



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 20, 1996

Mr. Dennis J. Eichelbaum
General Counsel
Schwartz & Eichelbaum, P.C.
3700 Ross Avenue, Box 69
Dallas, Texas 75204-5491

OR96-0365

Dear Mr. Eichelbaum:

You ask for clarification of a ruling issued by this office, Open Records Letter No. 95-1469 (1995). Your request for clarification has been assigned ID# 38117.

In Open Records Letter No. 95-1469 (1995), this office concluded that criminal history record information ("CHRI") obtained by the Dallas Independent School District ("DISD") on DISD employees if obtained from the Texas Crime Information Center ("TCIC") or the National Crime Information Center ("NCIC") must be disclosed only as provided by section 411.097 of the Government Code. We further noted that if the CHRI was not received from NCIC or TCIC, no basis exists upon which to withhold the requested information. In your request for clarification, you ask whether the intent of the law is to protect the named individual or to protect NCIC and TCIC information. You claim that if the intent of the law is to protect the individual, releasing other information which will easily identify the person as having a criminal record makes no sense. You also ask about markings we made on three of the documents originally submitted to this office for review.

Section 411.097 of the Government Code provides a school district a special right of access to CHRI maintained by the Texas Department of Public Safety (the "DPS") on current employees of the school district. The statute further provides:

(c) Criminal history record information obtained by a school district under Subsection (b) may not be released or disclosed to any person, other than the individual who is the subject of the information, the Central Education Agency, or a person specified in Section 21.917(h), Education Code.

Giving this statute its plain meaning, only CHRI obtained from the DPS under subsection (b) is confidential under section 411.097. On one of the submitted documents, an administrative decision, you state that the employee's name and assignment come from DISD's records. However, the notation on the decision indicates that the employee's identity and assignment should be withheld if "information in the document came directly from NCIC or TCIC." By "information," we intended to refer to the employee's CHRI reflected in the decision. In other words, if the CHRI in that document came directly from the DPS, DISD must de-identify the document, thereby redacting the employee's name and assignment. This would include the reference to the employee that we did not mark on page 2 of the decision. If the CHRI in the decision did not come from the DPS, DISD may not withhold any information in the decision.

You also ask whether a reference to a DISD employee should be redacted from a September 6, 1994 letter. It appears that the CHRI on which this letter was based did not come from the DPS but rather from the employee's application. As this information does not come within that protected by section 411.097(c), DISD may not withhold it from disclosure.

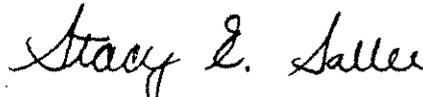
Finally, you ask whether DISD must release two court documents. As we stated in Open Records Letter No. 95-1469 (1995):

Among the records submitted for our review are court records related to certain district employees. These court records are public documents, and since there is no statutory basis to withhold them they must be released to the requestor. *See Star Telegram v. Walker*, 836 S.W.2d 54 (Tex. 1992) (no privacy interest in information found in public court documents).

Therefore, DISD may not withhold these court records.

If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref.: ID# 38117

Enclosures: Marked documents

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