



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 18, 1997

Ms. Tamara Armstrong
Assistant County Attorney
Travis County
P.O. Box 1748
Austin, Texas 78767

OR97-1646

Dear Ms. Armstrong:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 107769.

Travis County (the "county") received a request for a copy of:

- i. Incident report no. 9710689
- ii. The full text of the report associated with incident report no. 9610689
- iii. Any other reports, if any, concerning James J. Kenny, date of birth 3/27/37.

You assert that the requested information is excepted from disclosure under section 552.108 of the Government Code.

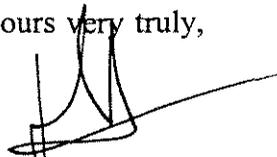
Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." See *Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). In most cases, information normally found on the front page of an offense report is generally considered public and must be disclosed. *Houston Chronicle Publ'g 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).

However, we note the presence of certain information within the front page report information is protected from required public disclosure based on the common-law right to privacy. Section 552.101 excepts from required public disclosure information considered

to be confidential by law. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977); Open Records Decision Nos. 628 (1994) at 4, 579 (1990) at 2, 562 (1990) at 9. Consequently, to the extent that certain information contained in police reports reveals identifying information pertaining to the victim and witnesses such as telephone numbers and addresses, that information may be withheld under section 552.101 of the Government Code.¹

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/glg

Ref.: ID# 107769

Enclosures: Submitted documents

cc: Mr. John J. McKetta, III
Graves, Dougherty, Hearon & Moody
515 Congress Avenue, Suite 2300
Austin, Texas 78701
(w/o enclosures)

¹Since the information at issue may be withheld from disclosure pursuant to section 552.108, we need not address your other arguments against disclosure. We also note that, while you may choose to release to the requestor some of the information requested, you may not disclose the information that is otherwise confidential. Gov't Code § 552.007.