



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 4, 2009

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

OR2009-07680

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# 345223.

The University of Texas at San Antonio (the "university") received a request for police reports pertaining to a particular crime involving two named individuals that occurred on February 21, 2009.<sup>1</sup> You state you have released a portion of the requested information. You state the university will redact social security numbers pursuant to section 552.147 of the Government Code.<sup>2</sup> You claim the marked information is excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

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<sup>1</sup>We understand the university received clarification from the requestor. *See* Gov't Code § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information).

<sup>2</sup>Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act. We note and you acknowledge the requestor has a special right of access his own social security number pursuant to section 552.023 of the Government Code. Gov't Code § 552.023 (person has special right of access to records containing information relating to the person that are protected from public disclosure by laws intended to protect that person's privacy interests).

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 the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. You state Tab 5 consists of reports pertaining to an investigation that involved multiple suspects. You inform us the matter is closed as to several arrestees, and no charges were filed. Therefore, we agree section 552.108(a)(2) is applicable to all of the reports in Tab 5.

We note and you acknowledge 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). Basic information refers to the 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). The university must release basic information, including a detailed description of the offense, even if this information does not literally appear on the front page of an offense or arrest report. See *Houston Chronicle*, 531 S.W.2d at 186-88; Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*). The university states it will release the first three pages of each report to the requestor, except as those pages are redacted. Upon review, we find release of these redacted pages does not fully satisfy the requirements of section 552.108(c). *Houston Chronicle* and Open Records Decision No. 127 both list an arrestee’s age and police department identification number as basic information. *Houston Chronicle*, 531 S.W.2d at 186-87; ORD No. 127 at 3-4. The university must release (1) the ages and (2) the identification numbers to the extent they are police department identification numbers of the arrestees in report numbers 2009-216A and 2009-217A. Accordingly, with the exception of basic information, which includes the redacted first three pages of each report and the arrestees’ ages and their identification numbers if they are police department identification numbers, which must be released, the university may withhold Tab 5 under section 552.108(a)(2) of the Government Code.<sup>3</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

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<sup>3</sup>As our ruling is dispositive, we need not address your remaining arguments against disclosure.

information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,

A handwritten signature in black ink, appearing to read 'Emily Sitton', with a stylized flourish at the end.

Emily Sitton  
Assistant Attorney General  
Open Records Division

EBS/rl

Ref: ID# 345223

Enc. Submitted documents

c: Requestor  
(w/o enclosures)