



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 3, 2009

Mr. Samuel D. Hawk  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
1400 South Lamar  
Dallas, Texas 75215

OR2009-17152

Dear Mr. Hawk:

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# 368090 (DPD ORR No. 2009-9641).

The Dallas Police Department (the "department") received a request for information relating to a specified service number. You state that some of the requested information is the subject of a previous open records letter ruling. You also indicate that some of the requested information either has been or will be released. You claim that other responsive information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.<sup>1</sup>

You state that some of the requested information was the subject of a previous request, as a result of which this office issued Open Records Letter No. 2009-16212 (2009). In the previous ruling, the records at issue consisted of information relating to 911 calls and surveillance video. We concluded that the marked telephone number of a 9-1-1 caller must be withheld under section 552.101 of the Government Code in conjunction with

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<sup>1</sup>This letter ruling assumes that the submitted representative sample of information is truly representative of the requested information as a whole. This ruling neither reaches nor authorizes the department to withhold any information that is substantially different from the submitted information. See Gov't Code §§ 552.301(e)(1)(D), .302; Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).

section 772.318 of the Health and Safety Code, if the information was furnished by a 9-1-1 service supplier, and that other marked information may be withheld under section 552.108(a)(1) of the Government Code. You do not indicate that there has been any change in the law, facts, and circumstances on which the previous ruling is based. We therefore conclude that the department must dispose of the requested information that is encompassed by Open Records Letter No. 2009-16212 in accordance with that ruling. See Gov't Code § 552.301(a); Open Records Decision No. 673 at 6-7 (2001) (listing elements of first type of previous determination under Gov't Code § 552.301(a)).

Section 552.108 of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Gov't Code § 552.108(a)(1). A governmental body must reasonably explain how and why section 552.108 is applicable to the information at issue. See *id.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You have marked the information that the department seeks to withhold under section 552.108. You state that the marked information is related to a pending criminal case or cases. Based on your representation, we conclude that section 552.108(a)(1) is generally applicable to the marked information. See *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) (court delineates law enforcement interests that are present in active cases).

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). Section 552.108(c) refers to the basic front-page information held to be public in *Houston Chronicle* and includes a detailed description of the offense. See 531 S.W.2d at 186-88; Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*).<sup>2</sup> Except for basic information that must be released under section 552.108(c), the department may withhold the marked information under section 552.108(a)(1).

In summary: (1) the department must dispose of the requested information that is encompassed by Open Records Letter No. 2009-16212 in accordance with that ruling; and (2) except for basic information under section 552.108(c), the department may withhold the marked information under section 552.108(a)(1) of the Government Code. The rest of the submitted information must be released.

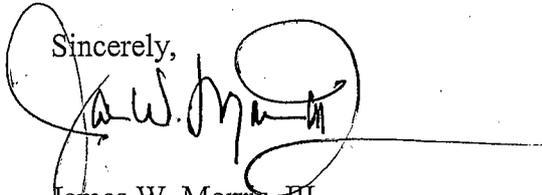
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<sup>2</sup>Basic information also includes, among other things, the social security number of an arrested person. We note that section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act.

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](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, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Morris, III", is written over a horizontal line. The signature is stylized and includes a large circular flourish on the left side.

James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/cc

Ref: ID# 368090

Enc: Submitted information

c: Requestor  
(w/o enclosures)