



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 23, 1998

Captain Robert Taylor
Amarillo Police Department
200 E. 3rd
Amarillo, Texas 79101-1514

OR98-2284

Dear Captain Taylor:

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# 118438.

The Amarillo Police Department (the "department") received a request for "all records in your possession relating to Mark Edward Caylor; the requestor also seeks release of Incident Report number 98-53912. You state no objection to release of the requested incident report but contend that the remainder of the request constitutes a request for the compiled criminal history of the named individual and that this information is excepted from disclosure pursuant to section 552.101 of the Government Code. You have submitted the responsive information. We have considered the exception you urge and the submitted information.

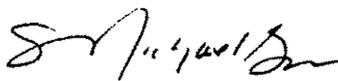
Initially, we note that section 552.101 excepts from required public disclosure information that is confidential by law and encompasses information protected under common-law privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). We agree that, to the extent that the requestor is asking for all records in which the named individual is identified as a "suspect," the requestor, in essence, is asking that the department compile that individual's 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 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 individual's criminal history pursuant to section 552.101.

We have reviewed the submitted documents and conclude that they constitute a compilation of the named individual's criminal history and as such must be withheld 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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 118438

Enclosures: Submitted documents

cc: Mr. Mark D. White
Sprouse, Smith & Rowley, P.C.
PNB Place
801 South Fillamore, Suite 600
Amarillo, Texas 79105-5008
(w/o enclosures)