



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 25, 1996

Mr. Boyd Kennedy
Staff Attorney
Law Enforcement Division
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

OR96-1757

Dear Mr. Kennedy:

You ask 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# 100759.

The Texas Parks and Wildlife Department (the "department") received an open records request for the following information:

A listing of all Class C misdemeanor charges pending and/or not pending, related to boating issued by the Texas Parks and Wildlife Department on Lake Brownwood in JP Precincts 2 and 4, from 6-1-95 to 6-1-96. Include the charge, the fine levied and/or paid, which JP Precinct it was in, and the home city of the person charged.

You have submitted to this office as responsive to the request "a computerized database containing information about criminal citations issued by [department] officers." You seek to withhold these records pursuant to sections 552.101, 552.103¹ and 552.108 of the Government Code. We have considered the exceptions you claimed and have reviewed the documents at issue.

¹You assert that a "case, styled State of Texas v. Willard, is currently pending before J.P. Jimmy Crooks, Precinct 2, Brown County."

You state that the requested information relates to the investigation and prosecution of a Class C misdemeanor, pursuant to Parks and Wildlife Code section 31.066(a). 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). However, information normally found on the front page of an offense report is generally considered public.² *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 further note that the submitted record, which you wish to withhold, consists of information generally considered part of the front page offense report that must be released.³ Similarly, section 552.103(a) cannot be invoked to withhold from public disclosure basic front page offense report information. See *Houston Chronicle*, 531 S.W.2d at 186 (press and public have constitutional right of access to information relating to activities of law enforcement agencies).

We next address your claimed exception pursuant to section 552.101 of the Government Code. Section 552.101 excepts “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” This section encompasses both common-law and constitutional privacy. Although the department claims that the submitted information is excepted from disclosure under section 552.101, the department has not indicated, and we are not aware of, any statute that would make the submitted information confidential. Furthermore, after reviewing the submitted information, we do not find any information that is protected by privacy. See Open Records Decision Nos. 611 (1992) (public has legitimate interest in identity of persons who commit crime), 480 (1987) (public has an interest in knowing who owes money to governmental body).⁴ Therefore, the department may not withhold any of the requested information, which is front page offense report information, under section 552.101.

²The 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*.

³We 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 remaining information at issue that is not otherwise confidential by law. Gov’t Code § 552.007; See Open Records Decision No. 216 (1978).

⁴This office generally considers information regarding a specific transaction between an individual and a public body to be public information. For example, this office has held that the amount of a debt to a public hospital, together with the names of debtors and dates of delinquency, is not excepted by common-law privacy. Open Records Decision No. 385 (1983).

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,

A handwritten signature in black ink that reads "Sam Haddad". The signature is written in a cursive style with a large, looping initial "S".

Sam Haddad
Assistant Attorney General
Open Records Division

SH/ch

Ref.: ID# 100759

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

cc: Ms. Erin Rogers
3905 Maplewood
Austin, Texas 78722
(w/ Summary of Open Records Decision No. 127 (1976))