



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 21, 2009

Mr. David Hamilton  
City Attorney  
City of Reno  
3830 FM 195  
Paris, Texas 75462-1621

OR2009-18090

Dear Mr. Hamilton:

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# 369534.

The City of Reno (the "city") received a request for two specified incident reports. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, you inform this office that incident report number 20090161 was the subject of a previous request received by the city, as a result of which this office issued Open Records Letter No. 2009-15707 (2009). In that ruling we concluded that, with the exception of basic information and any court documents, the department may withhold the information in incident report number 20090161 under section 552.108(a)(1) of the Government Code. We have no indication that there has been any change in the law, facts, or circumstances on which the previous ruling was based. We therefore conclude that the city may continue to rely on Open Records Letter No. 2009-15707 as a previous determination and withhold or release the information in incident report number 20090161 in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney

general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

Next, section 552.108(a)(2) 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 . . . 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[.]” 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 incident report number 20090157 pertains to a criminal investigation that did not result in conviction or deferred adjudication. Based on your representations and our review of the submitted information, we agree that section 552.108(a)(2) is applicable to this incident report.

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). See Open Records Decision No. 127 (1976) (summarizing types of information made public by *Houston Chronicle*). Basic information includes a detailed description of the offense. See *Houston Chronicle*, 531 S.W.2d at 187; ORD 127. Thus, with the exception of the basic information, which you state has been released, the city may withhold incident report number 20090157 under section 552.108(a)(2) of the Government Code.<sup>1</sup>

In summary, the city may continue to rely on Open Records Letter No. 2009-15707 as a previous determination and withhold or release the information in incident report number 20090161 in accordance with that ruling. With the exception of the basic information, the city may withhold incident report number 20090157 under section 552.108(a)(2) of the Government Code.

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)

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<sup>1</sup>We note that incident report number 20090157 contains the same court documents as incident report number 20090161, and these court documents must be released.

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 cursive script that reads "Tamara H. Holland".

Tamara H. Holland  
Assistant Attorney General  
Open Records Division

THH/sdk

Ref: ID# 369534

Enc. Submitted documents

c: Requestor  
(w/o enclosures)