



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 29, 1994

Ms. Helen M. Gros
Senior Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR94-761

Dear Ms. Gros:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 25306.

The City of Houston has received a request for information held by the city's police department pertaining to an incident involving a particular individual on a particular date. You have submitted, as responsive to the request, an incident report of which you say the city will release the first three pages, which it considers the "public release portion" of the report. You argue that the remaining portion of the report may be withheld under section 552.108 of the act, which excepts from required disclosure:

- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution

You indicate that, although the case in question had become inactive, it has now been reopened, and that release of the material at issue would "seriously impair any further investigation." We have reviewed the material at issue. We note that the public release portion of the report does not contain some of the information -- i.e., names of persons arrested -- held open 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),

(copy enclosed). Assuming, however, that you will release information made open in the *Houston Chronicle* case, we agree that you may withhold the rest of the report under section 552.108. See Open Records Decision No. 611 (1992). In view of this disposition, we do not address at this time your claims under section 552.103.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker
Assistant Attorney General
Open Government Section

WMW/MAR/rho

Ref.: ID# 25306

Enclosures: Open Records Decision No. 127 (1976)
Submitted documents

cc: Mr. Sheldon Tabak
Tabak & Mellusi
71 Hudson Street
New York, New York 10013-2800
(w/o enclosures)