



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 20, 2014

Mr. Xochytl D. Greer
Ross, Banks, May, Cron & Cavin, P.C.
Counsel for the City of League City
2 Riverway, Suite 700
Houston, Texas 77056-1918

OR2014-04739

Dear Mr. Greer:

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# 517271 (RBMCC File No. 3607-1, City Ref. No. 13-541).

The City of League City (the "city"), which you represent, received a request for all records pertaining to the city's police department, fire department, and emergency medical services responses to a specified motor vehicle accident. You inform us you will release some of the requested information to the requestor. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, you inform us a portion of the requested information was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2013-21906 (2013). In Open Records Letter No. 2013-21906, we determined that with the exception of the basic information, the city may withhold the city police department's report number 13-5837 and photographs under section 552.108(a)(1) of the Government Code. We have no indication there has been any change in the law, facts, or circumstances on which the prior ruling was based. Accordingly, for the requested information that is identical to the information previously requested and ruled upon by this office, we conclude the city may rely on Open Records Letter No. 2013-21906 as a previous determination and withhold or release the identical information 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). However, we will consider your arguments against the disclosure of the submitted information, which was not previously ruled on by this office.

Section 552.108(a) 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: (1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Gov’t Code § 552.108(a)(1). Generally, a governmental body claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). We note for the purposes of section 552.108 the arson investigation unit of a fire department is considered a law enforcement unit. *See Open Records Decision No. 127 at 8 (1976)*. You inform us the submitted information pertains to an investigation by the fire marshal division of the city’s fire department. Based upon this representation, we conclude section 552.108(a)(1) is applicable, and the release of the submitted information would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

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*. *See* 531 S.W.2d at 186-88; *see also Open Records Decision No. 127 (1976)* (summarizing types of information considered basic information). Thus, with the exception of the basic information, you may withhold the submitted information from disclosure based on section 552.108(a)(1) of the Government Code.¹

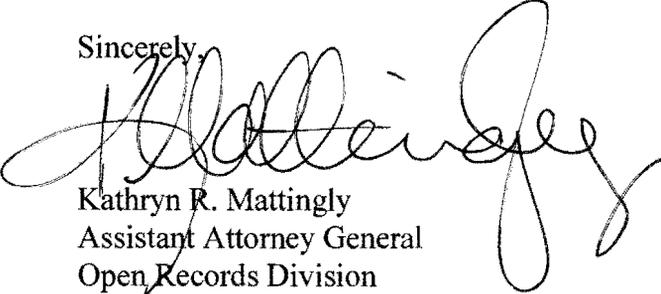
In summary, for the requested information that is identical to the information previously requested and ruled upon by this office, the city may rely on Open Records Letter No. 2013-21906 as a previous determination and withhold or release the identical information in accordance with that ruling. With the exception of the basic information, the city may withhold the submitted information from disclosure based on section 552.108(a)(1) of the Government Code.

¹As 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Mattingly', written over the typed name and title.

Kathryn R. Mattingly
Assistant Attorney General
Open Records Division

KRM/bhf

Ref: ID# 517271

Enc. Submitted documents

c: Requestor
(w/o enclosures)