



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 29, 1997

Ms. Y. Qiyamah Taylor
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR97-0985

Dear Ms. Taylor:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 106739.

The City of Houston (the "city") received a request for two particular incident reports as well as for reports relating to the arrest of a certain individual on four particular dates. You assert that with the exception of the "public release portions of the offense reports," the requested information is excepted from required public disclosure pursuant to section 552.108 of the Government Code.

We consider first the two requested incident reports. 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). 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). We believe the two reports are "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime." We, therefore, conclude that except for front page offense report information, section 552.108 of the Government Code excepts the two records from required public disclosure. In addition, one of the reports, Incident No. 048863396, contains information that identifies a victim of an attempted aggravated sexual assault. Such information is protected from public disclosure under Government Code section 552.101. *See* Open Records Decision No. 393 (1983).

We next turn to the request for the reports relating to the arrest of a certain individual on four separate occasions.¹ The release of a compilation of offense reports in which an individual is listed as the suspect implicates that individual's common-law right to privacy. See *United States Dept' of Justice v. Reporters Comm. For Freedom of the Press*, 489 U.S. 749 (1989), *Houston Chronicle Publishing Co.*, 531 S.W.2d at 179. Accordingly, the city must not release such a compilation. Gov't Code § 552.101; see also *Industrial Found. of the S. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977).

We are resolving this matter with this 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 may 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/rho

Ref.: ID# 106739

Enclosures: Submitted documents

cc: Ms. Shaila Dewan
1121 West Orem
Houston, Texas 77006
(w/o enclosures)

¹We have marked one document that does not appear to be responsive to the request.