



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 22, 1995

Mr. Gary W. Smith
City Attorney
City of Greenville
P.O. Box 1049
Greenville, Texas 75403-1049

OR95-829

Dear Mr. Smith:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 34421.

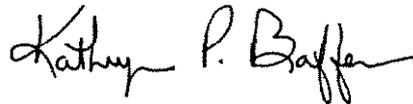
The City of Greenville (the "city") received an open records request for a copy of the requestor's police and arrest report dated November 6, 1994. You state that the city is releasing all of the requested information except the documents reflecting the criminal history of the requestor. You state that the documents reflecting the requestor's criminal history were obtained through the Texas Crime Information Center from National Crime Information Center. You contend that since the requestor is not authorized to receive the information under the applicable federal statute that the criminal history information is excepted from required public disclosure pursuant to section 552.101 of the Government Code. You have submitted for our review the documents that you are releasing to the requestor as well as the documents that you contend are excepted from required public disclosure.

Section 552.101 excepts from required public disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision. As you assert, the submitted documents include criminal history record information generated by the National Crime Information Center. Section 534 of Title 28 of the United States Code provides for the exchange of criminal history information among "authorized officials of the Federal Government, the States, cities, and penal and other institutions." *Open Records Decision No. 565 (1990) at 10.* Section 534(b) provides that the FBI's exchange of criminal history information with any other agency is subject to cancellation "if dissemination is made outside the receiving departments or related agencies." *Id.*

Title 28, part 20 of the Code of Federal Regulations governs the release of criminal history records information which states obtain from the federal government or other states. Open Records Decision No. 565 (1990). Any criminal history record information data that was generated by the federal government or another state may not be made available to the requestor by the city except in accordance with federal regulations. See Open Records Decision No. 565 (1990) at 10-12. The city must therefore withhold the criminal history records information generated by the National Crime Information Center pursuant to section 552.101 of the Government Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kathryn P. Baffes
Assistant Attorney General
Open Government Section

KPB/RHS/rho

Ref: ID# 34421

Enclosures: Submitted documents

cc: Mr. Thomas Leslie Cooper
Route 3, Box 32Y3
Greenville, Texas 75401
(w/o enclosures)