



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 19, 1998

Mr. Mark E. Dempsey
Assistant City Attorney
City of Garland
P.O. Box 469002
Garland, Texas 75046-9002

OR98-0764

Dear Mr. Dempsey:

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# 114101.

The City of Garland (the "city") received two requests for a certain arrest report. You assert that portions of the requested report that you have highlighted are excepted from disclosure by section 552.108 of the Government Code during the pendency of the investigation.

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 that the case is “currently pending as Cause Number MB98-22360-K, in Dallas County Criminal Court Number 9 of Dallas County, Texas.” We therefore believe that release of the information at this time would interfere with the detection, investigation, or prosecution of crime. Section 552.108 is inapplicable to “basic information about an arrested person, an arrest, or a crime.” Gov’t Code § 552.108(c). Such “basic information” refers to the information held to be public in *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). We agree that the highlighted information does not consist of “basic information.” Accordingly, the city may withhold the highlighted information from the requestor based on section 552.108(a)(1).

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# 114101

Enclosures: Submitted documents

cc: Mr. Charlie J. Castleberry
448 Colt Terrace Drive
Grand Prairie, Texas 75050
(w/o enclosures)

Mr. Charlie J. Castleberry
290 East Oates
Building 15, Apartment #102
Garland, Texas 75043
(w/o enclosures)