



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 2, 1997

Ms. Karen A. Hendershot
First Assistant City Attorney
Legal Department
City of Bryan
P.O. Box 1000
Bryan, Texas 77805

OR97-0676

Dear Ms. Hendershot:

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# 105766.

The Bryan Police Department (the "department"), which you represent, received a request for all reports relating to a named individual. You advise that the front page offense report information has been released to the requestor. However, you assert that the remainder of the requested information is excepted from disclosure by section 552.108 of the Government Code.

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 that information normally found on the front page of an offense report is generally considered public. *Houston Chronicle Publ'g 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 types of information that are 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 § 552.007.¹

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,



Vickie Prehoditch
Assistant Attorney General
Open Records Division

VDP/ glg

Ref.: ID# 105766

Enclosures: Submitted documents

cc: Mr. Terry Blaine Boriskie
2215 Lobo Drive
Bryan, Texas 77087
(w/o enclosures)

¹Where an individual's criminal history information has been compiled by a governmental entity, the information takes on a character that implicates the individual's right to privacy. *See United States Dep't of Justice v. Reporters Comm. For Freedom of the Press*, 489 U.S. 749 (1989). Thus, in instances where the requestor asks for *all* information concerning a certain person and the named individual is a possible suspect, such information must be withheld under section 552.101 of the Government Code. *See id.*; Gov't Code § 411.106(b).