



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 18, 1998

Mr. Kevin D. Pagan
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR98-0477

Dear Mr. Pagan:

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# 113352.

The City of McAllen (the "city") received a request for a certain offense report. You assert that the requested report is excepted from required public disclosure based on section 552.108 of the Government Code.

Section 552.108 of the Government Code reads in pertinent part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

...

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.

...

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

You inform us that the investigation of this matter did not result in conviction or deferred adjudication. Section 552.108 is inapplicable to the basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). Thus, with the exception of such basic information, the city may withhold the requested report from the requestor based on section 552.108(a)(2) of the Government Code.

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 Hastings
Assistant Attorney General
Open Records Division

KHH/rho

Ref.: ID# 113352

Enclosures: Submitted documents

cc: Mr. Manuel Cadriel
2041 West Diaz Avenue
McAllen, Texas 78501
(w/o enclosures)