



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 18, 1998

Ms. Elizabeth Godwin  
Information Services Supervisor  
Friendswood Police Department  
109 Willowick Avenue  
Friendswood, Texas 77546-3898

OR98-0752

Dear Ms. Godwin:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 114054.

The Friendswood Police Department received a request for "all CAD sheets and/or police reports for police activity under the [specific] names and addresses." You contend that the "CAD sheets are excepted from disclosure because they contain personal information, including driver's license information and motor vehicle information." We have considered your arguments and reviewed the two documents at issue.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," including information protected by the common-law right of privacy. *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 683-85 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). We note that to the extent the requestor is asking for any unspecified records in which the named individuals are identified as a "suspect," the requestor, in essence, is asking that the department compile those individuals' criminal history. Where an individual's criminal history information has been compiled by a governmental entity, the information takes on a character that implicates the individual's right to privacy. *See United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989) (concluding that federal regulations which limit access to criminal history record information that states obtain from the federal government or other states recognize privacy interest in such information). Similarly, open records decisions issued by this office acknowledge this privacy interest. *See Open Records Decision Nos. 616 (1993), 565 (1990)*. The department, therefore, must withhold all compilations of the referenced individuals' criminal histories pursuant to section 552.101.

You have highlighted information on the two submitted documents that you contend is protected from disclosure. We assume that you intended to invoke section 552.130 of the Government Code for this information. Section 552.130 provides in relevant part:

(a) Information is excepted from the requirement of Section 552.021 if the information relates to:

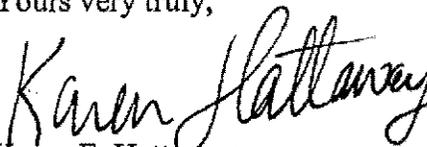
(1) a motor vehicle operator's or driver's license or permit issued by an agency of this state; [or]

(2) a motor vehicle title or registration issued by an agency of this state[.]

The highlighted information in the submitted documents is not protected by section 552.130. Nor are we aware of any other exception to disclosure that would protect this information. Thus, we conclude that the department must release this information to the requestor.

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 any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 114054

Enclosures: Submitted documents

cc: Mr. Michael Price  
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Friendswood, Texas  
(w/o enclosures)