



October 22, 1999

Mr. Nick Todaro
Assistant City Attorney
City of Midland
P.O. Box 1152
Midland, Texas 79702-1152

OR99-2997

Dear Mr. Todaro:

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# 129556.

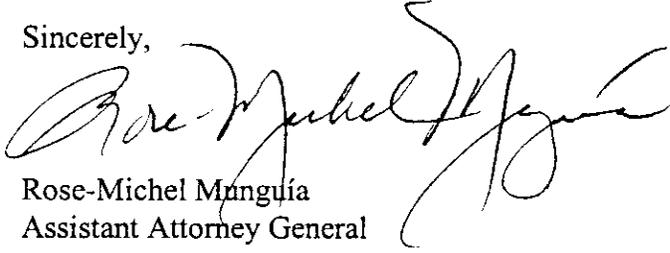
The City of Midland (the "city") received a request for information regarding offense report numbers 9709190079 and 9502190053. You assert that the offense reports are excepted from disclosure pursuant to sections 552.108 and 552.130 of the Government Code. We have reviewed your claims and considered the documents you submitted.

Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Based on the information you provided, we understand you to assert that the requested information pertains to cases that concluded in a result other than conviction or deferred adjudication. Therefore, we agree that section 552.108(a)(2) is applicable.

However, section 552.108 is not applicable to basic front page 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 Publishing 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 information which you indicate that you have already released, you may withhold the requested information from disclosure based on section 552.108(a)(2). 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.

As section 552.108(a)(2) is dispositive, we will not address your section 552.130 assertion. 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 Minguía
Assistant Attorney General
Open Records Division

RMM/nc

Ref: 129556

Encl: Submitted documents

cc: Ms. Marisall G. Perales
Law Offices of Garza & Chavez
P.O. Box 3529
Midland, Texas 79702
(w/o enclosures)