



March 12, 1999

Ms. Deesha Brown
Assistant City Attorney
2014 Main Street, Room 206
Dallas, Texas 75201

OR99-0721

Dear Ms. Brown:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 122855.

The Dallas Police Department (the “department”) received a request for “any arrest or offense reports” for certain specified persons. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 411.083 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Section 552.101 excepts from disclosure criminal history report information (“CHRI”). Where an individual’s CHRI 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), *Houston Chronicle Publ’g 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). Similarly, open records decisions issued by this office acknowledge this privacy interest. *See Open Records Decision Nos. 616 (1993), 565 (1990)*. Therefore, the department must withhold the requested CHRI from 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 this ruling, please contact our office.

Sincerely,

David Van Brunt Price
David Van Brunt Price
Assistant Attorney General
Open Records Division

DVP\nc

Ref: ID# 122855

Enclosures: Submitted documents

cc: Mr. Curtis Stephens
381 Casa Linda Plaza #286
Dallas, Texas 75218
(w/o enclosures)