



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 9, 1997

Ms. M. Kaye DeWalt
General Counsel
Houston Independent School District
Hattie Mae White Administration Building
3830 Richmond Avenue
Houston, Texas 77027-5838

OR97-1337

Dear Ms. DeWalt:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 106919.

The Houston Independent School District ("HISD") received a request for documents related to the termination and/or resignation of Mr. Dennis Craig Pedersen. You state that HISD will provide the requestor a copy of "the indicated file." You assert that certain information is excepted from required public disclosure based on section 552.101 of the Government Code.

Section 552.101 excepts from required public disclosure information that is made confidential by law, including information made confidential by statute. Section 411.097(c) of the Government Code prohibits a school district from disclosing to the general public any criminal history record information ("CHRI") obtained from the Department of Public Safety ("DPS").¹ See Educ. Code § 22.083 (permitting access to certain CHRI by local and regional education authorities); Gov't Code § 411.097(a) (same). Thus, HISD must withhold from the requestor any CHRI that HISD obtained from DPS. Gov't Code §§ 411.097(c), 552.101.

¹Section 411.097(c) permits a school district, among others, to disclose CHRI obtained from DPS to the individual who is the subject of the information, the Texas Education Agency, the State Board for Educator Certification, or the chief personnel officer of the transportation company, if the information is obtained under subsection (a)(2) of section 411.097 of the Government Code. We have no information that the requestor here is one of the individuals granted access to CHRI under section 411.097(c).

We are resolving this matter with this 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 may 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,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 106919

Enclosures: Submitted documents

cc: Ms. Laura L. Merkle
9043 Beechnut Avenue, # 2
Houston, Texas 77036
(w/o enclosures)