



May 11, 1999

Ms. Tracy B. Calabrese
Senior Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR99-1269

Dear Ms. Calabrese:

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# 125954.

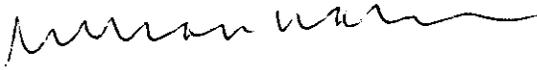
You assert that the requested information is excepted from disclosure based on section 552.108 of the Government Code. Section 552.108(a) of the Government Code states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from required public disclosure "if release of the information would interfere with the detection, investigation, or prosecution of crime" or if the information relates only to "an investigation that did not result in conviction or deferred adjudication." Gov't Code § 552.108(a)(1) and (a)(2). You inform us that the requested report number 148362898 information pertains to a pending case, and that the requested report number 148209998 pertains to a case that did not result in conviction or deferred adjudication. Based on your representations, we conclude that you may generally withhold the requested reports under section 552.108(a)(1) and (2).

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 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, you may withhold the requested information from disclosure based on section 552.108. 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,

A handwritten signature in black ink, appearing to read "William Walker", with a long horizontal flourish extending to the right.

William Walker
Assistant Attorney General
Open Records Division

WMW/eaf

Ref: ID# 125954

encl. Submitted documents

cc: Ms. Ruby R. Johnson-Williams
2777 Allen Parkway, Suite 922
Houston, Texas 77019
(w/o enclosures)