



November 16, 1999

Ms. Judith A. Hunter  
Paralegal-City Attorney's Office  
City of Georgetown  
P. O. Box 409  
Georgetown, Texas 78627-0409

OR99-3274

Dear Ms. Hunter:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 128910.

The City of Georgetown (the "city") received a request for "any and all information" concerning a specified incident report. In response to the request, you submit to this office for review a copy of the information at issue. Based on your letter, it is our understanding that the city has provided the requestor with front page information from the responsive offense reports.<sup>1</sup> You contend that the remaining information responsive to the request is excepted from disclosure pursuant to section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.108, the "law enforcement exception," provides in relevant part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime; [or]

(2) 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;

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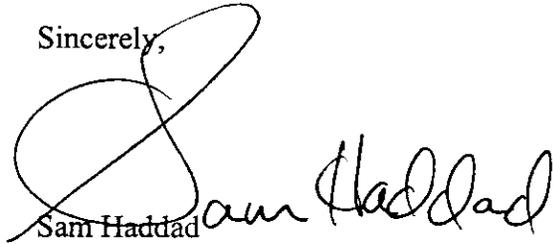
<sup>1</sup>Certain basic information normally found on the front page of an offense report, including a detailed description of the offense, is generally considered public. See Gov't Code § 552.108(c); see generally *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976).

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

Gov't Code § 552.108. A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. In your brief to this office, you state that "the investigation did not result in conviction or deferred adjudication." Accordingly, we conclude that you have met your burden of establishing the applicability of section 552.108(a)(2) to the requested information. Therefore, we conclude that, except for basic front page information, the requested records may be withheld under section 552.108(a)(2) of the Government Code.<sup>2</sup>

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is written in a cursive, flowing style with a large initial "S".

Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/nc

Ref.: ID# 128910

Enclosures: Submitted documents

cc: Mr. Jose Melendez  
119-Verna Spur  
Georgetown, Texas 78628  
(w/o enclosures)

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<sup>2</sup>We note that the city has discretion to release all or part of the information at issue that is not otherwise made confidential by law. Gov't Code § 552.007.