



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 29, 1996

Ms. Cathy Cunningham  
Office of the City Attorney  
City of Irving  
P.O. Box 152288  
Irving, Texas 75015-2288

OR96-1316

Dear Ms. Cunningham:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100202.

The City of Irving Fire Marshall received a request for the "Fire Department's investigative report regarding the fire at Holiday Inn Select DFW Airport North on Wednesday, May 15, 1996." You assert that section 552.108 of the Government Code excepts the requested information from required public disclosure.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n 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." Gov't Code § 552.108; see *Holmes v. Morales*, 39 Tex. Sup. Ct. J. 781, 1996 WL 325601 (June 14, 1996). We note, however, that information normally found on the front page of an offense report is generally considered public.<sup>1</sup> *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); Open Records Decision No. 127 (1976).

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<sup>1</sup>The content of the information determines whether it must be released in compliance with *Houston Chronicle*, not its literal location on the first page of an offense report. Open Records Decision No. 127 (1976) contains a summary of the types of information deemed public by *Houston Chronicle*.

You state that the fire is still under investigation for possible criminal prosecution. The Arson Investigation Division of the City of Irving Fire Department is a "law-enforcement agency" within the meaning of section 552.108. *See* Open Records Decision No. 127 (1976) at 8-9. Assuming that the Arson Investigation Division of the City of Irving Fire Department is conducting this investigation, the information requested clearly falls within the purview of section 552.108 and, except for front page offense report information, may be withheld from required public disclosure. On the other hand, if this investigation is not being conducted by the Arson Investigation Unit, the requested information may not be withheld under section 552.108 and must be released to the requestor.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Todd Reese", with a long horizontal flourish extending to the right.

Todd Reese  
Assistant Attorney General  
Open Records Division

RTR/rho

Ref.: ID# 100202

Enclosure: Submitted document

cc: Kees Elder, General Manager  
Holiday Inn Select, DFW Airport North  
4441 Highway 114  
Irving, Texas 75063  
(w/o enclosure)