



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 25, 2010

Ms. Robin King  
Custodian of Records  
Kaufman County Sheriff's Office  
P.O. Drawer 849  
Kaufman, Texas 75142

OR2010-09385

Dear Ms. King:

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# 384251.

The Kaufman County Sheriff's Office (the "sheriff") received a request for incident report number 2010-01223. You claim the submitted information is exempted from disclosure under sections 552.108 and 552.1175 of the Government Code. We have considered the exemptions you claim and reviewed the submitted information.

Section 552.108(a)(1) of the Government Code exempts 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 claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* § 552.301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You represent release of the submitted report would interfere with the sheriff's pending investigation. Based on this representation and our review, we determine release of most of the remaining submitted 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).

We note, however, section 552.108 does not except from disclosure basic information about an arrest, an arrested person, or a crime. Gov't Code § 552.108(c). Such basic information refers to the information held to be public in *Houston Chronicle*. See Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). Among other things, basic information includes the identification of the complainant and a detailed description of the offense. We note that a complainant's home address and telephone number, however, are generally not considered basic information unless the address is the location of the crime, the place of arrest, or the premises involved. *Id.* at 4 (stating only identity and description of the complainant are available to the public). Thus, the basic information in the submitted report may not be withheld under section 552.108. However, you claim portions of the basic information are excepted under section 552.1175 of the Government Code.

Section 552.1175 is applicable to information relating to a peace officer, as defined by article 2.12 of the Code of Criminal Procedure. See Gov't Code § 552.1175(a)(1). This section provides in part:

(b) Information that relates to the home address, home telephone number, or social security number of an individual to whom this section applies, or that reveals whether the individual has family members is confidential and may not be disclosed to the public under this chapter if the individual to whom the information relates:

(1) chooses to restrict public access to the information; and

(2) notifies the governmental body of the individual's choice on a form provided by the governmental body, accompanied by evidence of the individual's status.

*Id.* § 552.1175(b). You state the complainant is a licensed police officer. Upon review, we have marked the portions of the basic information that may be excepted under section 552.1175. To the extent the information we marked pertains to a peace officer who properly elected to restrict access to his personal information in accordance with section 552.1175, the sheriff must withhold the marked information under section 552.1175. Otherwise, this information may not be withheld.

In summary, with the exception of basic information, the sheriff may withhold the submitted report under section 552.108(a)(1) of the Government Code. In releasing basic information, however, the sheriff may not release the information we marked under section 552.1175 of the Government Code if the police officer properly elected to restrict access to this information.

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,



Bob Davis  
Assistant Attorney General  
Open Records Division

RSD/eeg

Ref: ID# 384251

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)