



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 14, 1996

Mr. Gary W. Smith  
City Attorney  
City of Greenville  
P.O. Box 1049  
Greenville, Texas 75403-1049

OR96-1461

Dear Mr. Smith:

You have asked 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# 101206.

The City of Greenville (the "city") received a request for "all information and paper work related to offense #9635860." You state that you have provided the requestor with the public information portion of the offense report. However, you assert that the "recitation of the events by a witness to an investigating officer is the same as an informant's statement" and, thus, is excepted from disclosure pursuant to section 552.108 of the Government Code.

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).<sup>1</sup> We therefore conclude that section 552.108 excepts from disclosure the requested information. We note that the city also has the discretion to release all or part of the information requested that is not otherwise confidential by law. *See* Gov't Code § 552.007.

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<sup>1</sup>We note, however, that information normally found on the front page of an offense report is generally considered public. *See generally 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).

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 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 "Ruth H. Soucy". The signature is fluid and cursive, with the first name "Ruth" being the most prominent.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/SAB/rho

Ref.: ID# 101206

Enclosures: Submitted documents

cc: Ms. Foy Gayle Adams  
4706 Airhart  
Greenville, Texas 75401  
(w/o enclosures)