



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 7, 2019

Ms. Amy Bass-Domel
Open Records
Williamson County Sheriff's Office
508 South Rock Street
Georgetown, Texas 78626

OR2019-15193

Dear Ms. Bass-Domel:

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# 769988.

The Williamson County Sheriff's Office (the "sheriff's office") received a request for all reports involving a named individual, including information related to three specified incidents. You state you will redact dates of birth pursuant to Open Records Letter No. 2016-21706 (2016).¹ We understand you will withhold social security numbers pursuant to section 552.147(b) of the Government Code.² You claim portions of the submitted information are excepted from disclosure under section 552.101, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

¹Open Records Letter No. 2016-21706 is a previous determination issued to the sheriff's office authorizing it to withhold the dates of birth of public citizens under section 552.101 of the Government Code in conjunction with common-law privacy without seeking a ruling from this office. *See* Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code).

²Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office. *See* Gov't Code § 552.147(b).

The information at issue contains CHRI. However, a criminal justice agency that receives CHRI from another criminal justice agency pursuant to section 411.087(a)(2) may only receive such information for a criminal justice purpose. *See id.* §§ 411.083(c), .087(b); *see also* Open Records Decision No. 655 (1997) (discussing limitations on release of criminal history record information). Thus, if the requestor in this instance represents a “criminal justice agency,” then he is authorized to obtain CHRI from the sheriff’s office pursuant to section 411.087(a)(2) of the Government Code, but only for a criminal justice purpose. *See* Gov’t Code §§ 411.083(c), .087(a)(2).

A “criminal justice agency” is defined in part as “a federal or state agency that is engaged in the administration of criminal justice under a statute or executive order and that allocates a substantial portion of its annual budget to the administration of criminal justice.” *Id.* § 411.082(3)(A). “Administration of criminal justice” has the meaning assigned by article 60.01 of the Code of Criminal Procedure. *See id.* § 411.082(1). Article 60.01 of the Code of Criminal Procedure defines “administration of criminal justice” as the “performance of any of the following activities: detection, apprehension, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of an offender. The term includes criminal identification activities and the collection, storage, and dissemination of [CHRI].” Crim. Proc. Code art. 60.01(1).

The requestor in this instance represents the Florida Commission on Offender Review. We are unable to determine whether the requestor represents a criminal justice agency and intends to use the CHRI for a criminal justice purpose. Nevertheless, we conclude that if you determine that the requestor represents a criminal justice agency and intends to use the CHRI for a criminal justice purpose, then the sheriff’s office must make available to the requestor, from the information that is otherwise subject to section 552.108 of the Government Code, the CHRI that shows the type of allegation made and whether there was an arrest, information, indictment, detention, conviction, or other formal charges and their dispositions. *See* Open Records Decision No. 451 (1986) (specific statutory right of access provisions overcome general exceptions to disclosure under the Act). In that event, except for basic information, the sheriff’s office may withhold the remaining information you have marked under section 552.108(a)(2) of the Government Code. But if you determine that the requestor does not represent a criminal justice agency or does not intend to use the CHRI for a criminal justice purpose, then, except for basic information, all of the information you have marked may be withheld under section 552.108(a)(2) of the Government Code.³ *See* Attorney General Opinions DM-353 at 4 n.6 (1995) (interagency transfer of information prohibited where confidentiality statute enumerates specific entities to which release of information is authorized and potential receiving governmental body is not among statute’s enumerated entities), JM-590 at 4-5 (1986); *see also* Open Records Decision Nos. 655, 650

³As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.

a criminal justice agency or does not intend to use the CHRI for a criminal justice purpose, then, except for basic information, which must be released, all of the information you have marked may be withheld under section 552.108(a)(2) of the Government Code. In either event, the sheriff's office must: (1) withhold the FBI number you have marked under section 552.101 of the Government Code in conjunction with section 411.083 of the Government Code; (2) withhold the motor vehicle record information you have marked and the additional information we have marked under section 552.130 of the Government Code; and (3) release the remaining information.

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, 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,



Tim Neal
Assistant Attorney General
Open Records Division

TN/be

Ref: ID# 769988

Enc. Submitted documents

c: Requestor
(w/o enclosures)