



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 30, 1996

Ms. Y. Qiyamah Taylor
Assistant City Attorney
City of Houston
P. O. Box 1562
Houston, Texas 77251-1562

OR96-1570

Dear Ms. Taylor:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100548.

The City of Houston (the "city") received a request for "a copy of the full report," concerning a case involving forgery. You submitted to this office for review the offense report and contend that the information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

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*, 924 S.W.2d 920 (Tex. 1996). You inform us that the requested information pertains to "records of a law enforcement agency that deals with the detection, investigation, or prosecution of a crime." We have examined the information at issue and conclude that you may withhold the submitted records pursuant to section 552.108 of the Government Code.

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). 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 report. The *type* of information must be examined rather than whether it is actually located on the front page. See Open Records Decision No. 127 (1976) at 5. We have enclosed a summary of the type of information that is public. Although section 552.108 authorizes you to withhold the requested information, we note that since section 552.108 is discretionary with the governmental entity asserting the exception, you may choose to release all or part of the other information at issue that is not otherwise confidential by law. Gov't Code § 552.007.

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



Sam Haddad

Assistant Attorney General
Open Records Division

SH/ch

Ref.: ID# 100548

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

cc: Ms. Judith Edwards
8315 Morley
Houston, Texas 77061
(w/ Summary of Open Records Decision No. 127 (1976))