



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

February 1, 2016

Ms. June B. Harden  
Assistant Attorney General  
Assistant Public Information Coordinator  
General Counsel Division  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

OR2016-02402

Dear Ms. Harden:

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# 596269 (OAG PIR No. 15-42834).

The Office of the Attorney General (the "OAG") received a request for a specified victim's assistance file. You claim the submitted information is excepted from disclosure under section 552.132 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>1</sup>

Section 552.132 of the Government Code provides in pertinent part as follows:

- (a) . . . , in this section, "crime victim or claimant" means a victim or claimant under Subchapter B, Chapter 56, Code of Criminal Procedure, who has filed an application for compensation under that subchapter.
- (b) The following information held by the crime victim's compensation division of the attorney general's office is confidential:

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<sup>1</sup>We assume 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.

- (1) the name, social security number, address, or telephone number of a crime victim or claimant; or
- (2) any other information the disclosure of which would identify or tend to identify the crime victim or claimant.

Gov't Code § 552.132(a), (b). Thus, section 552.132 protects a crime victim's or claimant's identifying information. When a crime victim or claimant is awarded compensation, section 552.132(c) requires release of the crime victim's or claimant's name and the amount of compensation awarded. *Id.* § 552.132(c). However, you state the OAG has not awarded compensation to the complainant in the information at issue. Generally, the OAG would only be allowed to withhold the claimant's identifying information from public disclosure. Nevertheless, in this instance, because the requestor knows the claimant's identity, withholding only the identifying information would not effectuate the purpose of the statute. Thus, the submitted information is generally confidential pursuant to section 552.132 of the Government Code.

However, we note the requestor is a representative of the Office of the El Paso County Public Defender (the "public defender's office"). Section 411.1272 of the Government Code provides:

The office of capital writs and a public defender's office are entitled to obtain from the [Department of Public Safety] criminal history record information maintained by the [Department of Public Safety] that relates to a criminal case in which an attorney compensated . . . by the public defender's office has been appointed.

Gov't Code § 411.1272. In addition, section 411.087(a) of the Government Code provides:

(a) Unless otherwise authorized by Subsection (e), a person, agency, department, political subdivision, or other entity that is authorized by this subchapter or Subchapter E-1 to obtain from the [Department of Public Safety] criminal history record information maintained by the [Department of Public Safety] that relates to another person is authorized to:

. . .

(2) obtain from any other criminal justice agency in this state criminal history record information maintained by that criminal justice agency that relates to that person.

Gov't Code § 411.087(a)(2). "Criminal history record information" ("CHRI") is defined as "information collected about a person by a criminal justice agency that consists of

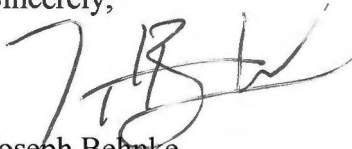
identifiable descriptions and notations of arrests, detentions, indictments, informations, and other formal criminal charges and their dispositions.” *See id.* § 411.082(2).

Accordingly, the requestor is authorized to obtain the CHRI in the submitted information from the OAG pursuant to sections 411.087(a)(2) and 411.1272 of the Government Code if it relates to a criminal case in which an attorney compensated by the public defender’s office is appointed. *See id.* §§ 411.1272, .087(a)(2)). Although you raise section 552.132 of the Government Code for such information, a specific statutory right of access prevails over the general exceptions to disclosure found in the Act. *See* Open Records Decision Nos. 623 at 3 (1994) (exceptions in the Act generally inapplicable to information that statutes expressly make public), 613 at 4 (1993) (exceptions in Act cannot impinge in statutory right of access to information), 451 (1986) (specific statutory right of access provisions overcome general exceptions to disclosure under the Act). Therefore, if the OAG determines the submitted information relates to a criminal case in which the public defender’s office is appointed, then the OAG must release the information that shows the type of allegations made and whether there was an arrest, information, indictment, detention, conviction, or other formal charges and their dispositions. In that instance, the OAG must withhold the remaining information under section 552.132 of the Government Code. If the OAG determines the submitted information does not relate to a criminal case in which an attorney compensated by the public defender’s office is appointed, then the OAG must withhold the submitted information under section 552.132 of the Government Code.

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Joseph Behnke  
Assistant Attorney General  
Open Records Division

JB/som

Ref: ID# 596269

Enc. Submitted documents

c: Requestor  
(w/o enclosures)