



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 28, 1998

Ms. E. Cary Grace
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR98-2534

Dear Ms. Grace:

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# 119079.

The City of Houston (the "city") received a request for information regarding the Office of the Inspector General's investigation of a named city employee. You claim that the requested documents are excepted from disclosure under section 552.108(a)(2) of the Government Code. We have considered the exception you claim and reviewed the documents at issue.

Section 552.108(a)(2) excepts from disclosure information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime if it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication. You state that the requested documents relate to an alleged incident of tampering with government records. You inform us that "the case was presented to a Harris County Grand Jury on July 17, 1998, and the Grand Jury subsequently 'no billed' [the city employee] on those charges." Because the requested documents relate to a criminal investigation that did not result in conviction or deferred adjudication, the documents are excepted from disclosure pursuant to section 552.108(a)(2).

We note, however, that "basic information about an arrested person, an arrest, or a crime" is not excepted from required public disclosure. Gov't Code § 552.108(c). Basic information is the type of information considered to be front page offense report information, even if this information is not actually located on the front page of the offense report.

See generally Houston Chronicle Publ'g Co. v. City of Houston, 531 S.W.3d 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, except for basic information, section 552.108(a)(2) authorizes you to withhold the requested documents from disclosure. Of course, you may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* Gov't Code § 552.007.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/mjc

Ref.: ID# 119079

Enclosures: Submitted documents

cc: Mr. Wayne Dolcefino
KTRK TV, Channel 13
3310 Bissonnet
Houston, Texas 77005
(w/o enclosures)