



March 23, 1999

Ms. Lilia Ledesma-Gonzalez
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR99-0799

Dear Ms. Ledesma-Gonzalez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123014.

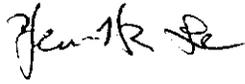
The City of McAllen (the "city") received a request for "all case numbers pertaining to" a particular person. You claim that the requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." 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). In this instance, we believe that this individual's right to privacy has been implicated. Thus, we conclude that the city must withhold this information under section 552.101 of the Government Code. *See id.*; *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, 188 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (recognizing privacy interest in person's rap sheet); *see also* Gov't Code § 411.106(b).

Because we have resolved the matter under section 552.101, we need not address your section 552.108 claim. 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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref.: ID# 123014

Enclosures: Submitted documents

cc: Mr. Richard Vanness
Law Firm of A.A. Munoz
1 Paseo Del Prado, Building 1
Edinburg, Texas 78539
(w/o enclosures)