



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 19, 2014

Mr. Brendan Guy
Assistant Criminal District Attorney
Victoria County
205 North Bridge, Suite 301
Victoria, Texas 77901-8085

OR2014-16700

Dear Mr. Guy:

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# 542334.

The Victoria County Sheriff's Office (the "sheriff's office") received a request for the address of a specified arrest of a named individual. You claim the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note the requestor only seeks the address of the specified arrest. Accordingly, any other information is not responsive to the request for information. This ruling does not address the public availability of non-responsive information, and the sheriff's office need not release non-responsive information to the requestor.

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses common-law privacy, which protects information that is (1) highly intimate or embarrassing, the publication of which would be highly objectionable to a reasonable person, and (2) not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be satisfied. *Id.* at 681-82. This office has found a compilation of an individual's criminal history is highly embarrassing information, the publication of which would be highly

objectionable to a reasonable person. *Cf. United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 764 (1989) (when considering prong regarding individual's privacy interest, court recognized distinction between public records found in courthouse files and local police stations and compiled summary of information and noted that individual has significant privacy interest in compilation of one's criminal history). Furthermore, we find a compilation of a private citizen's criminal history is generally not of legitimate concern to the public.

Although you contend the present request for information is for a compilation of the named individual's criminal history, we find the present request is for a specified law enforcement record and does not implicate the individual's right to privacy. Accordingly, the sheriff's office may not withhold the responsive information as a criminal history compilation under section 552.101 of the Government Code in conjunction with common-law privacy. As you raise no other exceptions to disclosure, the sheriff's office must release the responsive information.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Kristi L. Godden
Assistant Attorney General
Open Records Division

KLK/eb

Ref: ID# 542334

Enc. Submitted documents

c: Requestor
(w/o enclosures)