



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 29, 1996

Mr. Ron M. Pigott  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR96-0824

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. We assigned your requests ID#s 40512, 39730 and 37652.

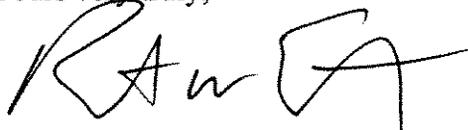
The Texas Department of Public Safety (the "department") received three requests for criminal history information regarding deceased individuals. You contend the requested information is excepted from required public disclosure under section 552.101 of the Government Code.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 411.083(a) of the Government Code provides that "criminal history record information maintained by the department is confidential information for the use of the department and, except as provided by this subchapter, may not be disseminated by the department." Section 411.083(b) provides that the department shall grant access to criminal history record information ("CHRI") to various persons and entities, including criminal justice agencies, other agencies authorized by statute to receive CHRI, the person who is the subject of the CHRI, persons working on certain research projects, and other individuals or agencies that have a specific agreement to receive CHRI under certain circumstances. In the requests at issue, however, the requestors do not fall within any of the provisions of section 4411.083(b) that provide for access to CHRI. Although section 411.083(b)(3) provides access to CHRI to the person who is the subject of the CHRI, in the requests

at hand, the subjects of the CHRI are deceased. Additionally, the requests do not appear to have been made by an authorized representative of the subjects of the CHRI. Thus, in the situations at hand, the department must withhold any responsive CHRI.<sup>1</sup>

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.

Yours very truly,



Robert W. Schmidt  
Assistant Attorney General  
Open Records Division

RWS/rho

Ref.: ID#s 40512, 39730, 37652

Enclosures: Submitted documents

cc: Mr. John F. Harrison  
P.O. Box 14502  
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(w/o enclosures)

Ms. Brenda Rhea  
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Round Rock, Texas 78664  
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Ms. Ethel Coleman  
1500 N. Blue Grove, Apt # 2101  
Lancaster, Texas 75134  
(w/o enclosures)

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<sup>1</sup>Certain information that you submitted to this office, including a death certificate for one of the individuals that is the subject of one of the requests, does not appear to be CHRI, which is defined by section 411.082. Pursuant to section 411.083, the department may only withhold CHRI, and must release all other requested information, including the death certificate, that is not CHRI.