



February 5, 1999

Ms. Tenley A. Aldredge
Assistant County Attorney
County of Travis
P.O. Box 1748
Austin, Texas 78767

OR99-0354

Dear Ms. Aldredge:

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# 121876.

The Travis County Sheriff's Office (the "county") received a request for information regarding criminal activity at a specified address. You claim that the information responsive to this request consists of three incident reports and is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108 of the Government Code provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

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

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]

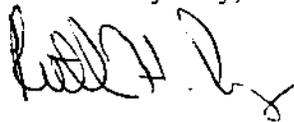
You assert that incident report numbers 9800042684 and 9800041429 are excepted from public disclosure because they are law enforcement information relating to the detection, investigation, or prosecution of crime. You also state that these incident reports did not result in conviction or deferred adjudication. We therefore agree that you have shown the applicability of 552.108(a)(2) of the Government Code to these reports.

In addition, you assert that incident report number 9800038692 is excepted from public disclosure because it is law enforcement information relating to the detection, investigation, or prosecution of crime. Because you inform this office that the records at issue pertain to a pending criminal investigation, we conclude that you have met your burden of establishing that the release of the requested information at this time would interfere with law enforcement or prosecution. Therefore, you have shown the applicability of section 552.108(a)(1) of the Government Code to this report.

We note, however, that 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 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 the basic front page offense and arrest information, the department may withhold the requested information from disclosure based on section 552.108. Although section 552.108 authorizes you to withhold the remaining requested information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. See Gov't Code § 552.007.

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/GLG/ch

Ref.: ID# 121876

Enclosures: Submitted documents

cc: Ms. Pamela Vance
9204 Wellesley Drive
Austin, Texas 78754
(w/o enclosures)