



April 12, 1999

Ms. Lilia Ledesma-Gonzalez
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR99-0984

Dear Ms. Gonzalez:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123381.

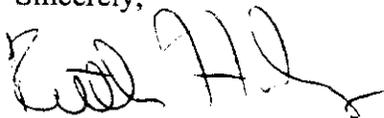
The City of McAllen (the "city") received a request for three offense reports. You contend that the requested reports are excepted from disclosure under section 552.108(a)(2) of the Government Code. You indicate that the basic offense report information is not at issue.¹ Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. We have reviewed your arguments and the reports at issue and conclude that you may withhold all but the front page information of two of the reports. However, we have marked one report that, based upon the information provided to this office, appears to have resulted in a conviction or deferred adjudication and must be released, except for the driver's license number which is protected from disclosure under section 552.130 of the Government Code.

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

¹We note that 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 report, including a detailed description of the incident. *Houston Chronicle Publ'g 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).

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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written in a cursive style.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 123381

encl. Marked documents

cc: Ms. Nydia Wilson
3105 Flamingo Avenue
McAllen, Texas 78501
(w/o enclosures)