



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 30, 1996

Ms. Tracy B. Calabrese
Assistant City Attorney
Legal Department
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR96-0834

Dear Ms. Calabrese:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 37063.

The City of Houston (the "city"), through its police department, has received a request for a list of cases/complaints investigated by the Public Integrity Review Group ("PIRG") and information on the disposition of each of the cases investigated by PIRG. You state that PIRG generates a monthly report which is responsive to the request for information. You contend, however, that information on PIRG's monthly report reflecting unsustained complaints against fire fighters or police officers are excepted from required public disclosure under section 552.101 of the Government Code.¹

Section 552.101 of the Government Code excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You assert section 552.101 in conjunction with section 143.1214 of the Local Government Code.

This office recently issued Open Records Decision No. 642 (1996) (enclosed) which determined that section 143.1214(b) requires the city to withhold documents relating to PIRG investigations of a firefighter or police officer when PIRG has concluded

¹We note that the other information requested from the city and the exceptions for withholding the information were addressed in Open Records Letter No. 95-1231 (1995). This ruling addresses only the information relating to unsustained PIRG investigations.

that the allegations are unfounded. Thus, the information must be withheld from disclosure.

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

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/LBC/ch

Enclosures: Submitted documents
Open Records Decision No. 642 (1996)

Ref: ID# 37063

cc: Mr. Steven L. McVicker
Staff Writer
Houston Press
2000 West Loop South, Suite 1900
Houston, Texas 77027
(w/o submitted documents; w/ Open Records Decision No. 642 (1996))