



September 23, 1999

Ms. Lan P. Nguyen
Assistant City Attorney
City of Houston
P. O. Box 1562
Houston, Texas 77251-1562

OR99-2692

Dear Ms. Nguyen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129242.

The City of Houston (the "city") received a request for an investigative file in the custody of the Public Integrity Group of the Houston Police Department. The file relates to an employee grievance which gave rise to allegations of criminal violations by one or more city employees. You claim that the requested information is excepted from disclosure under sections 552.108 and 552.101 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

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 inform us that the requested information pertains to a pending investigation. Additionally, you included an affidavit from Roberto Gutierrez, Chief of the Public Integrity Division for the Harris County District Attorney's Office. Mr. Gutierrez indicates that there is an ongoing criminal investigation to which the requested information is related. We therefore believe that the release of the information "would interfere with the detection, investigation, or prosecution of crime."¹ See *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d

¹As we have determined that the requested information may be withheld pursuant to Government Code section 552.108(a)(1), we need not address the additional exception you raise under section 552.101.

177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests present in active cases).

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 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). Thus, with the exception of the basic front page offense and arrest information,² the department may withhold the requested information from disclosure based on section 552.108(a)(1). Although section 552.108(a)(1) 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.

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,



Carla Gay Dickson
Assistant Attorney General
Open Records Division

CGD/ch

Ref: ID# 129242

Encl. Submitted documents

cc: Ms. Elizabeth Trevino
Attorney at Law
3605 Katy Freeway, Suite 210
Houston, Texas 77007
(w/o enclosures)

²The content of the information determines whether it must be released in compliance with *Houston Chronicle*, not its literal location on the first page of an offense report. Open Records Decision No. 127 (1976) contains a summary of the types of information deemed public by *Houston Chronicle*.