



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 27, 1998

Ms. E. Cary Grace  
Assistant City Attorney  
City of Houston  
Legal Department  
P.O. Box 1562  
Houston, Texas 77251-1562

OR98-0564

Dear Ms. Grace:

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# 113463.

The Houston Police Department (the "department") received a request for information pertaining to Incident No. 093437696. You state that the department will release to the requestor portions of the incident report. However, you assert that the remainder of the requested information is excepted from required public disclosure under section 552.108 of the Government Code.

Section 552.108 of the Government Code reads in relevant 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:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

...

(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 the investigation of the incident here is ongoing. We therefore believe that the release of the requested information would interfere with the detection, investigation, or prosecution of crime. Section 552.108 is inapplicable to "basis information about an arrested person, an arrest, or a crime." We believe that "basic information" refers to the information held to be public in the case of *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). Thus, with the exception of such basic information, the department may withhold the information from the requestor based on section 552.108 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# 113463

Enclosures: Submitted documents

cc: Mr. Richard R. Fleisher  
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(w/o enclosures)