



September 8, 1999

Ms. Tenley A. Aldredge  
Assistant County Attorney  
County of Travis  
P.O. Box 1748  
Austin, Texas 78767

OR99-2505

Dear Ms. Aldredge:

You ask whether certain information maintained by the Travis County Sheriff's Office (the "Sheriff's Office") is subject to public disclosure under Chapter 552 of the Government Code. Your request was assigned ID# 128281.

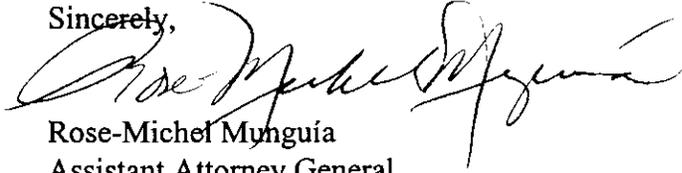
The Sheriff's Office received a request for the any and all records of a named individual. You contend the requested records are excepted from required public disclosure by sections 552.103 and 552.108 of the Government Code. After review of the information you have submitted, we conclude that the requested information is confidential pursuant to section 552.101.

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. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 683-85 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977).

We note at the outset that to the extent the requestor is asking for any unspecified records in which the named individual is identified as a "suspect," the requestor, in essence, is asking that the Sheriff's Office 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 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 Sheriff's Office, therefore, must withhold all compilations of the referenced individuals' criminal histories pursuant to section 552.101.

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.

Sincerely,



Rose-Michel Munguía  
Assistant Attorney General  
Open Records Division

RMM\nc

Ref: ID# 128281

Encl.: 1: Submitted documents

cc: Mr. Randy Gray  
710 East Oltrof Street #110  
Austin, Texas 78704  
(w/o enclosures)