protected from required public disclosure under the PIA.” Tex. Att’y Gen. ORD 681 (2004) (citations omitted).

Also, Section 552.002(d) exempts protected health information (PHI), as defined by Section 181.006, Health and Safety Code, from disclosure under the Public Information Act. PHI includes individually identifiable health information that relates to a present health condition and “a covered entity that is a governmental unit, an individual’s protected health information: (1) includes any information that reflects that an individual received health care from the covered entity[.]” Tex. Health & Safety Code § 181.006(1).

Because the requestor seeks all public information requests for 2025, some of the responsive communications include content falling within this exception. The City believes that some of the information identified in Exhibit B is protected under common-law privacy because it contains protected health care information, information regarding an individual’s illnesses or operations, physical handicaps, and use of prescription drugs, and disclosure would be highly objectionable to a reasonable person. Further, the information is not of concern to the public.

Government Code § 552.137 - Members of the Public Email Addresses

The City believes that some of the information contained in Exhibit B is excepted from disclosure as confidential information pursuant to Government Code Section 552.137(a). In this case, the City does not have consent to release the identified email addresses nor, to the City’s knowledge, do the email addresses fit the confidentiality exclusions listed in Section 552.137(c). The City therefore believes the email addresses identified in Exhibit B is exempt from disclosure.

Government Code Section 418.181 – Texas Homeland Security Act

The City also believes that records at Exhibit B are exempt from disclosure pursuant to Government Code Section 552.101, together with the Homeland Security Act. Section 418.181 of the Government Code provides “[t]hose documents or portions of documents in the possession of a governmental entity are confidential if they identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism.” *Id.* § 418.181.

Some of the responsive information contains detailed descriptions of critical infrastructure systems within the City, including technical information related to utility, drainage, public safety, and other essential services. Disclosure of such information could reveal specific vulnerabilities that might be exploited to disrupt or disable electrical, water, wastewater, stormwater, or emergency response systems. The release of these details could therefore compromise the safety and security of facilities essential to public health, safety, and continuity of government operations.

In addition, certain responsive records pertain to public facilities that, by their nature or function, are more susceptible to criminal activity or acts of terrorism. Releasing technical or operational details about these facilities could provide individuals intent on causing harm with information necessary to interfere with or debilitate critical systems, resulting in public safety risks, public health impacts, and potential financial consequences for the City and its residents.

For these reasons, the City believes that some of the information identified in Exhibit B is confidential under Government Code Section 418.181 and must be withheld.

Informer’s Privilege

The City believes that some of the information contained in Exhibit B is exempt from disclosure pursuant to Section 552.101 of the Government Code together with Texas Rule of Evidence 508, Informer’s Identity Privilege. 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. Texas courts have long recognized the common-law informer’s privilege. *See Aguilar v. State*, 444 S.W.2d 935, 937 (Tex. Crim. App. 1969). The informer’s privilege protects from disclosure the identities of persons who report activities over which the City has enforcement authority. *See Open Records Decision No. 208 at 1-2 (1978)*. Here, the City seeks an exemption from disclosure of certain information identified in Exhibit B where identities of informers are provided.

Government Code Section 101 and Common Law Privacy – Mental Health

The City believes that some of the information contained in Exhibit B is exempt from disclosure pursuant to Section 552.101 of the Government Code together with 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).

Information contained in a report might raise a claim of common law privacy if it relates to emotional/mental distress. *Open Records Decision No. 262 (1980)*; *See also Open Records Decision No. 422 (1984)*. Some of the details of the requested information contained in Exhibit B

relate to emotional/mental distress and other medical conditions that may exist, all of which, if released, would reveal highly intimate or embarrassing information. In addition to references to such distress, the requested information includes references to emotional and mental distress, and the publication would be highly objectionable to a reasonable person.

Furthermore, this information evidencing emotional/mental distress or other medical conditions is of no legitimate concern to the public. The Requestor has not demonstrated a right of access to the protected information.

In addition, the City believes that some of the information contained in Exhibit B is exempt from disclosure pursuant to Section 552.101 of the Government Code together with common-law privacy, as medical information. Types of information considered intimate and embarrassing by the Texas Supreme Court are delineated in *Industrial Foundation*. *Id.* at 683. In addition, the Office of the Attorney General has concluded some kinds of medical information are generally highly intimate or embarrassing. *See* Open Records Decision No. 455 (1987). The specific information identified in Exhibit B as medical information is protected under common-law privacy.

Thank you for your attention to this matter. The City looks forward to receiving your response to its request for a determination regarding this Request.

Sincerely,

Lyndsay M. Lujan

Lyndsay M. Lujan
Senior Assistant City Attorney

Attachments: Exhibit A: Public Information Act Request
Exhibit B: Requested Information

cc (w/o attachments): Requestor