



October 4, 2000

Mr. Steven D. Monté  
Assistant City Attorney  
City of Dallas  
2014 Main Street, Room 206  
Dallas, Texas 75201

OR2000-3822

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# 140805.

The City of Dallas (the "city") received a request for the following items:

- (1) all police reports called in by the requestor;
- (2) all documents and reports concerning a particular address; and
- (3) all documents and reports concerning three named individuals.

You claim that the requested information concerning the three named individuals is excepted from disclosure under section 552.101 of the Government Code because it is protected under each individual's right to privacy. Additionally, you contend that one report pertaining to the identified address is excepted from disclosure because it involves juvenile suspects. Because you have only requested a decision concerning these documents, we assume that you have released the remaining responsive information. *See Gov't Code § 552.301(a)* (providing that governmental body must ask for a decision from the attorney general in order to withhold information). We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Included within this exception is information considered confidential under the common law right to privacy. When 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); Open Records Decision Nos. 616 (1993), 565 (1990). Because a response to the request for all documents and reports concerning three named individuals in this instance would require the compilation of the individuals' criminal history, we find that such information must be withheld under section 552.101 to the extent it identifies the individuals as suspects.

Section 552.101 also encompasses the confidentiality provision in Family Code section 58.007, which protects law enforcement records and files concerning juvenile conduct that occurred on or after September 1, 1997. Here, the submitted report pertaining to the named address concerns juvenile conduct that occurred after September 1, 1997. Therefore, the report is confidential under section 58.007(c) of the Family Code, and the city must not disclose the report to the requestor. Gov't Code § 552.101.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

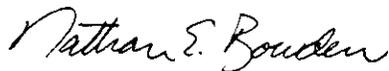
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to the General Services Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Nathan E. Bowden  
Assistant Attorney General  
Open Records Division

NEB/ljp

Ref: ID# 140805

Encl. Submitted documents

cc: Ms. Maria Martinez  
1937 Estrada Parkway, #385  
Irving, Texas 75061  
(w/o enclosures)