



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 25, 1996

Ms. Karen S. Barland
Central Records Supervisor
Office of the District Attorney
P.O. Box 1748
Austin, Texas 78767

OR96-1930

Dear Ms. Barland:

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# 102700.

The Office of the District Attorney (the "district attorney") received a request for "copies of any and all relevant documents found in file number PIU 1335-93, David Leiker and Ross Standler." You advise us that some of the requested records are grand jury records that are not subject to the Open Records Act. As for the remainder of the requested records, you contend that these records are excepted from disclosure under sections 552.101 and 552.108 of the Government Code.

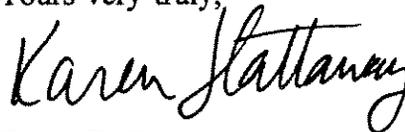
In Open Records Decision No. 513 (1988), we ruled that the Open Records Act does not apply to information within the actual or constructive possession of the grand jury. *Id.* at 3. A district attorney who receives a request for grand jury records is instructed not to submit those records to this office for review, but rather to submit to us an affidavit to the effect that the information was prepared or collected at the express direction of the grand jury. *Id.* at 4-5. You have submitted to us an affidavit that establishes that some of the requested records are grand jury records. Therefore, we conclude that those records are not subject to required public disclosure under the Open Records Act.

You claim that the remaining records are excepted from disclosure under sections 552.101 and 552.108. Section 552.101 excepts information from disclosure "if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Some of the information contained in the requested records is excepted from disclosure under section 552.101 because it is deemed confidential by statute or judicial decision. We have marked this information accordingly.

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). 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. Section 552.108 provides that you may withhold the remaining information from disclosure, although you may choose to release all or part of the 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 any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 102700

Enclosures: Marked documents

cc: Mr. Mike Halligan
Texas Mental Health Consumers
4110 Guadalupe, Bldg. 636
Austin, Texas 78751
(w/o enclosures)