



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 15, 2009

Mr. B. Chase Griffith  
Brown & Hofmeister, L.L.P.  
470 East Campbell Road  
Richardson, Texas 75081

OR2009-04954

Dear Mr. Griffith:

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# 340195.

The Town of Flower Mound (the "town"), which you represent, received two requests for report number 08-445514. The first request also seeks report numbers 07-009777 and 07-029834. You claim that the requested 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 of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Gov't Code § 552.108(a)(2). 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 reports 07-029834 and 08-044514 have been closed and no further action will be taken. You also state that report 07-009777 relates to a criminal investigation where the suspect was charged with two separate offenses. We agree that one of the charged offenses resulted in deferred adjudication, but the other charged offense did not result in a conviction or deferred adjudication. Upon review, we find that the information relating to both offenses is so intertwined that the investigation cannot be segregated. Therefore, we agree that section 552.108(a)(2) is applicable to all three reports.

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 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). See 531 S.W.2d at 186-88. Thus, with the exception of the basic front page offense and arrest information, the town may withhold the requested information from disclosure based on section 552.108(a)(2).<sup>1</sup> We note that the town 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 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,



Tamara Wilcox  
Assistant Attorney General  
Open Records Division

TW/eeg

Ref: ID# 340195

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

---

<sup>1</sup>We note that the submitted information contains social security numbers. Section 552.147 of the Government Code provides that “[t]he social security number of a living person is excepted from” required public disclosure under the Public Information Act (the “Act”). Therefore, the town may withhold the social security numbers contained in the submitted information under section 552.147.