



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 31, 2016

Mr. T. Philip Brent
Counsel for the City of Port Neches
Bradley, Steele & Pierce, L.L.P.
3120 Central Mall Drive
Port Arthur, Texas 77642

OR2016-07183

Dear Mr. Brent:

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# 604074.

The Port Neches Police Department (the "department"), which you represent, received a request for information pertaining to a specified incident and named individual. You claim the submitted information is excepted from disclosure under sections 552.108, 552.117, 552.1175, and 552.130 of the Government Code. We note you have also notified certain third parties of their rights to submit written comments to this office stating reasons why the information should or should not be released.¹ *See* Gov't Code § 552.304. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a)(1) 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[.]" *See id.* § 552.108(a)(1). A governmental body that claims an exception to disclosure under section 552.108(a)(1) must reasonably explain how and why this exception is applicable to the information at issue. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the submitted information relates to two pending criminal investigations. Based upon

¹As of the date of this letter, we have not received comments from any of the notified individuals.

your representation and our review, we find section 552.108(a)(1) is applicable to the submitted information. 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. *Id.* § 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 also Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). We note basic information includes, among other items, a sufficient portion of the narrative to encompass a detailed description of the offense. See ORD 127 at 3-4. However, we also note basic information does not include motor vehicle record information encompassed by section 552.130 of the Government Code or dates of birth. See *id.* Thus, with the exception of the basic information, the department may withhold the submitted information under section 552.108(a)(1) of the Government Code.²

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,



Joseph Keeney
Assistant Attorney General
Open Records Division

JDK/dls

²As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.

Ref: ID# 604074

Enc. Submitted documents

c: Requestor
(w/o enclosures)