



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 29, 1995

Mr. John Steiner  
Division Chief, Law Department  
City of Austin  
Norwood Tower  
P.O. Box 1088  
Austin, Texas 78767-1088

OR95-1029

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. We assigned your request ID# 35830.

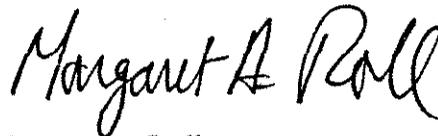
The City of Austin received an open records request for all police incident reports that mention a certain individual. The requestor listed six specific incident reports that he believes mention the individual and requested any additional reports mentioning the individual. You contend that releasing the requested information would amount to releasing criminal history record information that section 552.101 of the Government Code exempts from disclosure. You also contend that the issue raised in this request is being resolved by this office in a pending open records decision, RQ-777.

We conclude that the open records decision pending in RQ-777 will resolve the question of the availability of a portion of the information requested in this case. The decision in RQ-777 will address the availability of offense reports indicating the arrest of a particular individual when the requestor seeks all offense reports indicating the arrest of that individual. It will not address the availability of an offense report regarding an incident specifically mentioned by the requestor. Thus, pending a decision from this office in RQ-777, you may withhold all the offense reports indicating the arrest of the individual about which the requestor seeks information except for the offense reports regarding the incidents specifically mentioned by the requestor. A request for specific offense reports is not a request for criminal history record information. See Open Records Decision Nos. 366 (1983) at 4, 127 (1976) at 6.

We also conclude that you must release most of the remainder of the requested information. The remainder of the requested information consists of offense reports in which the individual about which the requestor seeks information was either a witness or the victim. This information does not constitute criminal history record information; it is not information about crimes the individual in question is suspected of committing. See *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177, 187 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Furthermore, except for one report, none of this information is otherwise protected by statutory or common-law privacy under section 552.101. One report concerns a crime for which four juveniles were arrested. This report is excepted from disclosure by section 552.101 of the Government Code in conjunction with section 51.14(d) of the Family Code. See Open Records Decision No. 394 (1983) at 4. We have marked the documents accordingly.

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 under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Margaret A. Roll  
Assistant Attorney General  
Open Records Division

MAR/rho

Ref.: ID# 35830

Enclosures: Marked documents

cc: Mr. Keith Taniguchi  
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Austin, Texas 78703  
(w/o enclosures)