



October 22, 1999

Ms. Kristi LaRoe
Office of the Criminal District Attorney
Justice Center
401 W. Belknap
Fort Worth, Texas 76196-0201

OR99-3001

Dear Ms. LaRoe:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129723.

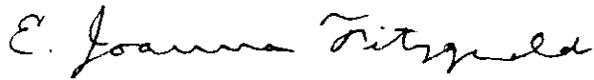
The Tarrant County Sheriff's Department (the "department") received a request for a copy of police records on a certain individual. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered your argument and have reviewed the representative sample of documents submitted.¹

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Accordingly, section 552.101 encompasses common-law privacy. 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). In this instance, because the requestor asks for all police records of a named individual, we believe that this individual's privacy right has been implicated. Thus, to the extent that the department has records responsive to the request in which the named individual is a possible suspect, the department must withhold this information under section 552.101. *See id.*

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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,



E. Joanna Fitzgerald
Assistant Attorney General
Open Records Division

EJF\nc

Ref: ID# 129723

Encl: Submitted documents

cc: Ms. Glenda Bunch
Stone Ridge Apartments
600 E. Arkansas Lane
Arlington, Texas 76014
(w/o enclosures)