



August 31, 1999

Mr. Joe F. Grubbs  
Ellis County & District Attorney  
Ellis County Courthouse  
101 West Main, 3<sup>rd</sup> Floor  
Waxahachie, Texas 75165-3759

OR99-2445

Dear Mr. Grubbs:

You have asked whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 126947.

The Ellis County District Attorney's Office received a request seeking "any and all documentation, records, or police reports, witness statements, investigations, internal affair(s) documents that is in your possession on Willie Armstrong, Louis Jones and Jason Bernard Thomas." It is our understanding from your letter that the Ennis Police Department received a copy of the same request. It is also our understanding that the requestor narrowed both of these requests to seek only information from June 1, 1997 to the date of the request. You assert that the information is protected from disclosure under section 552.108(a)(2) of the Government Code.

The compilation of all offense reports of a named individual, even for a restricted period of time, constitutes a criminal history record of that individual. Criminal history information ("CHRI") may be withheld from required public disclosure under common-law privacy if it meets the criteria articulated for section 552.101 of the Government Code by the Texas Supreme Court in *Industrial Foundation v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). 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 the individual's right of privacy in a manner that the same individual records in an uncompiled state do not. Based on *Reporters Committee*, this office has concluded that a request for all law enforcement records of a specified individual implicates the individual's common-law

privacy rights to the extent that the individual is identified as a suspect, and the responsive information is excepted from disclosure under section 552.101. Information responsive to these requests is confidential and may not be released.

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.

Sincerely,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

Yhl/nc

Ref.: ID# 126947

Encl: Submitted documents

cc: Ms. Diane K. Shaw  
Shaw & Shaver  
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(w/o enclosures)