



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 20, 2009

Ms. Neera Chatterjee  
Public Information Coordinator  
The University of Texas System  
Office of General Counsel  
201 West Seventh Street  
Austin, Texas 78701-2902

OR2009-00761

Dear Ms. Chatterjee:

You ask 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# 333644.

The University of Texas at Tyler (the "university") received a request for all information related to a specified investigation conducted by the university's police department (the "department"). You claim that the submitted information is excepted from disclosure under sections 552.101, 552.108, 552.117, 552.130, and 552.136 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

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[.]" Gov't Code § 552.108(a)(2). A governmental body that claims an exception to disclosure under section 552.108 must reasonably explain how and why this exception is applicable to the information that the governmental body seeks to withhold. *See id.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). In this instance, you have provided a statement from the department's Chief of Police verifying that the submitted information relates to a concluded criminal investigation that did not result in conviction or deferred adjudication. Accordingly, we agree that section 552.108(a)(2) is applicable to this information.

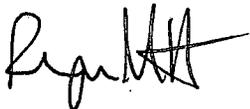
Section 552.108 does not except from disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Section 552.108(c) refers to the basic front-page information held to be public in *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e.*

*per curiam*, 536 S.W.2d 559 (Tex. 1976). See 531 S.W.2d at 186-88; see also Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). You specifically assert that the addresses and phone numbers of victims and the identities, addresses, and phone numbers of witnesses are not basic information. We agree that these categories of information are excluded from the definition of basic information by both *Houston Chronicle* and Open Records Decision No. 127. See 531 S.W.2d at 186-88; ORD No. 127 at 3-4. We note that you have marked redactions on the first page of the submitted information. You have stated that you will release this redacted page. Upon review, we find that release of this redacted page does not fully satisfy the requirements of section 552.108(c). *Houston Chronicle* states that a “detailed description of the offense” is a necessary component of basic information. 531 S.W.2d at 186-87; see ORD No. 127 at 3-4. The university may meet the basic information requirement by releasing a redacted version of the submitted “report narrative” along with the redacted first page of the submitted report. Accordingly, with the exception of basic information, which includes the redacted first page and the redacted “report narrative” and which must be released, the university may withhold the submitted information under section 552.108(a)(2) of the Government Code.<sup>1</sup>

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Ryan T. Mitchell  
Assistant Attorney General  
Open Records Division

RTM/jb

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<sup>1</sup>As our ruling is dispositive, we need not address your remaining arguments against disclosure.

Ref: ID# 333644

Enc. Submitted documents

cc: Ms. Mary Barr  
Compliance Office  
The University of Texas at Tyler  
3900 University Boulevard  
Tyler, Texas 75799  
(w/o enclosures)

Requestor  
(w/o enclosures)