



November 19, 1999

Ms. Rosalinda O. Fierro
Records Department
Travis County District Attorney
P.O. Box 1748
Austin, Texas 78767

OR99-3334

Dear Ms. Fierro:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128989.

The Travis County District Attorney's Office received a request for all records pertaining to DA Control #94 7697. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. You have supplied a representative sample of the responsive information to this office for review.¹ We have considered the exception you claim and reviewed the submitted information.

Section 552.108 of the Government Code provides in pertinent part:

- (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 Section 552.021 if:

...

- (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;

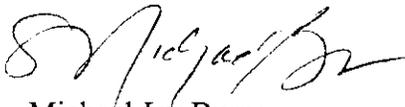
¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

- ...
- (c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

Information relating to a criminal investigation or prosecution that concluded in a result other than a conviction or deferred adjudication may be withheld under section 552.108(a)(2). You have supplied an order of the court which indicates that the underlying case resulted in the return of "no bill" by the impaneled grand jury. Consequently, we find that you have shown the applicability of section 552.108(a)(2) to the requested information. However, this section does not except "basic" information from disclosure. Gov't Code 552.108(c). We consider this "basic" information to be the "front page" 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). Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information, including detailed description of offense). This information must be released. With the exception of "front page" information, the responsive information may be withheld.²

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,



Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 128989

²Although section 552.108 allows you to withhold this information, you may release any information that is not confidential if you wish; release of confidential information is prohibited. See Gov't Code §§552.007, 411.090-.127.

Encl. Submitted documents

cc: Mr. John McMasters
c/o Rosalinda O. Fierro,CLA
Office of the District Attorney
P.O. Box 1748
Austin, Texas 78767
(w/o enclosures)