



July 6, 1999

Lieutenant Terry Lichtie
Amarillo Police Department
200 E. 3rd
Amarillo, Texas 79101-1514

OR99-1878

Dear Lieutenant Lichtie:

You ask 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# 125922.

The Amarillo Police Department (the “department”) received a request for police records relating to a named individual. You contend that the submitted documents are excepted from required public disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Where an individual’s criminal history information has been compiled by a governmental entity, the information takes on a character that implicates the individual’s right to privacy. *See United States Dep’t of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989). In this instance, the requestor asks for all information compiled on a certain person during a particular time period. We believe, in this case, that the individual’s right to privacy has been implicated. Thus, to the extent the named individual is listed as a suspect, we conclude that the department must withhold this information under section 552.101 of the Government Code.¹ *See id.*; *see also* Gov’t Code § 411.106(b). We have marked the information that must be withheld.

Additionally, some of the requested records are excepted from disclosure under section 58.007 of the Family Code. Section 58.007(c) of the Family Code provides in pertinent part:

¹We are able to make a determination under *Reporters Committee* at this time; however, if you receive a subsequent request for this information, you should reassert your arguments against disclosure at that time. Gov’t Code § 552.352 (distribution of confidential information is a criminal offense).

(c) Except as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public and shall be:

(1) kept separate from adult files and records; and

(2) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapter B.

Since the documents in case file 98-89630 are juvenile law enforcement records, and there appear to be no applicable exceptions to their confidentiality, the department must withhold these records in their entirety under section 58.007(c) of the Family Code.

Finally, you argue that some of the submitted information is excepted from disclosure under section 552.108. Section 552.108, the “law enforcement exception,” provides in relevant part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; [or] (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[.]

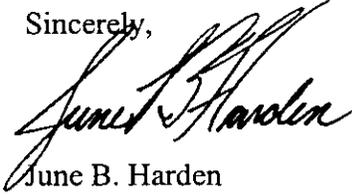
A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. You indicate that case number 85-21524 was not billed by the Grand Jury on June 6, 1985. We conclude that you have shown the applicability of section 552.108(a)(2) to this case file. Thus, you may withhold these documents under section 552.108(a)(2).² You have not, however, shown the applicability of section 552.108 to the submitted header pages. Therefore, you must release these pages to the requestor.

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

²We note, however, that “basic information about an arrested person, an arrest, or a crime” is not excepted from required public disclosure. Gov’t Code § 552.108(c). Basic information is the type of information that is considered to be front page offense report information even if this information is not actually located on the front page of the offense report. See generally *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); Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information, including detailed description of offense).

presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref.: ID# 125922

Encl. Marked documents

cc: Ms. Mary Mitchell
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(w/o enclosures)