



December 27, 2000

Mr. Charles M. Allen, II  
Legal Office  
Richardson Police Department  
P.O. Box 831078  
Richardson, Texas 75083-1078

OR2000-4847

Dear Mr. Allen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 142631.

The City of Richardson (the "city") received a request for a report of the 9-1-1 calls for a specific address and any calls or offense or incident reports for a specific person. Based on your assertions, it appears you claim that section 552.101 excepts some information contained in the 9-1-1 reports. You also claim that section 552.108 excepts most of the offense report responsive to this request. We have considered the exceptions you claim and reviewed the submitted information.

You state that you have released to the requestor copies of the 9-1-1 reports with the information obtained from TCIC redacted. You have provided this office with copies of "Call Log" reports, which we assume are responsive to the request. Section 552.101 of the Government Code excepts from required public disclosure "information that is confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses the statutes that make criminal history record information ("CHRI") confidential. CHRI generated by the Texas Crime Information Center ("TCIC") is confidential. Section 411.083 of the Government Code deems confidential CHRI that the Department of Public Safety ("DPS") maintains, except that the DPS may disseminate this information as provided in chapter 411, subchapter F of the Government Code. *See Gov't Code § 411.083.* After reviewing the submitted records, we do not find these records contain "CHRI" obtained from the TCIC. *See Gov. Code § 411.082(2)* (defining "CHRI"). Therefore, the city must release the "Call Log" reports in their entirety to the requestor, with the following exceptions.

We note that the Call Logs contain information the city must withhold pursuant to section 552.130(a)(2) of the Government Code. Section 552.130(a)(2) requires the

withholding of information relating to “a motor vehicle title or registration issued by an agency of this state.” Consequently, the city must withhold all vehicle license plate, VIN, and title numbers contained in the Call Logs pursuant to section 552.130(a)(2).

Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. You state that the investigation which relates to the submitted documents did not result in a conviction or deferred adjudication. After reviewing the “Offense/Incident Report” and accompanying attachments, we conclude that section 552.108(a)(2) is applicable to these records. Accordingly, except as noted below, the city may withhold these records from public disclosure under section 552.108(a)(2).

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 Publishing Company 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). Thus, with the exception of the basic information, including a detailed description of the incident, the city may withhold from public disclosure the information contained in the submitted offense/incident report under section 552.108(a)(2). We note that the city has the discretion to release all or part of the remaining information that is not otherwise confidential by law. Gov’t Code § 552.007.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov’t Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental

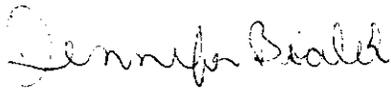
body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the General Services Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Jennifer Bialek  
Assistant Attorney General  
Open Records Division

JHB/RWP/seg

Ref: ID# 142631

Encl. Submitted documents

cc: Mr. Jeffrey W. Barnard  
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(w/o enclosures)