



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 7, 1998

Ms. Nan P. Hundere  
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Attorneys At Law  
Renaissance Plaza Suite 800  
70 N. E. Loop 410  
San Antonio, Texas 78216

OR98-2961

Dear Ms. Hundere:

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# 120181.

The Alamo Community College District (the "district") received an open records request from an attorney representing a district employee. Specifically, the requestor seeks a copy of the employee's personnel file. Apparently, the only documents you seek to withhold from the personnel file are certain documents that you characterize as criminal history record information ("CHRI"). You contend that the district must withhold these documents pursuant to section 552.101 of the Government Code in conjunction with other state and federal law.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." The dissemination of CHRI obtained from the NCIC network is limited by federal law. *See* 28 C.F.R. § 20.1; Open Records Decision No. 565 at 10-12 (1990). The federal regulations allow each state to follow its individual law with respect to CHRI it generates. Open Records Decision No. 565 at 10-12 (1990). Sections 411.083(b)(1) and 411.089(a) of the Government Code authorize a criminal justice agency to obtain CHRI; however, a criminal justice agency may not release the CHRI except to another criminal justice agency for a criminal justice purpose. Gov't Code § 411.089(b)(1). Thus, any CHRI generated by the federal government or another state may not be made available to the requestor except in accordance with federal regulations. Furthermore, any CHRI obtained from the Texas Department of Public Safety or any other criminal justice agency must be withheld as

provided by Government Code chapter 411, subchapter F.<sup>1</sup> We therefore agree that the district must withhold most of the information at issue pursuant to section 552.101 of the Government Code.

We note, however, that among the documents you seek to withhold is a two-page document entitled "Latent Fingerprint Report." This document does not consist of CHRI and therefore may not be withheld pursuant to section 552.101. Because you have raised no other exception to disclosure, we conclude that the district must release this document to the requestor.

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,



William Walker  
Assistant Attorney General  
Open Records Division

WMW/RWP/ch

Ref.:ID#120181

Enclosures: Submitted documents

cc: Charles S. Frigerio  
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(w/o enclosures)

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<sup>1</sup>We note, however, that it is the policy of the Department of Public Safety to provide any individual with access to his or her criminal history record on file, utilizing the procedure as outlined in 37 T.A.C. section 27.1.