



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 29, 2009

Ms. YuShan Chang
Assistant City Attorney
City of Houston
P.O. Box 368
Houston, Texas 77002

OR2009-10473

Dear Ms. Chang:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 350745.

The Houston Police Department (the "department") received a request for information pertaining to a specified incident. You claim the submitted information is excepted from disclosure under sections 552.108, 552.130, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). 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 state that the submitted information pertains to a criminal investigation involving two suspects, one of whom was convicted in connection with this matter. You also explain that the charges against the other individual were dismissed, and thus did not result in a conviction or deferred adjudication. You contend that the information relating to the convicted individual and the individual against whom the charges were dismissed is so intertwined that it cannot be easily separated and that release of information relating to the convicted individual would reveal information relating to the individual against whom the charges were dismissed. Based on your representations and our review, we agree that the information cannot be separated. Accordingly, we conclude that section 552.108(a)(2) is applicable to the submitted information.

However, section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). 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 information, which you state will be released, the department may withhold the submitted information under section 552.108(a)(2).

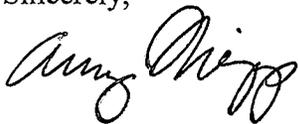
We note that basic information includes the social security number of an arrestee. Section 552.147 of the Government Code authorizes a governmental body to redact “[t]he social security number of a living person.” Gov’t Code § 552.147.¹ Therefore, the department may withhold the social security number of the arrestee pursuant to section 552.147 of the Government Code.

In summary, with the exception of the basic information, the department may withhold the submitted information from disclosure under section 552.108(a)(2) of the Government Code. The department may withhold the arrestee’s social security number pursuant to section 552.147 of the Government Code. The remaining basic information must be released. As our ruling is dispositive, we need not address your remaining argument against disclosure.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Amy L.S. Shipp
Assistant Attorney General
Open Records Division

ALS/rl

¹Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person’s social security number from public release without the necessity of requesting a decision from this office under the Act. Gov’t Code § 552.147(b).

Ref: ID# 350745

Enc. Submitted documents

cc: Requestor
(w/o enclosures)