



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 27, 1996

Mr. John Steiner
Division Chief
City of Austin
Law Department
P.O. Box 1088
Austin, Texas 78767-1088

OR96-2263

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102033.

The City of Austin (the "city") received an open records request for a variety of information regarding an inmate incarcerated in a correctional facility. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note that in Open Records Letter No. 96-0609 (1996), we considered a previous request for the *same* information as that considered in this ruling, however, you raised no exceptions to required public disclosure but asked whether the request may be denied pursuant to section 552.027 of the Government Code. This office concluded that the city need not comply with the request for information, since the request was subject to section 552.027 of the Government Code. Section 552.027(a) provides:

A governmental body is not required to accept or comply with a request for information from an individual who is imprisoned or confined in a correctional facility.

Since the individual requesting the information at issue in Open Records Letter No. 96-0609 (1996) was acting on behalf of "an individual who is imprisoned or confined in a correctional facility," section 552.027 gave the city the discretion to either "comply with" the open records request or deny it in its entirety. In light of the current request for information, the city seeks to withhold the submitted information pursuant to section 552.108, although the request may be denied pursuant to section 552.027.

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). It appears that the requested information relates to investigation and prosecution of criminal allegations. Since the records at issue come within the purview of section 552.108, we conclude that most of the information at issue may be withheld under this section.

We note, however, that information normally found on the front page of an offense report is generally considered public.¹ *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 therefore conclude that, except for front page offense report information, section 552.108 of the Government Code excepts the requested records from required public disclosure. Although section 552.108 authorizes the city to withhold the remaining information from disclosure, the city may choose to release all or part of the information at issue that is not otherwise confidential by law. See 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/cbh

Ref.: ID# 102033

Enclosures: Submitted documents

¹The 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*.

cc: Ms. Irene Cipriano
5205 Lamppost Lane
Corpus Christi, Texas 78415
(w/o enclosures)