

January 7, 1999

Ms. Lilia Ledesma
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR99-0016



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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JOHN CORNYN
Attorney General

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Dear Ms. Ledesma:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 120857.

The City of McAllen (the "city") received a request for "all records" on a specified individual.¹ In response to the request, you submit to this office for review a copy of the information at issue, consisting of several related offense reports. You assert that the requested information is excepted from disclosure based on section 552.108 of the Government Code.

Section 552.108 of the Government Code states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from required public disclosure "if release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). Although the offenses at issue occurred in 1994, you inform us that the requested information pertains to an ongoing investigation. We therefore believe that the release of the information "would interfere with the detection, investigation, or prosecution of crime."

However, section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). We believe such basic information refers to the information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App. --Houston

¹Generally, a request for all records of a named individual is a request for criminal history information ("CHRI"), which is confidential pursuant to the individual right to privacy. See *United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989). However, in this instance, since the subject of the request was the complainant in the submitted offense reports, we conclude that CHRI is not implicated. In the future, we advise you to exercise caution in releasing information to the public, when the request is phrased in terms of "all records" concerning a particular individual. See Gov't Code § 552.352.

[14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, with the exception of the basic front page offense information, the city may withhold the requested information from disclosure based on section 552.108(a)(1).²

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,

A handwritten signature in black ink that reads "Sam Haddad". The signature is written in a cursive style with a large, looping initial "S".

Sam Haddad
Assistant Attorney General
Open Records Division

SH/nc

Ref.: ID# 120857

Enclosures: Submitted documents

cc: Ms. Maria N. Ortiz
Litigation Records Service
P.O. Box 720657
McAllen, Texas 78504
(w/o enclosures)

²The city also has discretion to release all or part of this information that is not otherwise confidential by law. Gov't Code § 552.007.