



November 29, 1999

Mr. Keith Stretcher
City Attorney
The City of Midland
Post Office Box 1152
Midland, Texas 79702-1152

OR99-3387

Dear Mr. Stretcher:

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#130674.

The City of Midland (the "city") received a request for "a police report of a murder" identified by date and location. In response to the request, you submit to this office for review the information at issue. You assert that the requested information is excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Based on the information you provided, we understand you to assert that the requested information pertains to a case that concluded in a result other than conviction or deferred adjudication. Therefore, we agree that section 552.108(a)(2) is applicable to the submitted records.

As you are aware, you must provide the requestor with the basic front page offense report information in the submitted documents, including a detailed description of the offense. Section 552.108(c) provides that section 552.108 does not except from disclosure "basic information about an arrested person, an arrest, or a crime." Front page offense report information is the basic information required to be disclosed. *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). Therefore, we conclude that, except for basic front page information, the requested information may be withheld under section 552.108(a)(2) of the Government Code.

As we resolve your request under section 552.108, we need not address your arguments pursuant to sections 552.101 and 552.130 of the Government Code.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 style with a large, looping initial "S".

Sam Haddad
Assistant Attorney General
Open Records Division

SH/nc

Ref.: ID# 130674

Encl. Submitted documents

cc: Ms. Della Collins McDavid
1516 South Jefferson
Midland, Texas 78701
(w/o enclosures)

¹Generally, the right of privacy is personal to an individual and lapses upon death. Attorney General Opinion H-917 (1976); Open Records Decision No. 272 (1981). Federal law may prohibit disclosure of the social security numbers included in this request for records. *See* Open Records Decision No. 622 (1994). Section 552.130 governs the release and use of information obtained from motor vehicle records issued by an agency of this state. *See* Gov't Code § 552.352 (distribution of confidential information is criminal offense).