



Office of the Attorney General

State of Texas

December 30, 1996

DAN MORALES
ATTORNEY GENERAL

Mr. Gary W. Smith
City Attorney
City of Greenville
P.O. Box 1049
Greenville, Texas 75403-1049

OR96-2469

Dear Mr. Smith:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102703.

The City of Greenville Police Department (the "department") received a request for information relating to a 1979 D.W.I. arrest. You have submitted the requested offense report to this office for review, and you assert that certain highlighted portions of the report are excepted from required public disclosure pursuant to sections 552.101 and 552.108 of the Government Code.

Section 552.108 of the Government Code 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).

You contend that the portions of the offense report highlighted in red, purple, and brown are excepted from disclosure under section 552.108. We agree. Thus, the city may withhold those portions of the report from disclosure.

You believe that the information highlighted in green is excepted from disclosure pursuant to section 552.101 of the Government Code. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." The information highlighted in green is confidential by statute. 28 C.F.R. § 20; Gov't Code § 411.083. Therefore, the city must withhold this information from disclosure pursuant to section 552.101.

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 may 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,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref.: ID# 102703

Enclosures: Submitted documents

cc: Mr. A.H. Sledge
1623 South Clinton
Dallas, Texas 75226
(w/o enclosures)