



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 20, 1997

Ms. Margaret E. Barnes
Assistant City Attorney
Neiman & Barnes, L.L.P.
P.O. Box 777
Lewisville, Texas 75067

OR97-1169

Dear Ms. Barnes:

On behalf of the City of Lewisville (the "city"), you ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 106807.

The city received a request for Offense Report No. 97-2429 from a middle school assistant principal. You assert that the second page of the offense report as well as a letter that is attached to the offense report is excepted from required public disclosure based on section 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). 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). We believe the requested information is "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime." 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. The 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*. We note that some of the information on the second page of the requested report is actually front-page offense report that the city may not withhold from disclosure based on section 552.108. *See id.*

On the other hand, you may choose to release all or part of the information that is not otherwise confidential by law. Gov't Code § 552.007. Furthermore, as the requestor here appears to be asking for the information in his capacity as a representative of another governmental body, the school district, we do not believe the release of the information to this requestor is a public release for purposes of Government Code section 552.007, which prohibits the selective disclosure of information.

We are resolving this matter with this 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,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 106807

Enclosures: Submitted documents

cc: Mr. Peter Rayome
Assistant Principal
Hedrick Middle School
1526 Bellaire Blvd.
Lewisville, Texas 75067
(w/o enclosures)