



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

August 16, 2010

Mr. Charles H. Weir  
Assistant City Attorney  
City of San Antonio  
P.O. Box 839966  
San Antonio, Texas 78283-3966

OR2010-12373

Dear Mr. Weir:

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# 391360 (City File No. 2010-5919).

The City of San Antonio (the "city") received a request for information pertaining to all aggravated robberies involving black males in a specified area from August 1, 2008, to October 31, 2008. You claim that 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.

Initially, we note that a portion of the submitted information appears to be the subject of a previous ruling by this office. In Open Records Letter No. 2010-09003 (2010) this office ruled that, with the exception of basic information, the department may withhold the information at issue under section 552.108(a)(1) of the Government Code. As we have no indication that the law, facts, and circumstances on which this prior ruling was based have changed, the city may continue to rely on this ruling as a previous determination and withhold the submitted information we previously ruled on in accordance with Open Records Letter No. 2010-09003. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). However, to

the extent the information in the current request is not encompassed by those previous decisions, we will address your arguments for the remaining information.

Next, we note that a portion of the submitted information, which we have marked, is not responsive to the instant request because it is an investigation of aggravated assault and the requestor only asks for reports pertaining to aggravated robberies. The city need not release non-responsive information in response to this request, and this ruling will not address such information.

Section 552.108(a)(1) of the Government Code excepts 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.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state that the submitted information relates to pending criminal investigations. Based on this representation, we conclude that the release of this 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. App.—Houston [14th Dist.] 1975), *writ ref’d n.r.e.*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases).

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*. *See* 531 S.W.2d at 186-187; *see also* Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). Thus, with the exception of basic information, the department may withhold the submitted responsive reports under section 552.108(a)(1) of the Government Code.

In summary, to the extent the information is identical to the information requested in Open Records Letter No. 2010-09003, the department may continue to rely on that ruling. With the exception of basic information, the department may withhold the remaining responsive information under section 552.108(a)(1).

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,

A handwritten signature in black ink, appearing to be 'Chris Schulz', written in a cursive style.

Chris Schulz  
Assistant Attorney General  
Open Records Division

CS/tp

Ref: ID# 391360

Enc. Submitted documents

c: Requestor  
(w/o enclosures)