



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 29, 1998

Mr. Russ DeVore
Sanders, Baker & Jesko, P.C.
P.O. Box 2667
Amarillo, Texas 79105-2667

OR98-1348

Dear Mr. DeVore:

On behalf of the Amarillo College (the "college"), 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# 116171.

The college received a request for several items of information. You ask whether, pursuant to section 552.108 of the Government Code, the college may withhold from required public disclosure one of the requested items, "complete documentation of the grounds for dismissal, [including] memorandum for records, official documents received from the police and statements concerning the incident or series of incidents."

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:

(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 information pertains to a pending criminal investigation. We therefore believe that the release of the information "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). We believe such basic information refers to the information held to be public in *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). You have informed us that the college has released to the requestor the basic information. Thus, with the exception of the basic information, the college may withhold the information from disclosure based on section 552.108(a)(1).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# 116171

Enclosures: Submitted documents

cc: Mr. Joseph S. Bosko
1013 Sunset Terrace
Amarillo, Texas 79106
(w/o enclosures)

¹We need not address whether page 7.4.1 of the college's administrative handbook gives the requestor a right to the information at issue. Even assuming the handbook provision means that the college must release the information to the requestor -a finding we do not make- we do not believe an employee's right of access to information under a regulation extends to information excepted from public disclosure under section 552.108. *But see* Open Records Decision No. 529 (1989) (section 552.108 inapplicable to information made public by statute). We believe that information subject to section 552.108 is as unavailable to this requestor as it would be to anyone else.