



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 9, 2010

Ms. Evelyn Njuguna  
Assistant City Attorney  
City of Houston Legal Department  
P.O. Box 368  
Houston, Texas 77001-0368

OR2010-05041

Dear Ms. Njuguna:

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# 376411.

The City of Houston (the "city") received a request for specified offense reports involving the requestor. You state you will release some information to the requestor. You claim 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) excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. *See* 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. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the information in Exhibit 2 pertains to a criminal investigation that did not result in conviction or deferred adjudication because the charges were dismissed. Based on your representation and our review, we find section 552.108(a)(2) is applicable to the information in Exhibit 2. You state the information in Exhibit 3 pertains to a criminal investigation involving two suspects, one of whom was convicted in connection with this matter. You also explain the charges against the other individual were dismissed, and thus did not result in a conviction or deferred adjudication. You contend the information relating to the convicted individual and the individual against

whom the charges were dismissed is so intertwined that it cannot be easily separated and that release of information relating to the convicted individual would reveal information relating to the individual against whom the charges were dismissed. Based on your representations and our review, we agree the information cannot be separated. Accordingly, we conclude section 552.108(a)(2) is applicable to the information in Exhibit 3.

However, as 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). Such basic information includes, among other things, a detailed description of the offense. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, 186-87 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); *see also* Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). Therefore, with the exception of basic information, which you state you will release, the city may withhold the information in Exhibit 2 and Exhibit 3 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, toll free, at (888) 672-6787.

Sincerely,



Mack T. Harrison  
Assistant Attorney General  
Open Records Division

MTH/rl

Ref: ID# 376411

Enc. Submitted documents

c: Requestor  
(w/o enclosures)