



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 21, 1997

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

OR97-0894

Dear Mr. Smith:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 106228.

The City of Greenville (the "city") received a request for all offense reports concerning a particular individual. You submitted a representative sample of the requested information.¹ You raise sections 552.101 and 552.108 of the Government Code as exceptions to the required public disclosure of the requested information.

Section 552.101 of the Government Code exempts from required public disclosure information that is confidential by law. This exception applies to information made confidential by the common-law right to privacy. *Indus. Found. of the S. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). The city's compiling and subsequent release of an individual's criminal history results in the violation of that individual's privacy interests. *See United States Dep't of Justice v. Reporters Committee for Freedom of the Press*, 489 U.S. 749 (1989). Therefore, the city must not release to the requestor all compilations of the referenced individual's criminal history. Gov't Code § 552.101.

¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Kay Guajardo".

Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 106228

Enclosures: Submitted documents

cc: Ms. Linda Blunt
Route 1 Box 540
Commerce, Texas 75428
(w/o enclosures)