



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 3, 1996

Mr. Scott A. Durfee
General Counsel
Office of the District Attorney
Harris County
201 Fannin, Suite 200
Houston, Texas 77002-1901

OR96-1582

Dear Mr. Durfee:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 100463.

The Harris County District Attorney's Office (the "district attorney") received an open records request for the contents of the district attorney's file on *State v. Tamez*, No. 626754 (337th Dist. Ct., Harris County, Tex., Mar. 16, 1992). You state that the district attorney has no objection to releasing those items that were previously filed with the district clerk. You seek to withhold all remaining records pursuant to sections 552.101 and 552.108 of the Government Code.¹

Section 552.108 of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; see *Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Because the records at issue clearly come within the purview of section 552.108, we conclude that most of the information at issue may be withheld under this section.

¹Because we resolve your request under these two exceptions, we need not address the applicability of the other exceptions you raised.

We note, however, that information normally found on the front page of an offense report is generally considered public. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, the district attorney must release the types of information that are considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. Although section 552.108 authorizes the district attorney to withhold the remaining information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law.² See Gov't Code § 552.007.

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,



Janet J. Monteros
Assistant Attorney General
Open Records Division

JIM/RWP/rho

Ref.: ID# 100463

Enclosures: Submitted documents

cc: Mr. Robert Pelton
1951 Richmond
Houston, Texas 77098
(w/o enclosures)

²For example, the district attorney must withhold any criminal history information obtained from the Texas Department of Public Safety pursuant to section 411.084 of the Government Code.