



November 3, 1999

Mr. Steven D. Monté  
Assistant City Attorney  
Criminal Law and Police Division  
Office of the City Attorney  
2014 Main Street, Room 206  
Dallas, Texas 75201

OR 99-3113

Dear Mr. Monté:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129727.

The City of Dallas Police Department (the “department”) received a request for any and all calls of any kind with regard to a particular address on Prater Street and Prater Street in general. In addition, the requestor seeks all information regarding a particular individual for the last five years. You contend that the information responsive to the request regarding the named individual is excepted from required public disclosure by section 552.101 of the Government Code. After review of the representative samples of information you have submitted, we conclude that the requested information is confidential pursuant to section 552.101.<sup>1</sup> We assume you have released all other information that is responsive to the request.

Section 552.101 of the Government Code protects “information considered to be confidential by law, either constitutional, statutory, or by judicial decision,” including information protected by the common-law right of privacy. *Industrial Found. v. Texas Indus. Accident*

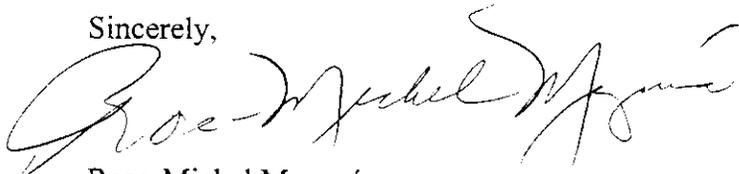
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<sup>1</sup> We assume that the “representative sample” of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

protected by the common-law right of privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 683-85 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). To the extent the requestor is asking for any unspecified records in which the named individual is identified as a "suspect," the requestor, in essence, is asking that the department compile that individual's criminal history. 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) (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). Similarly, open records decisions issued by this office acknowledge this privacy interest. See Open Records Decision Nos. 616 (1993), 565 (1990). The department, therefore, must withhold all compilations of the referenced individual's criminal history pursuant to section 552.101.

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.

Sincerely,



Rose-Michel Munguía  
Assistant Attorney General  
Open Records Division

RMM/jc

Ref: ID#129727

Encl. Submitted documents

cc: Mr. Ray Brandon  
1320 Edgemont  
Mesquite, Texas 75149  
(w/o enclosures)