



June 16, 1999

Ms. Tammy Harrison
Assistant District Attorney
Dallas County
Frank Crowley Courts Building, LB 19
Dallas, Texas 75207-4399

OR99-1671

Dear Ms. Harrison:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124918.

The Dallas County District Attorney's Office (the "DA") received a request for four items of information: (1) the total number of complaints made to the DA of electoral fraud and/or corrupt practices regarding a named official during his tenure, (2) the number of such complaints investigated, (3) the number prosecuted, and (4) the number of convictions. You have submitted to this office for review documents from which this information may be deduced. You claim that the submitted documents are excepted from disclosure under sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

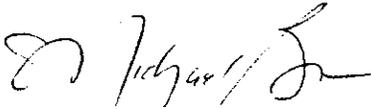
Section 552.103(a), the "litigation exception," excepts from disclosure information relating to litigation to which the state or a political subdivision is or may be a party. To secure the protection of section 552.103(a), a governmental body has the burden of providing relevant facts and documents to show that (1) litigation is pending or reasonably anticipated, and (2) the information at issue is related to that litigation. *Heard v. Houston Post Co.*, 684 S.W.2d 210 (Tex. App.--Houston [1st Dist.] 1984, writ ref'd n.r.e.). In this case, you relate that the requestor is the defendant in a case being prosecuted by the DA. You have therefore established that litigation is pending. However, from our review of the subject information we conclude that you have not established that the subject information relates to that litigation. Therefore, the subject information may not be withheld under section 552.103(a) of the Government Code.

You have highlighted certain responsive information which you assert is excepted from public disclosure by Government Code section 552.108(a)(2). This provision excepts some

information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime in relation to an investigation that did not result in conviction or deferred adjudication. However, section 552.108 does not except basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). Basic information must be released irrespective of its actual location in a responsive document. We note that the highlighted information is basic information not excepted by section 552.108 of the Government Code.

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,

A handwritten signature in black ink, appearing to read "Michael Jay Burns". The signature is stylized and cursive.

Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/nc

Ref: ID# 124918

Encl. Submitted documents

cc: Mr. Lou Antonelli
413 Cedar Street
Cedar Hill, Texas 75104
(w/o enclosures)