



March 24, 1999

Mr. Richard Brown
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
City Hall
Dallas, Texas 75201

OR99-0810

Dear Mr. Brown:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123090.

The City of Dallas (the "city") received a request for offense and incident reports involving a specific address for a given time period. The request is made by an investigator for the Texas Workers' Compensation Commission, however it cites no specific statutory authority that would require the city to provide access to the requested records beyond that access afforded to the public generally. You have supplied a representative sample of the information.¹ You seek to withhold responsive offense reports which pertain to pending investigations, contending that this information is excepted from disclosure by section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

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). You inform us that the information you seek to withhold concerns pending investigations. We

¹ We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

therefore believe that the release of that 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 Publ’g 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). Thus, with the exception of the basic front page offense and arrest information, the department may withhold from disclosure all responsive information in files in which investigations are pending, based on section 552.108(a)(1).

Although section 552.108(a)(1) authorizes you to withhold the remaining information from disclosure, 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 note that the requestor is a governmental body. Information may generally be transferred from one state agency to another without waiving exceptions to disclosure. *See* Attorney General Opinions H-917 at 1 (1976); H-242 at 4 (1974); *but see* Attorney General Opinion JM-590 (1986).

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.

Sincerely,



Michael J. Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 123090

Enclosures: Submitted documents

cc: Ms. Gail Jones
6121 Camp Bowie, #100
Fort Worth, Texas 76116
(w/o enclosures)