



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 8, 2011

Ms. Jennifer C. Cohen
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78765-4087

OR2011-12955

Dear Ms. Cohen:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 429258 (DPS PIR No. 11-0268).

The Texas Department of Public Safety (the "department") received a request for a list of arrests during a specified time period "compiled by the [department] from all police agencies which report this information to [the department]." You claim the submitted information is excepted from disclosure pursuant to section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You state the submitted information consists of criminal history record information ("CHRI") from the department's computerized criminal history database. You assert the information at issue is excepted from disclosure pursuant to a previous determination issued by this office to the department in Open Records Letter No. 2001-2047 (2001). That ruling serves as a previous determination under section 552.301(a) of the Government Code and allows the department to withhold CHRI as defined in section 411.082 of the Government Code and as maintained by the department under section 411.083 of the Government Code without requesting a decision from this office, except that the department must grant access to CHRI to the person who is the subject of the CHRI. You indicate the information at issue is not subject to release in this instance. Therefore, pursuant to Open Records Letter No. 2001-2047, the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 411.083 of the Government Code. *See* Open Records Decision No. 673 (2001) (governmental body may

rely on previous determination when elements of law, fact, and circumstances have not changed, decision concludes specific, clearly delineated category of information is excepted, and governmental body is explicitly informed it need not seek a decision from this office to withhold information in response to future requests).

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jennifer Burnett
Assistant Attorney General
Open Records Division

JB/dls

Ref: ID# 429258

Enc. Submitted documents

c: Requestor
(w/o enclosures)