



Office of the Attorney General

State of Texas

November 13, 1996

DAN MORALES
ATTORNEY GENERAL

Ms. Tracy B. Calabrese
Assistant City Attorney
P.O. Box 1562
Houston, Texas 77251-1562

OR96-2081

Dear Ms. Calabrese:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101693.

The Houston Police Department (the "department") received two requests for information seeking five categories of information concerning an investigation involving several seized computers. You claim that the requested information is excepted from required public disclosure by sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.¹

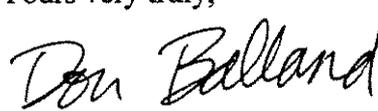
Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters 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. *See Houston Chronicle*, 531 S.W.2d at 187; *cf.* Open Records Decision No. 597 (1991) (basic information in offense report generally may not be withheld under section 552.103); *see also* Open Records Decision No. 127 (1976) (summarizing types of information deemed public by *Houston Chronicle*). The information at issue deals with the detection, investigation, or prosecution of crime. We therefore conclude that, except for front page offense report

¹We also note that the Open Records Act does not ordinarily require a governmental body to create information or to answer factual questions in response to a request for information. *See Open Records Decision Nos. 534 (1989), 379 (1983).*

information, section 552.108 of the Government Code excepts the requested records from required public 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 § 552.007.²

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 questions about this ruling, please contact our office.

Yours very truly,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 101693

Enclosures: Submitted documents

cc: Mr. Mark R. Smith
Special Projects Desk
Houston Chronicle
801 Texas Avenue
Houston, Texas 77002
(w/o enclosures)

²Because we are able to make a determination under section 552.108, we do not address your argument under section 552.103.