



Office of the Attorney General
State of Texas

February 18, 1997

DAN MORALES
ATTORNEY GENERAL

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

OR97-0362

Dear Kennedy:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103779.

The Texas Parks and Wildlife Department (the "department") received a request for

1. A copy of the Texas Parks and Wildlife violations database in electronic form.
2. A record layout and code sheet for the database.
3. A copy of the forms used to write tickets or violations.
4. Any other supporting documents or materials.

You claim that the requested violations list sought in items 1 and 2 is excepted from required public disclosure by section 552.108 of the Government Code. You have provided this office with a sample listing.¹ The requested listing includes the name, address, birth date, driver's license number, physical description of the accused individual, violation, arrest date and time, location, citation number, vehicle identification, arresting warden, and disposition.

¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988); 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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 and must be released. *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). In this instance, most of the requested information consists of information that is normally found on the front page of an offense report. To determine what information must be released, the type of information must be examined rather than where it is located. See Open Records Decision No. 127 (1976) at 5. Thus you must release the front page offense report information contained within the requested material. Open Records Decision Nos. 633 (1995) at 2-3, 127 (1976) (summarizing information that must be released under *Houston Chronicle*). The information that is not made public by *Houston Chronicle*, e.g. disposition information, may be withheld under section 552.108.

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,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 103779

Enclosures: Submitted documents

cc: Mr. Glaston Ford
Corpus-Christi Caller-Times
P.O. Box 9136
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(w/o enclosures)