



August 17, 1999

Ms. Kimberley Mickelson
Olson & Olson
Three Allen Center
333 Clay Street
Houston, Texas 77002

OR99-2326

Dear Ms. Mickelson:

You have asked whether certain information is subject to required public disclosure under the Public Information Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 126600.

The City of Friendswood (the "city"), which your office represents, received a request for "[c]opy of the first page of the last 50 warrants served by warrant officer Len Waldroup." In response to the request, you submit to this office for review a representative sample of the information at issue.¹ You contend that "[t]he City is requesting an opinion on redacting certain information" contained in the *served* warrants. The city seeks to withhold the marked information based on sections 552.003 and 552.108 of the Government Code, and based on "individual privacy rights." We have considered the exceptions and arguments you have raised and have reviewed the information at issue.

You contend that "[a]rrest warrants are records maintained by the municipal court." Section 552.003(b) of the Government Code excludes the judiciary from the Public Information Act. Therefore, the act neither authorizes information held by the judiciary to be withheld nor requires it to be disclosed. *See* Open Records Decision No. 25 (1974). Accordingly, to the extent the submitted records are records of the judiciary, the information is not subject to public disclosure under chapter 552 of the Government Code. However, Texas courts have long recognized a common-law right to copy and inspect certain judicial records. Attorney General Opinion DM-166 (1992); Open Records Decision No. 618 (1993). We further note

¹We 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.

General Opinion DM-166 (1992); Open Records Decision No. 618 (1993). We further note that a document once filed with the court, becomes a public record and may not be withheld. *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54 (Tex. 1992) (no privacy interest in information contained in public court documents). If any of the information at issue has not been filed with the court, we will address those documents under section 552.108.

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 assert that “to the extent any of these fifty requests involves a still active case . . . release of the information may hinder the investigation and prosecution of criminal activity under Section 552.108.” Based on the requestor’s letter, we understand that the only information at issue is warrants which have been served by officer Len Waldroup. Therefore, as stated above, served warrants once filed with the court become a public record and may not now be withheld. *Star-Telegram*, 834 S.W.2d at 54. However, if any of the information at issue has not been filed with the court, we agree that release of the information “would interfere with the detection, investigation, or prosecution of crime.” *Id.*

As you are aware, 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 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). Thus, specifically for active cases, with the exception of the basic front page offense/arrest information and court filed public information, you may withhold the remaining information from disclosure based on section 552.108(a)(1).

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 that reads "Sam Haddad". The signature is written in a cursive, flowing style. The first letter "S" is large and loops around the first part of the name. The name "Sam Haddad" is written in a consistent cursive script.

Sam Haddad
Assistant Attorney General
Open Records Division

SH/nc

Ref.: ID# 126600

encl: Submitted document

cc: Mr. Jeff Branscome
308 Woodstream Circle
Friendswood, Texas 77548
(w/o enclosures)