



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 18, 1998

Mr. Paul Wieneskie  
Cribbs & McFarland  
1000 West Abram  
Arlington, Texas 76094-0060

OR98-2237

Dear Mr. Wieneskie

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118187.

The City of Euless (the "city"), which you represent, received a request for the officer's narrative portion of an arrest report. You indicate that the city has no objection to releasing the front page arrest report information, but that the narrative portion of the arrest report is protected from disclosure under section 552.108 of the Government Code. The front page arrest information was submitted as Exhibit B and the narrative portion of the report was submitted to this office as Exhibit C.

We first address the front page information submitted as Exhibit B. Section 552.108(c) provides that basic offense report information is not protected from disclosure under section 552.108. Basic information is the type of information that is generally included on the front page of an offense or arrest report. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177, 186-87 (Tex. Civ. App.--Houston [15th Dist.] 1975), writ *ref'd n.r.e. per curiam*, S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Front page arrest information must include details of the arrest. Open Records Decision No. 127 (1976) (summary enclosed). The front page offense report generally must also include a detailed description of the offense. The front page information which is public and must be disclosed if it is responsive to the request includes details of the arrest and a detailed description of the offense.

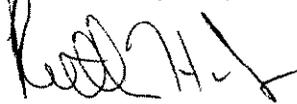
We also note that the submitted front page information includes a driver's license number, which is confidential under section 552.130 of the Government Code and may not be disclosed. You have also redacted from the front page the social security number of the individual arrested. Although it is unclear to this office why the social security number is

being withheld, we note that social security numbers which are obtained or maintained by a governmental body pursuant to any provision of law, enacted on or after October 1, 1990, are confidential pursuant to section 405(c)(2)(C)(viii)(I) of title 42 of the United States Code. We now address the applicability of section 552.108 to Exhibit C.

Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. You assert that there is a pending prosecution concerning the incident that it is the basis of the arrest report. Since there is a pending prosecution, we agree that you have shown that release of the narrative portion of the report would interfere with the investigation or prosecution of crime. Open Records Decision No. 216 at 3 (1978) (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests). The narrative may be withheld from disclosure under section 552.108(a)(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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 118187

Enclosures: Submitted documents  
Copy of Summary of Open Records Decision No. 127 (1976)

cc: Ms. Nancy P. Murphy  
1916 Etain Road  
Irving, Texas 75060  
(w/Copy of Summary of Open Records Decision No. 127 (1976))