



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 3, 2009

Ms. Mary Ann Powell  
First Assistant City Attorney  
City of College Station  
P.O. Box 9960  
College Station, Texas 77842

OR2009-01373

Dear Ms. Powell:

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# 334757.

The City of College Station (the "city") received a request for incident report number 08-014047. You state that you have released a portion of the requested information that pertains to the "front page" information.<sup>1</sup> You claim that the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. 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. You state that the submitted information in Exhibit 2 pertains to a closed investigation that did not result in conviction or deferred adjudication. Based on this representation, we agree that section 552.108(a)(2) is applicable to Exhibit 2. Thus, with the exception of the basic information, which you state

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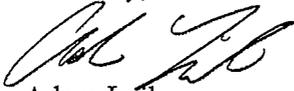
<sup>1</sup>We assume that the "front page" information you will release is the basic information referred to under section 552.108(c) of the Government Code. Gov't Code § 552.108(c) (requiring the release of basic information about an arrested person, and arrest, or a crime); *see also* Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information).

you have already released, the city may withhold the submitted information in Exhibit 2 under section 552.108(a)(2) of the Government Code.

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,



Adam Leiber  
Assistant Attorney General  
Open Records Division

ACL/jb

Ref: ID# 334757

Enc. Submitted documents

c: Requestor  
(w/o enclosures)