

January 8, 1999

Ms. Rachel Lee Ponder
Assistant City Attorney
City of Bryan
P.O. Box 1000
Bryan, Texas 77805

OR99-0080



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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JOHN CORNYN
Attorney General

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Dear Ms. Ponder:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 121114.

The Bryan Police Department (the "department") received a request for information relating to a specified offense report involving the requestor. In response to the request, you submit to this office for review a copy of the information at issue. You assert that the requested information is excepted from disclosure based on section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.108 of the Government Code states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from required public disclosure "if release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). You inform us that the requested information pertains to an investigation, where an arrest was made and "prosecution is still pending." We therefore believe that the release of the information "would interfere with the detection, investigation, or prosecution of crime."

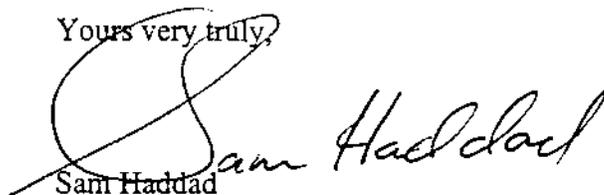
However, section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). We believe such basic information refers to the information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App. --Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, with the exception of the basic front page offense information, the department may

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withhold the requested information from disclosure based on section 552.108(a)(1).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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Sam Haddad". The signature is written in a cursive style with a large, looping initial "S".

Sam Haddad
Assistant Attorney General
Open Records Division

SH/nc

Ref.: ID# 121114

Enclosures: Submitted documents

cc: Ms. Pamela Gilliam
3200 Finfeather Road, No. 237
Bryan, Texas 77805
(w/o enclosures)

¹The department also has discretion to release all or part of this information that is not otherwise confidential by law. Gov't Code § 552.007.