



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

February 4, 2009

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

OR2009-01473

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# 334082.

The University of Texas at San Antonio (the "university") received a request for information pertaining to a specified incident report. You state you will provide some of the requested information to the requestor. You claim that the remaining requested information is excepted from disclosure under sections 552.108, 552.130, and 552.136 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

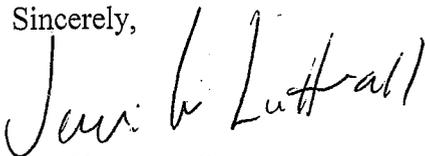
Section 552.108(a)(1) of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]" Gov't Code § 552.108(a)(1). A governmental body that claims an exception to disclosure under section 552.108 must reasonably explain how and why section 552.108 is applicable to that information. *See id.* § 552.301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex.1977); Open Records Decision No.434 at 2-3 (1986). You state, and provide an affidavit affirming, that the information at issue pertains to a pending criminal investigation and prosecution. Based on these representations and our review of the submitted information, we conclude that the release of the submitted documents would interfere with the detection, investigation, or prosecution of crime. *See 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) (court delineates law enforcement interests that are present in active cases). Accordingly, we conclude that section 552.108(a)(1) is generally applicable to the information you have marked.

We note, however, that 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*. See 531 S.W.2d at 186-88. You have marked the information you seek to withhold under section 552.108(a)(1), and state the remaining information has been released as basic information. We note, however, that you have marked the entire narrative portion of the submitted report as information you seek to withhold under section 552.108. Consequently, the remaining portion of the report does not contain information sufficient to satisfy the requirement that a "detailed description of the offense" be released. In addition, we note you have also marked the second arrestee's identifying information as information you seek to withhold under section 552.108. However, basic information includes, among other things, the arrestee's name, social security number, alias, race, sex, age, and address. See *id.* at 179-80, 185-87; see also Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). Therefore, even if the information does not literally appear on the front page of an offense or arrest report, we determine that the university must release the following as basic information: (1) a sufficient portion of the narrative section of the submitted report to constitute a detailed description of the offense and (2) the second arrestee's name, race, sex, age, and address. Accordingly, with the exception of basic information, which must include a detailed description of the offense and the second arrestee's name, race, sex, age, and address, the university may withhold the information you have marked pursuant to section 552.108(a)(1) of the Government Code. As our ruling is dispositive, we need not address your remaining arguments against disclosure.

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, 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,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/eeg

Ref: ID# 334082

Enc. Submitted documents

c: Requestor
(w/o enclosures)