



April 8, 1999

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

OR99-0935

Dear Ms. Grace:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 123341.

The City of Houston (the "city") received a request for information relating to an investigation of a particular employee and her section from 1996 to the present. You claim that the requested information is excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

First, we note that the submitted information includes documents that have been filed with a court. Information filed with a court is generally a matter of public record and may not be withheld from disclosure. *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54 (Tex. 1992). Additionally, the submitted documents include city ordinances that were adopted by the city. The ordinances must be disclosed. Open Records Decision No. 551 at 2-3 (1990) (laws or ordinances are open records).

We next consider your section 552.108 claim. Section 552.108 of the Government Code excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

¹In reaching our conclusion here, 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.

(2) 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[.]

....

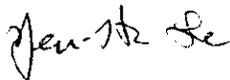
(c) This section does not except from [public disclosure] information that is basic information about an arrested person, an arrest, or a crime.

In your brief to this office, you explain that the criminal investigation was completed, and the Harris County District Attorney's Office declined to accept any charges in the case. Based on your representations, we conclude that the requested information relates to an investigation that did not result in a conviction or deferred adjudication. Thus, you may withhold the requested information under section 552.108(a)(2).

We note, however, that you must provide the requestor with the basic front page offense report information in the submitted documents, including a detailed description of the offense. Section 552.108(c) provides that section 552.108 does not except from disclosure "basic information about an arrested person, an arrest, or a crime." *See generally 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); Open Records Decision No. 127 (1976). Therefore, we conclude that, except for basic information, section 552.108(a)(2) of the Government Code excepts the requested information from public disclosure.

Because we have resolved the matter under section 552.108, we need not address your other claims. 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.

Sincerely,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref.: ID# 123341

Enclosures: Submitted documents

cc: Ms. Joyce A. Keating
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(w/o enclosures)