



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 31, 1996

Mr. John Steiner
Division Chief
City of Austin
Law Department
P.O. Box 1088
Austin, Texas 78767-1088

OR96-1340

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 40680.

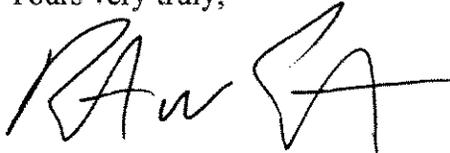
The City of Austin (the "city") received a written request for all information relating to a certain individual, including information related to two specified criminal cases. You have submitted copies of information that is responsive to the request and contend that this information is excepted from required public disclosure under section 552.101 of the Government Code.

Section 552.101 of the Government Code excepts from disclosure information that is considered to be "confidential by law, either constitutional, statutory, or by judicial decision." This exception encompasses information that is protected by common-law and constitutional privacy. In *United States Department of Justice v. Reporters Committee For Freedom of the Press*, 489 U.S. 749 (1989), the U.S. Supreme Court concluded that where an individual's criminal history information is compiled or summarized by a *governmental entity*, the information takes on a character that implicates an individual's right of privacy in a manner that the same individual records in an uncompiled state do not. Based on *Reporters Committee*, this office has concluded that a request for all law enforcement records of a specified individual implicates the individual's common law privacy rights, and the responsive information is excepted from disclosure under section 552.101.

The request for information in this instance seeks all information relating to a certain individual, including two specified criminal cases. The information relating to the two specified cases is not protected under the principles set out in *Reporters Committee* because the information was specified by the requester and is therefore not a criminal history compiled by the governmental body. This information is not excepted under section 552.101 and must be released.¹ All other law enforcement information compiled by the city on the individual is excepted from disclosure and may not be released.

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# 40680

Enclosures: Submitted documents

cc: Mr. Timothy E. Weitz
1748 Ohlen Road, #3
Austin, Texas 78757
(w/o enclosures)

¹The city also contends that certain responsive information may also be excepted as records of juvenile offenders under former Family Code section 51.14(d). This section protects law enforcement records relating to juveniles for conduct that occurred prior to January 1, 1996. See Open Records Decision Nos. 645 (1996), 181 (1977). The case that the requester specified does not appear to be a case involving a juvenile offender, and therefore the information relating to this matter is not protected under section 51.14(d) of the Family Code. Because we find that the remaining requested information is made confidential pursuant to *Reporters Committee* and section 552.101 of the Government Code, we do not address whether this information is also confidential under section 51.14 of the Family Code.