



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 6, 2014

Mr. Gregory L. Grigg
Chief of Police
City of Deer Park
2911 Center Street
Deer Park, Texas 77536-4942

OR2014-17821

Dear Mr. Grigg:

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# 543487.

The Deer Park Police Department (the "department") received a request for a specified blood sample and the basic front-page information related to a specified cause number. You claim the submitted information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the requestor seeks only a blood sample and the basic front-page information related to the specified cause number. Thus, only the blood sample and the basic information is responsive to the request. This ruling does not address the public availability of non-responsive information, and the department need not release information that is not responsive to the request.¹

Next, we note the requestor seeks to inspect a blood sample. The Act applies to "public information," which is defined in section 552.002 of the Government Code. Section 552.002 provides, in pertinent part:

¹As we are able to make this determination, we need not address your arguments against disclosure of the non-responsive information.

(a) In this chapter, "public information" means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

(1) by a governmental body;

(2) for a governmental body and the governmental body:

(A) owns the information;

(B) has a right of access to the information; or

(C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or

(3) by an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body.

Gov't Code § 552.002(a). This office has ruled tangible physical items are not "information," as that term is contemplated under the Act. *See* Open Records Decision No. 581 (1990). Thus, the blood sample is not public information for purposes of section 552.002 of the Government Code and the Act does not require the department to make the blood sample available to the requestor. *See* Gov't Code § 552.021.

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 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).

However, section 552.108 does not except from disclosure "basic information about an arrested person, an arrest, or a crime." *Id.* § 552.108(c). Section 552.108(c) refers to the basic "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) (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). *See* Open Records Decision No. 127 (1976) (summarizing types of information deemed public by *Houston Chronicle*). We note basic information does not include motor vehicle record information subject to section 552.130 of the Government Code. Basic information must be released, even if it does not literally appear on the front

page of a police report. Therefore, the department must release the basic information pertaining to the specified cause number to the requestor.

In summary, the blood sample is not public information for purposes of section 552.002 of the Government Code and the Act does not require the department to make the blood sample available to the requestor. The department must release the basic information pertaining to the specified cause number to the requestor. The remaining submitted information is not responsive, and the department need not release it in response to this request.

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,



Kristi L. Godden
Assistant Attorney General
Open Records Division

KLK/cz

Ref: ID# 543487

Enc. Submitted documents

c: Requestor
(w/o enclosures)

