



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 31, 1996

Mr. Michael C. Hayes  
Assistant City Attorney  
The City of El Paso  
1 Civic Center Plaza  
El Paso, Texas 79901-1196

OR96-1345

Dear Mr. Hayes:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 100364.

The City of El Paso Fire Department (the "city") received a request for a certain investigative file. You assert that the requested information is protected from required public disclosure based on sections 552.101, 552.103, and 552.108 of the Government Code.

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," 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). Information normally found on the front page of an offense report is generally considered public. *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). However, front page offense report information may be excepted from public disclosure under section 552.101 of the Government Code when release of the information would impinge on an individual's privacy rights. See Open Records Decision No. 508 (1988).

This office has stated that where an incident involves allegedly criminal conduct, section 552.108 may be invoked by any proper custodian of the information that relates to the incident. *See* Open Records Decision No. 474 (1987). We conclude that the city may withhold from required public disclosure the requested information in its entirety pursuant to sections 552.101 and 552.108 of the Government Code.<sup>1</sup>

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,



Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 100364

Enclosures: Submitted documents

cc: Mr. Ruben R. Salazar  
9455 Viscount #207  
El Paso, Texas 79925  
(w/o enclosures)

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<sup>1</sup>Having concluded that the city may withhold the requested information from disclosure based on sections 552.101 and 552.108, we need not address your section 552.103 claim at this time.