



May 20, 1999

Mr. Richard Brown
Assistant City Attorney
City of Dallas
City Hall
Dallas, Texas 75201

OR99-1413

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#124413.

The City of Dallas (the "city") received a request for the following:

Complete copy of offense (sic) incident report and any supplement or additional reports made in regard to this incident. Any officer or detective notes made in regard to this incident. Copies of any crime scene photographs or other photographs in regard to this incident. A copy of any criminal history that complainant has. Offense/service # 0737486-G 10/1/98 - assault at 3510 Ross Ave.

You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

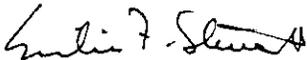
Section 552.108(a) of the Government Code excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if (1) release of the information would interfere with the detection, investigation, or prosecution of crime" Gov't Code § 552.101(a). Based on your statement that the requested information pertains to a case in which there is a pending investigation, you may withhold some of the requested information. However, 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*

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). You must release basic information about the crime to the requestor.

The requestor has also requested an individual's criminal history. The city's compilation of an individual's criminal history is protected from disclosure under section 552.101. Section 552.101 encompasses an individual's constitutional and common-law privacy rights. Where an individual's criminal history information has been compiled by a governmental entity, the information takes on a character that implicates the individual's right to privacy. See *United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989). Therefore, to the extent that criminal history record information exists, the city must withhold it from required public disclosure under section 552.101 of the Government Code. See *id.*

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# 124413

encl: Submitted documents

cc: Mr. Jim Lumley
600 Pearl Street
Dallas, Texas 75201
(w/o enclosures)