



April 26, 1999

Ms. Kristi A. Taylor  
Assistant City Attorney  
City of Lewisville  
Neiman & Barnes, L.L.P.  
P.O. Box 777  
Lewisville, Texas 75067

OR99-1107

Dear Ms. Taylor:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123628.

The City of Lewisville Police Department (the "city") received a request for incident report number 99-379. You state that you have released portions of the requested information and you claim that the remainder of the requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We did not receive a copy of the redacted document that you released to the requestor. We have considered the exceptions you claim and reviewed the submitted information.

You argue that section 552.108 of the Government Code protects portions of the requested information. You represent that the incident that is the subject of the request for information did not result in a conviction or deferred adjudication. Section 552.108(a) excepts from disclosure

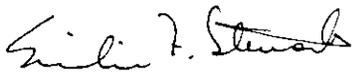
[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.

Gov't Code §552.108(a). Based on your arguments and the submitted information, we conclude that section 552.108(a)(2) applies to the requested incident report.

Section 552.108 does not except from required public disclosure “basic information about an arrested person, an arrest, or a crime.” Gov’t Code § 552.108(c). We believe that “basic information” refers to the information held to be public in *Houston Chronicle Publishing Company 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). Although this information is generally found on the first page of an offense report, its location is not determinative. It must be released regardless of where it is located. To determine what information must be released, the type of information must be examined rather than where it is located. See Open Records Decision No. 127 at 5 (1976). We have enclosed a summary of the types of information considered public which must be disclosed. With the exception of “basic information,” you may withhold the incident report under section 552.108(a)(2) of the Government Code. Having ruled on the requested information under section 552.108(a)(2), we need not address your arguments under section 552.101

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,



Emilie F. Stewart  
Assistant Attorney General  
Open Records Division

EFS\nc

Ref: ID# 123628

Encl: Submitted documents  
Summary of Open Records Decision No. 127 (1976)

cc: Ms. Shannon Champe  
214 Brazos Street  
Garland, Texas 75041  
(w/o enclosures)