



Office of the Attorney General  
State of Texas

August 14, 1996

DAN MORALES  
ATTORNEY GENERAL

Ms. LaRonica Lightfoot  
Assistant City Attorney  
Office of the City Attorney  
501 Police & Courts Building  
Dallas, Texas 75201

OR96-1458

Dear Ms. Lightfoot:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100382.

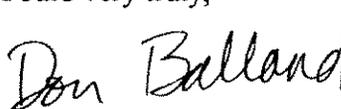
The Dallas Police Department received a request for the "background investigation conducted on Jose Cisneros when he joined DPD on 6/1/94. All interviews conducted in investigation." You claim that the requested documents may contain criminal history information which is excepted from required public disclosure by section 552.108 of the Government Code. We have considered the exception you claimed and have reviewed the information that you seek to withhold.

We note that the information you have submitted appears to have been generated by the Texas Crime Information Center ("TCIC") or the National Crime Information Center ("NCIC"). Section 552.101 of the Government Code 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. Title 28, Part 20 of the Code of Federal Regulations governs the release of criminal history information which states obtain from the federal government or other states. Open Records Decision No. 565 (1990). The federal regulations allow each state to follow its individual law with respect to criminal history information it generates. *Id.* Section 411.083 of the Government Code deems confidential criminal history records that the Department of Public Safety (the "DPS") maintains, except that the DPS may disseminate such records as provided in chapter 411, subchapter F of the Government Code. *See also* Gov't Code § 411.087 (entities authorized to obtain information from DPS are authorized to obtain similar information from any other criminal justice agency; restrictions on disclosure of CHRI obtained from DPS also apply to CHRI obtained from other criminal justice agencies). Sections 411.083(b)(1) and 411.089(a) authorize a criminal justice agency, such as the Dallas Police Department, to obtain criminal history record

information; however, a criminal justice agency may not release the information except to another criminal justice agency for a criminal justice purpose. *Id.* at § 411.089(b)(1). Thus, any criminal history record information generated by the federal government or another state may not be made available to the requestor except in accordance with federal regulations. *See* Open Records Decision No. 565 (1990). Furthermore, any criminal history record information obtained from DPS or any other criminal justice agency must be withheld under section 552.101 of the Government Code in conjunction with chapter 411, subchapter F of the Government Code.<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,



Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/ch

Ref.: ID# 100382

Enclosures: Submitted documents

cc: Mr. Jose Cisneros  
1801 Butterfield  
Grand Prairie, Texas 75052  
(w/o enclosures)

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<sup>1</sup> In this instance, we recognize that the requestor is the subject of the criminal history record information. Section 411.083 of the Government Code provides that the DPS shall provide access to CHRI to the person who is the subject of the information. Chapter 411, subchapter F of the Government Code, however, does not contain such provision for CHRI in the hands of other criminal justice agencies.

Because we determine that the requested information which you seek to withhold is protected by section 552.101, we do not address your argument under section 552.108.