



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 29, 1997

Ms. Barbara G. Heptig  
Assistant City Attorney  
City of Arlington  
P.O. Box 231  
Arlington, Texas 76004-0231

OR97-0975

Dear Ms. Heptig:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. We assigned your request ID# 106020.

The City of Arlington (the "city") received a request from an individual for a particular police report, for which the requestor provided a case file number and date of occurrence.<sup>1</sup> You assert that the requested report is excepted from disclosure pursuant to sections 552.101 and 552.108.

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." See *Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). However, information that is found on the front page of an offense report is generally considered to be public information. See generally *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 may withhold all but the front page offense report information from disclosure pursuant to section 552.108.

You assert that the information at issue should be withheld from disclosure under the doctrine of common-law privacy as incorporated into section 552.101 of the Government Code. The test for whether information should be withheld from disclosure under common-law privacy is whether the information is (1) highly intimate or embarrassing to a

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<sup>1</sup>We note that the requestor states she is seeking the offense report on behalf of a third party, but has not provided any proof to show that she is acting on behalf of the third party.

reasonable person and (2) of no legitimate public concern. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 930 (1977). The report at issue concerns a sexual assault. In Open Records Decision No. 339 (1982) at 3, this office stated, in regard to sexual assault cases:

Although there is certainly a strong public interest in knowing that a crime has been committed, we do not believe that such interest requires the disclosure of the names of victims. Furthermore, certain other information, such as the location of the crime, might provide a basis for identification of the victim.

Although some front page offense report information must be disclosed, all information that could provide a basis for identifying the victim must be withheld from disclosure. Open Records Decision No. 339 (1982). We have marked the identifying information on the front page that must be redacted prior to releasing the front page information.<sup>2</sup>

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,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 106020

Enclosures: Marked documents

cc: Ms. Marcia Parker  
696 Fox Avenue #188  
Lewisville, Texas 75067  
(w/o enclosures)

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<sup>2</sup>Government Code section 552.023 provides that “[A] person or a person’s authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to that person and that is protected from public disclosure by laws intended to protect that person’s privacy interests.” Thus, if the victim or an authorized agent of the victim asks for the report, the city must release an unedited version of the front page offense report information.