



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 16, 2010

Ms. Jordan Hale  
Assistant Attorney General  
Assistant Public Information Coordinator  
General Counsel Division  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

OR2010-03719

Dear Ms. Hale:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 373313 (PIR No. 09-26885).

The Office of the Attorney General (the "OAG") received a request for information concerning allegations made against the requestor. The OAG asserts the information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the OAG's claimed exceptions to disclosure and have reviewed the submitted information.

Section 552.108(a) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). Generally, a governmental body claiming section 552.108(a)(1) must reasonably explain how and why release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(a); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977).

The OAG argues section 552.108(a)(1) is applicable because the information relates to a pending criminal case conducted by its Criminal Investigations Division. Based upon this representation, we conclude release of the information 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). Thus, the OAG may withhold the requested information under section 552.108(a)(1).

However, 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.*, and includes the identification and description of the complainant. Here, the OAG explains the complainant is a Title IV-D child support participant whose information is confidential under section 231.108 of the Family Code. *See* Fam. Code § 231.108(a) (all files and records of services provided chapter 231, including information concerning custodial parent, noncustodial parent, child, and alleged or presumed father, are confidential). The OAG further explains it is withholding such information pursuant to Open Records Letter No. 2000-2465 (2000), a previous determination allowing the OAG to withhold Title IV-D child support program information under section 231.108 of the Family Code without the necessity of asking this office for a decision. *See* Gov't Code § 552.301(a); Open Records Decision No. 673 (2001) (addressing "previous determination" for section 552.301(a) purposes). Thus, with the exception of the basic information that is not otherwise confidential, the OAG may withhold the requested information from disclosure based on section 552.108(a)(1). Because section 552.108 is dispositive, we do not address the OAG's other claim.

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, toll free, at (888) 672-6787.

Sincerely,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/sdk

Ref: ID# 373313

Enc: Submitted documents

c: Requestor  
(w/o enclosures)