



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 3, 1998

Ms. Eugenia A. Cano  
City Attorney  
City of Alvin  
216 W. Sealy  
Alvin, Texas 77511

OR98-0571

Dear Ms. Cano:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 113338.

The City of Alvin (the "city") received a request for "[a]ny and all documents, including but not limited to incident reports, arrest reports and/or witness statements, regarding the prior arrest(s) of" a particular individual. You claim that the requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," including information protected by the common-law right of privacy. *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 683-85 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). The requestor is, in essence, asking that the city compile the named individual's criminal history. 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) (concluding that federal regulations which limit access to criminal history record information that states obtain from the federal government or other states recognize privacy interest in such information). Open records decisions issued by this office acknowledge this privacy interest. *See Open Records Decision Nos. 616 (1993), 565 (1990)*. Therefore, the city must withhold any documents responsive to this request from disclosure under section 552.101 of the Government Code.<sup>1</sup>

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<sup>1</sup>Because we are able to resolve this matter under section 552.101, we need not address your section 552.108 arguments.

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,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref.: ID# 113338

Enclosures: Submitted documents

cc: Mr. James A. Bernsen  
Reporter  
The Facts  
P.O. Box 549  
Clute, Texas 77531  
(w/o enclosures)