



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 11, 2011

Mr. W. Montgomery Meitler  
Assistant Counsel  
Office of Legal Services  
Texas Education Agency  
1701 North Congress Avenue  
Austin, Texas 78701-1494

OR2011-03394

Dear Mr. Meitler:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 412773 (TEA PIR# 14551).

The Texas Education Agency (the "agency") received a request for the e-mail notifications sent by the Department of Public Safety ("DPS") to the agency alerting the agency of criminal history from August 1, 2009 to the present. You state the agency has redacted social security numbers pursuant to section 552.147(b) of the Government Code.<sup>1</sup> You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>2</sup>

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<sup>1</sup>Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.

<sup>2</sup>We 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.

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. This exception encompasses information protected by chapter 411 of the Government Code, which deems confidential criminal history record information (“CHRI”) generated by the National Crime Information Center or by the Texas Crime Information Center. *Id.* § 411.083(a). CHRI means “information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, informations, and other formal criminal charges and their dispositions.” *Id.* § 411.082(2). Section 411.083 authorizes the DPS to disseminate CHRI to “noncriminal justice agencies authorized by . . . state statute to receive [CHRI.]” *Id.* § 411.083(b)(2). Section 411.090 of the Government Code provides in part:

(a) The State Board for Educator Certification [the “SBEC”] is entitled to obtain from the [DPS] any [CHRI] maintained by the [DPS] about a person who has applied to the [SBEC] for a certificate under Subchapter B, Chapter 21, Education Code.

(b) [CHRI] obtained by the [SBEC] in the original form or any subsequent form:

(1) may be used only for a purpose related to the issuance, denial, suspension, or cancellation of a certificate issued by the board;

...

(3) is not subject to disclosure as provided by Chapter 552[.]

*Id.* § 411.090(a), (b). We note the agency has assumed the duties of the SBEC.<sup>3</sup> You inform us the agency obtained the CHRI at issue from DPS pursuant to section 411.090. Upon review, we agree the submitted information constitutes CHRI for the purposes of chapter 411. Accordingly, the submitted CHRI is confidential under section 411.090(b) of the Government Code and must be withheld under section 552.101 of the Government Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php),

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<sup>3</sup>The 79th Texas Legislature passed House Bill 1116, which required the transfer of SBEC’s administrative functions and services to the agency, effective September 1, 2005.

or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sarah Casterline', with a large, stylized flourish at the end.

Sarah Casterline  
Assistant Attorney General  
Open Records Division

SEC/tf

Ref: ID# 412773

Enc. Submitted documents

c: Requestor  
(w/o enclosures)