



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 22, 1997

Ms. Elaine S. Hengen
Assistant City Attorney
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901-1196

OR97-2127

Dear Ms. Hengen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 108858.

The City of El Paso Police Department received a request for all information relating to a particular individual's alleged possession of marijuana. The requestor, an investigator for the State Board of Educator Certification (the "board"), states that he seeks this information "for the sole purpose of evaluating the individual's suitability for licensure as an educational professional." You contend that portions of the requested information are excepted from disclosure pursuant to section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the information at issue.

The information implicated by the request consists of an offense report, supplemental reports, and supporting documentation. In accordance with section 22.082 of the Education Code, you have released the offense report, including front page offense report information, and some of the supporting documentation to the requestor.¹ You claim that you may withhold the remaining information from disclosure pursuant to section 552.108 of the Government Code. We agree.

¹We note that section 22.082 of the Education Code provides that "[t]he State Board for Educator Certification shall obtain from any law enforcement or criminal justice agency all criminal history record information that relates to an applicant for or holder of a certificate." Additionally, section 411.090 of the Government Code specifically grants a right of access for the board to obtain "criminal history record information" from the Department of Public Safety (the "DPS"). For purposes of the Government Code, "criminal history record information" is defined as "information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, informations, and other formal charges and their dispositions." Gov't Code § 411.082(2).

Section 552.108 provides that

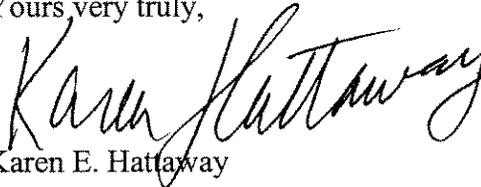
(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [public disclosure] if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime.

You indicate that the remaining information relates to a pending prosecution. We conclude that you may withhold this information from disclosure under section 552.108(a)(1) of the Government Code.

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 any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 108858

Enclosures: Submitted documents

cc: Mr. Cary P. Decuir, Investigator
Office of Investigations and Enforcement
State Board of Educator Certification
1001 Trinity
Austin, Texas 78701
(w/o enclosures)