



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 10, 1997

Ms. Leah Curtis Morris
Attorney at Law
2708 Washington Street
Greenville, Texas 75401

OR97-2016

Dear Ms. Curtis:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 108528.

The Greenville Police Department, which you represent, received a request for information concerning drug or DWI arrests of a particular individual that have occurred within the past four years. Information responsive to the request was submitted to this office. You assert that some of the submitted information is criminal history record information ("CHRI") that is protected from disclosure under either section 552.101 or 552.108 of the Government Code. You also assert that some information which you have highlighted is excepted from disclosure pursuant to section 552.117 of the Government Code.

Section 552.101 applies to information that is made confidential by law, including information made confidential by statute or judicial decision. Section 411.083 of the Government Code deems confidential CHRI that the Department of Public Safety (the "DPS") maintains, except that the DPS may disseminate such records as provided in chapter 411, subchapter F of the Government Code. *See also* Gov't Code § 411.087 (entities authorized to obtain information from DPS are authorized to obtain similar information from any other criminal justice agency; restrictions on disclosure of CHRI obtained from DPS also apply to CHRI obtained from other criminal justice agencies). Sections 411.083(b)(1) and 411.089(a) authorize a criminal justice agency to obtain CHRI, however, a criminal justice agency may not release the information except to another criminal justice agency for a criminal justice purpose, *id.* § 411.089(b)(1). Other entities specified in Chapter 411 of the Government Code are entitled to obtain CHRI from DPS or another criminal justice agency; however, those entities may not release the information except as provided by Chapter 411. *See generally id.* §§ 411.090-.127. CHRI obtained from DPS or any other criminal justice agency must be withheld under section 552.101

of the Government Code in conjunction with Government Code chapter 411, subchapter F.¹ However, driving record information is not confidential under chapter 411. Gov't Code § 411.082(2)(B).

In *United States Department of Justice v. Reporters Committee For Freedom of the Press*, 489 U.S. 749 (1989), the United States Supreme Court concluded that where an individual's CHRI is compiled or summarized by a governmental entity, the information takes on a character that implicates an individual's right of privacy in a manner that the same individual records in an uncompiled state do not. When a request is for a compilation of arrest information on a specific individual, that information is CHRI that is generally protected from disclosure on the basis of privacy. See *United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989). We agree that the CHRI at issue is protected from disclosure under section 552.101.²

Section 552.117 of the Government Code protects from public disclosure a peace officer's home address, home telephone number, social security number, and information that reveals that the officer has family members. We agree that the information you have highlighted is protected from disclosure pursuant to section 552.117.

We are resolving this matter with an 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 should 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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

¹We note that Title 28, Part 20 of the Code of Federal Regulations governs the release of CHRI which states obtain from the federal government or other states. Open Records Decision No. 565 (1990). The federal regulations allow each state to follow its individual law with respect to CHRI it generates. *Id.* Thus, any CHRI generated by the federal government or another state may not be made available to the requestor except in accordance with federal regulations. See Open Records Decision No. 565 (1990).

²You also asserted that this information was protected from disclosure pursuant to section 552.108 of the Government Code. Since the information is confidential under section 552.101, we need not address your section 552.108 argument.

Enclosures: Submitted documents

Ref.: ID# 108528

cc: Ms. Katrina Caillet
9916 Belfort Drive
Frisco, Texas 75034
(w/o enclosures)

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