



July 9, 1999

Ms. E. Cary Grace
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 11562
Houston, Texas 77251-1562

OR99-1912

Dear Ms. Grace:

You have asked whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 127286.

The City of Houston received a request for several offense reports. The information at issue was submitted to this office as Exhibits 2, 3, and 4. You contend that Exhibit 2 is excepted from disclosure under section 552.108(a)(1) of the Government Code and that Exhibits 3 and 4 are excepted from disclosure under section 552.108(a)(2) of the Government Code.

We note initially that section 552.108(c) provides that basic information about an arrested person, an arrest, or a crime is not protected from disclosure under section 552.108. We believe that 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). It is our understanding that you have already released this basic, front page offense report information. We will address the remaining information in the submitted exhibits.

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. As you contend that Exhibit 2 concerns a case that

is still considered to be open, we agree that release of the records would interfere with the detection, investigation, or prosecution of crime. Thus, except for the public front page information, Exhibit 2 may be withheld from disclosure under section 552.108(a)(1).

Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. You indicate that Exhibits 3 and 4 concern cases that were closed but without convictions or deferred adjudications. Thus, we agree that Exhibits 3 and 4, except for the front page offense report information, may be withheld from disclosure under section 552.108(a)(2).¹

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 127286

Encl. Submitted documents

cc: Mr. Lee A. Demers
P.O. Box 431
Cypress, Texas 77410
(w/o enclosures)

¹We also note that you have the discretion to release all or part of the remaining information in Exhibits 2 through 4 that is not otherwise confidential by law. Gov't Code § 552.007.