



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 10, 1996

Mr. Mark S. Houser
Vial, Hamilton, Koch & Knox, L.L.P.
1717 Main Street, Suite 4400
Dallas, Texas 75201-4605

OR96-0917

Dear Mr. Houser:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39492.

The City of Highland Village (the "city"), which you represent, received a request for "[a]ny and all documentation of cases in which John Crabtree is or was a suspect -- to include but not be limited to battery; any sex offense; and/or any form of domestic dispute/abuse." You claim that the requested information is excepted from disclosure under section 552.101, by privacy and the informer's privilege as incorporated by section 552.101 of the Government Code. We have considered the exceptions you claimed and have reviewed the documents at issue.

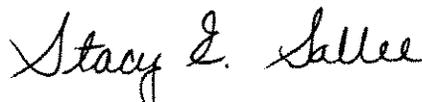
Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes and information protected by the common-law and constitutional rights of privacy. Under common-law privacy, information may be withheld from the public when (1) it is highly intimate and embarrassing such that its release would be highly objectionable to a person of ordinary sensibilities, and (2) there is no legitimate public interest in its disclosure. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977); Open Records Decision No. 611 (1992) at 1.

The request, basically, seeks the criminal history of Mr. Crabtree. 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). We, therefore, conclude that the department must withhold from required public disclosure the criminal history information under section 552.101 of the Government Code. *See id.*; *see also* Gov't Code § 411.106(b).

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,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref.: ID# 39492

Enclosures: Submitted documents

cc: Mr. Ben Tinsley
Reporter
Harte-Hanks Community Newspapers
P.O. Box 308
Lewisville, Texas 75067
(w/o enclosures)