



September 22, 1999

Mr. David L. Hay
Coordinator for Information
Dallas County Community College District
701 Elm Street
Dallas, Texas 75202-3299

OR99-2650

Dear Mr. Hay:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128227.

The Dallas Community College District (the “district”) received a request for several categories of documents relating to the requestor’s employment at Mountain View College. You state that the district will make some of the requested documents available to the requestor. You contend, however, that documents responsive to items 3, 4, and 5 of the request are excepted from disclosure under sections 552.108 and 552.117 of the Government Code. We have considered the exceptions you claim and reviewed the documents at issue.

Section 552.108(a)(2) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . 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.” You state that the submitted documents relate to a campus police investigation that is closed and did not result in conviction or deferred adjudication. Based upon this representation, we conclude that section 552.108(a)(2) is applicable to the submitted documents.

We note, however, that information normally found on the front page of an offense report is generally considered public. *See generally* Gov’t Code § 552.108(c); *Houston Chronicle Publ’g Co. 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); Open Records Decision No. 127

(1976). Thus, you must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. Although section 552.108(a)(2) authorizes you to withhold the remaining information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* Gov't Code § 552.007.

You also contend that the highlighted telephone number in exhibit C is excepted from disclosure under section 552.117 of the Government Code. Section 552.117 excepts from disclosure the home addresses and telephone numbers, social security numbers, and family member information of current or former officials or employees of a governmental body who request that this information be kept confidential under section 552.024 of the Government Code. Whether a particular piece of information is protected by section 552.117 must be determined at the time the request for it is made. *See* Open Records Decision No. 530 at 5 (1989). You have demonstrated that the employee identified in exhibit C elected to keep her home telephone number confidential prior to the date on which the district received the request for the submitted documents. Therefore, the district must withhold the highlighted telephone number from disclosure under section 552.117.

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# 128227

Encl. Submitted documents

cc: Ms. Diana Jacaruso
608 Browning Drive
Arlington, Texas 76010
(w/o enclosures)