



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 17, 1998

Mr. Miles K. Risley
City Attorney
Legal Department
City of Victoria
P.O. Box 1758
Victoria, Texas 77902-1758

OR98-1951

Dear Mr. Risley:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117628.

The City of Victoria received a request for cases in which a named individual has harassed or abused females. You submitted to this office for review records that are responsive to the request, but which you contend are protected from disclosure. Having reviewed the request and the records, we conclude that the requestor is, in effect, seeking the "criminal history" of the named individual.

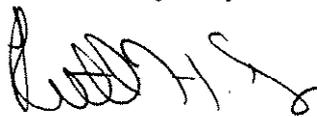
Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Criminal history information may be withheld from required public disclosure under common-law privacy if it meets the criteria articulated for section 552.101 of the act by the Texas Supreme Court in *Industrial Foundation v. Texas Industrial Accident Board*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). *See also* Gov't Code 411.084 (prohibiting release of criminal history information obtained from Department of Public Safety). Under the *Industrial Foundation* case, information may be withheld on common-law privacy grounds only if it is highly intimate or embarrassing *and* is of no legitimate concern to the public.

In *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (hereinafter "*Houston Chronicle*"), the court addressed the availability under the Open Records Act of certain broad categories of documents in the possession of a city police department, including offense reports, police blotters, "show-up" sheets, arrest sheets, and

“Personal History and Arrest Records.” The court held that some of this information was available to the public under the Open Records Act, including the police blotters, “show-up” sheets, and offense reports. However, the court also held that “Personal History and Arrest Records” were excepted from required public disclosure. These records primarily contained criminal histories, such as information regarding previous arrests and other data relating to suspected crimes, including the offenses, times of arrest, booking numbers, locations, and arresting officers. *Houston Chronicle Publishing Co.*, 531 S.W.2d at 179. The court held that release of these documents would constitute an unwarranted invasion of an arrestee’s privacy interests. *Id.* at 188. As it appears the information at issue in this request is the same type made confidential by *Houston Chronicle*, we agree that the records are protected from disclosure.

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 117628

Enclosures: Submitted documents

cc: Ms. Donna L. Scott
403 Neu Road
Victoria, Texas 77904
(w/o enclosures)