



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 28, 1996

Ms. Amy L. Whitt  
Assistant City Attorney  
City of Lubbock  
P.O. Box 2000  
Lubbock, Texas 79457

OR96-1545

Dear Ms. Whitt:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100296.

The City of Lubbock (the "city") received a written request for all information relating to certain specified individuals. You have submitted copies of information that may be responsive to the request and contend that this information is excepted from required public disclosure under section 552.101 of the Government Code, in conjunction with the privacy principles discussed in *United States Department of Justice v. Reporters Committee For Freedom of the Press*, 489 U.S. 749 (1989).

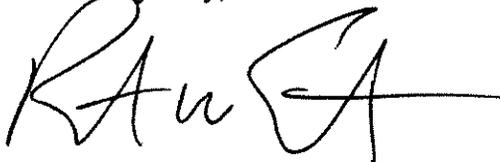
Section 552.101 of the Government Code excepts from disclosure information that is considered to be "confidential by law, either constitutional, statutory, or by judicial decision." This exception encompasses information that is protected by common-law and constitutional privacy. In *Reporters Committee*, 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.

The request for information in this instance seeks all information relating to certain individuals. Based on *Reporters Committee*, the city may not release those records, if any, which if compiled by the city would reveal an individual's criminal history. *Reporters Committee* does not, however, protect information compiled by a governmental body that does not involve or otherwise reveal an individual's criminal history. You submitted to this office information that is responsive to the request but that

does not reveal criminal history information of the specified individuals. Because you have raised no other exceptions to disclosure, the city must release this information and any other responsive information that does not reveal the criminal histories of the specified individuals.

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,

A handwritten signature in black ink, appearing to read 'RWS', with a long horizontal flourish extending to the right.

Robert W. Schmidt  
Assistant Attorney General  
Open Records Division

RWS/rho

Ref: ID# 100296

Enclosures: Submitted documents

cc: Mr. Tom Sisson  
Krueger and Associates  
815 Brazos Street, Suite 260  
Austin, Texas 78701  
(w/o enclosures)