



September 20, 1999

Mr. Paul F. Wieneske  
Cribbs & McFarland  
1000 West Abram  
Arlington, Texas 76094-0060

OR99-2610

Dear Mr. Wieneske:

On behalf of the City of Euless (the "city"), you ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 127493.

The city received a request for arrest records and the "person's names and addresses that brought complaint and charges (what they saw)." 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 documents at issue.

You ask the following question:

May the City take literally the specific request for the "arrest" report, which comprises only two pages of the material we submit herewith, or is the specific information requested, listed on the request form, controlling as to the documents the City must product?

We have consistently held that a governmental body must make a good faith effort to relate a request to information which it holds. Open Records Decision Nos. 563 (1990), 561 (1990), 555 (1990), 534 (1989). When a governmental body is presented with a request that is unclear or a broad request for information rather than for specific records, it should advise the requestor of the types of information available so that he may clarify or narrow his request. Open Records Decision Nos. 563 (1990), 561 (1990).

In this case, the requestor is seeking "arrest" records and information about the complainants and "what they saw." The city should read the request in its entirety and make a good faith effort to provide the requestor with the information he is seeking. The submitted arrest records do not contain any information about the complainants or "what they saw;" this information is found in several of the other submitted documents. We conclude, therefore, that all of the submitted documents are responsive to the request. Even a literal reading of the request leads to this conclusion.

You contend that the complainants' names, addresses, and other identifying information should be excepted from disclosure under section 552.108 because the release of this information would unduly interfere with law enforcement by subjecting the complainants to potential harassment or intimidation. Section 552.108 excepts from disclosure certain law enforcement records. However, "basic information about an arrested person, an arrest, or a crime" is not excepted from disclosure under section 552.108 and is generally considered to be public information. Gov't Code § 552.108(c). Basic information is the type of information that usually appears on the front page of an offense report. *See generally Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14<sup>th</sup> Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). A complainant's identity is considered to be basic information and can only be withheld in special circumstances. *See e.g.*, Open Records Decision Nos. 366 (1983), 333 (1982), 169 (1977). You have not shown special circumstances sufficient to overcome the presumption of public access to the complainants' identities. Thus, you may not withhold the complainant's identities from disclosure. The city must release the submitted documents to the requestor.

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,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 127493

Encl. Marked documents

cc: Mr. Eddie Ray Brentham  
2222 Ivanhoe Circle  
Grand Prairie, Texas 75050  
(w/o enclosures)