



October 22, 1999

Ms. Victoria T. Huynh  
Assistant City Attorney  
City of Plano  
P. O. Box 860358  
Plano, Texas 75086-0358

OR99-2993

Dear Ms. Huynh:

You have asked whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 129597.

The City of Plano (the "city") received a request for information regarding Citation Number 509216. You assert that the requested information is excepted from disclosure based on sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

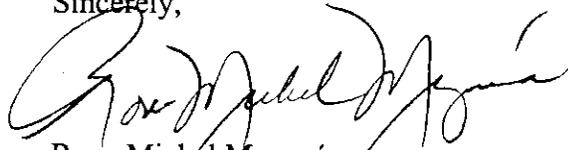
Section 552.108 of the Government Code states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from required public disclosure "if release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). You inform us that the requested information pertains to a pending case. We therefore believe that the release of the information "would interfere with the detection, investigation, or prosecution of crime." *Id.*

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 report information, you may withhold the requested information from disclosure based on section 552.108(a)(1). 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.

In addition, records filed with a court are generally public records and may not be withheld from disclosure. *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54 (Tex. 1992). Therefore, because the City of Plano Notice to Appear, which you submitted as Exhibit B, has been filed with the municipal court, it must be released.

As section 552.108 is dispositive, we will not address your section 552.103 assertion.<sup>1</sup> 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,



Rose-Michel Munguía  
Assistant Attorney General  
Open Records Division

RMM/nc

Ref: 129597

Encl: Submitted documents

cc: Mr. L. Bruce Lambert  
Attorney at Law  
P.O. Box 120787  
Arlington, Texas 76012  
(w/o enclosures)

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<sup>1</sup>Basic front page offense report type information may not be withheld from disclosure under section 552.108 nor section 552.103. Open Records Decision No. 597 at 3 (1991).