



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 20, 1998

Mr. Ron Pigott  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR98-0997

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 114639.

The Texas Department of Public Safety (the "department") received a request for the criminal convictions database or criminal history record information (CHRI) maintained by the department which is made public by section 411.135 of the Government Code. You have released to the requestor

a bulk file that includes the person's state identification number, name, gender, race, date of birth, height, weight, eye color, hair color, alias names, alias dates of birth, cause numbers, final pleadings, originating agency number, court disposition date, type of offense, statute, level and degree of offense, court disposition, date of sentence, if the sentence is suspended, fine, confinement, probation, court costs, date of appeal, appellate decision, and agency receiving custody.

In addition to the types of information that you have already provided, the requestor seeks operator license numbers, operator license state information, operator license type, identification card numbers, identification card state information, and the social security numbers maintained in the database. You explain that the requestor is seeking driver's license information when requesting operator license numbers. You claim that the requested information is confidential by law and cannot be released.

CHRI is generally made confidential, but it may be released in limited circumstances. Gov't Code § 411.083; *see* Code Crim. Proc. art. 60.06 (b) (CHRI compiled by department or Texas Department of Criminal Justice may be disclosed only as authorized by federal or

state law). You indicate that you have released the bulk database to the requestor as required by section 441.135 of the Government Code. Section 411.135 provides:

(a) a person is entitled to obtain from the department:

(1) any information described as public information under Section 5, Article 6252-13c.1, Revised Statutes; and

(2) criminal history record information maintained by the department that is a court record of a public judicial proceeding and that relates to:

(A) the conviction of a person for any criminal offense; or

(B) a grant of deferred adjudication to a person charged with a felony offense.

(b) The department by rule shall design and implement a system to respond to electronic inquiries and other inquiries for information described by Subsection (a).

(c) A person who obtains information from the department under Subsection (a) may:

(1) use the information for any purpose; or

(2) release the information to any other person.

You assert that the requestor seeks information which is not required to be released under section 411.135. You state that the additional requested information is "not made public by Article 6252-13c.1, V.R.C.S., and they do not relate to court proceedings."

We will first examine section 411.135(a)(1). Under the sex offender registration statute, each sex offender with a "reportable conviction or adjudication" is required by law to register with the appropriate local law enforcement authority." V.T.C.S. art. 6252-13c.1, §§ 1(2) (defining "local law enforcement authority"), 2(a) (registration); Open Records Decision No. 645 (1996). The sex offender must register with the appropriate local law enforcement authority within seven days after the offender's arrival in the municipality or county. *Id.* § 2(a). The sex offender registers by either completing or verifying the contents of a Texas Department of Public Safety ("DPS") form. Article 6252-13c.1 requires that the following information be included in the registration form:

(1) the person's full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, social security number, driver's license number, shoe size, and home address;

- (2) a photograph of the person and a complete set of the person's fingerprints;
- (3) the type of offense the person was convicted of, the age of the victim, the date of conviction, and the punishment received; and
- (4) any other information required by the department.

*Id.* § 2(b). After the sex offender verifies the registration information in the hands of the local law enforcement authority, the authority must then forward a copy of the registration form to DPS, where the information is entered into the computerized central database. *Id.* §§ 2(c), 5(a). Section 5(b) of the sex offender registration statute provides:

The information contained in the database is public information, with the exception of the person's photograph or any information:

- (1) regarding the person's social security number, driver's license number, numeric street address, or telephone number; or
- (2) that would identify the victim of the offense for which the person is subject to registration.

Consequently, the department must release the information in its database except for those items specifically made confidential under sections 5(b)(1) and 5(b)(2). Open Records Decision No. 645 (1996). Information regarding sex offenders' operator license numbers, operator license state information, operator license type, and social security numbers may not be released under article 6252-13c.1; therefore, it is not made public under section 411.135(a)(1). The department is not, however, prohibited by article 6252-13c.1 from releasing sex offenders' identification card numbers or identification card state information. While this identification card information is not required to be reported to the department, you do not indicate that it is never collected. Thus, if the department receives identification card numbers or identification card state information pursuant to the sex offender registration statute, it must be released.

We will now examine whether section 411.135(a)(2) requires the department to release the additional information. You contend that none of the requested information at issue "relates to court proceedings." Section 411.135(a)(2) mandates the release of "information maintained by the department that is a court record of a public judicial proceeding." Court record information, as contemplated by the statute, appears to be information such as you have already released. For example, information relating to cause numbers, final pleadings, court disposition dates, court dispositions, date of sentence, if the sentence is suspended, fine, confinement, probation, court costs, date of appeal, and appellate decision are all information "that is a court record of a public judicial proceeding." We agree

that the additional requested information here is not a court record of a public judicial proceeding for the purposes of section 411.153. It must not be released unless otherwise authorized by statute.<sup>1</sup> Gov't Code 411.083.

We finally note that there may be some concern over the costs of the requested information. Generally, the charges for providing public information are established by the General Services Commission. Gov't Code § 552.262; *but see* Transp. Code § 730.011 (motor vehicle information fees). If the estimated cost of providing the copies exceeds \$100, a governmental body may require a deposit or bond from the requestor. Gov't Code § 552.263. We suggest that you contact the Open Records Administrator for the General Services Commission to resolve any cost issues. *See* Gov't Code §§ 552.261-.273.

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# 114639

Enclosures: Submitted documents

cc: Mr. Steve Hayden  
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(w/o enclosures)

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<sup>1</sup>We point out that the requestor may receive personal information obtained by the department in connection with motor vehicle record information as provided by section 730.007 of the Transportation Code. "Motor vehicle record means a record that pertains to a motor vehicle operator's or driver's license or permit, motor vehicle registration, motor vehicle title, or identification document issued by an agency of this state." Transp. Code § 730.003(4).