



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 8, 1996

Mr. James R. Raup
McGinnis, Lochridge & Kilgore, L.L.P.
1300 Capitol Center
919 Congress Avenue
Austin, Texas 78701

OR96-1411

Dear Mr. Raup:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 40766.

The Austin Independent School District (the "district"), which you represent, received a request for all information the district has related to the requestor. The district has released most of the requested information to the requestor. However, the district received some information about the requestor from the San Marcos Police Department (the "department"), and you ask whether the district should release this information to the requestor. The department has expressed to the district its desire for the district to withhold the information from the requestor because the information is related to the department's ongoing criminal investigation of the requestor.

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). Information which otherwise qualifies for the section 552.108 exception does not necessarily lose that status while in the custody of an agency not directly involved with law enforcement. Attorney General Opinion MW-575 (1982); Open Records Decision No. 272 (1981). Therefore, the information at issue qualifies for the section 552.108 exception even though the district, which is not a law enforcement agency, possesses the information. We note, however, that 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). Thus, you must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. Pursuant to section 552.108, the district may withhold from disclosure all of the information at issue except that generally found on the first page of an offense report. On the other hand, the district may choose to release all or part of the information that is not otherwise confidential by law. Gov't Code § 552.007. See Open Records Decision No. 177 (1977) (custodian of information has discretion to release it even though section 552.108 may except it from disclosure).

We are resolving this matter with an 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 should 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,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

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Ref.: ID# 40766

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