



May 24, 1999

Mr. Robert A. Schulman
Schwartz & Eichelbaum, P.C.
800 Brazos Street, Suite 870
Austin, Texas 78701

OR99-1431

Dear Mr. Schulman:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124383.

The United Independent School District (the "district") received a request for a copy of an employee's written statements. You submitted as responsive to this request information from the district police department, which you contend is excepted from disclosure under sections 552.101 and 552.108 of the Government Code.

You indicate that the documents at issue are part of a criminal investigation file and that the investigation is ongoing. Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. Open Records Decision No. 216 at 3 (1978) (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests).

Section 552.108(c) provides that basic information is not protected. Basic information is the type of information that is generally included on the front page of an offense report. *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). Included in the categories of information usually open to the public are a detailed description of the incident, the location of the incident, and identification and description of the complainant. *Id.*

You express concern about releasing the front page information in Exhibit C.¹ There are special situations in which front page offense report information may be held from disclosure under section 552.108. For example, in Open Records Decision No. 366 (1983), this office agreed that the statutory predecessor to section 552.108 protected from disclosure information about an ongoing undercover narcotics operation, even though some of the information at issue was front page information contained in an arrest report. Also, in Open Records Decision No. 333 (1982), this office agreed that certain front page arrest report information identifying individuals as informants and potential informants was protected from disclosure.

We have reviewed the records at issue and agree that section 552.108(a)(1) protects Exhibit B in its entirety and most of Exhibit C. You must release all of the front page information in Exhibit C except for the narrative and the complainant's home address and home telephone number. The narrative, the home address, and the home telephone number in this particular circumstance may be withheld from disclosure under section 552.108, given the arguments you make and the information provided this office.

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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 124383

encl. Submitted documents

¹You asserted that the informer's privilege protects Exhibit B, but we note that the exception is inapplicable if the identity of the informer is known to the subject of the communication, as in this case. Open Records Decision No. 202 at 2 (1978).

cc: Mr. James McDonald
3001 E. Travis, No. 34
Laredo, Texas 78048
(w/o enclosures)