



April 6, 1999

Ms. Sara Fauls  
City Attorney  
City of Copperas Cove  
507 South Main Street  
Copperas Cove, Texas 76522

OR99-0916

Dear Ms. Fauls:

You have asked whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 124880.

You assert that the requested information is excepted from disclosure based on section 552.108 of the Government Code.<sup>1</sup> Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Based on the information you provided, we understand you to assert that the requested information pertains to a case that concluded in a result other than conviction or deferred adjudication. Therefore, we agree that section 552.108(a)(2) is applicable.

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 and arrest

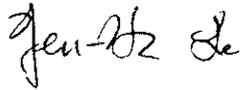
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<sup>1</sup>The requestor asserts that section 552.023 provides for a special right of access to the entire police file. We note that section 552.023 ensures that a requestor has a right of access to records that are otherwise withheld from public disclosure to protect that requestor's privacy interests. Section 552.023 does not grant the requestor a special right of access to records for which a governmental entity asserts an exception to disclosure other than the requestor's own privacy interests.

information, you may withhold the requested information from disclosure based on section 552.108(a)(2). We note that you have the discretion to release all or part of the remaining information that is not otherwise confidential by law. 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.

Sincerely,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/ch

Ref.: ID# 124880

Enclosures: Submitted documents

cc: Mr. Craig W. Carlson  
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P.O. Box 10520  
Killeen, Texas 76547-0520  
(w/o enclosures)