



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

October 7, 2010

Ms. Katie Lentz
Open Records
Williamson County Sheriff's Office
508 South Rock Street
Georgetown, Texas 78626

OR2010-15306

Dear Ms. Lentz:

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# 396410.

The Williamson County Sheriff's Office (the "sheriff") received a request for information pertaining to offense report numbers C09-12-0486, C09-09-8960, and C09-8911. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, you state offense report numbers C09-12-0486 and C09-09-8960 were the subject of two previous requests for information, as a result of which this office issued Open Records Letter Nos. 2010-10196 (2010) and 2010-15249 (2010). In Open Records Letter No 2010-10196, we determined with the exception of the basic information, the city may withhold offense report number C09-12-0486 under section 552.108(a)(2) of the Government Code. You state there has been no change in the law, facts, and circumstances on which the previous ruling was based. In Open Records Letter No. 2010-15249, we determined the sheriff must withhold the submitted I-9 form under section 552.101 of the Government Code in conjunction with section 1324a of title 8 of the United States Code, the submitted W-4 form under section 552.101 of the Government Code in conjunction with section 6103(a) of title 26 of the United States Code, and the marked Texas motor vehicle record information under section 552.130 of the Government Code, and must release the remaining information

to the requestor under article 2.29 of the Code of Criminal Procedure. You do not indicate there has been any change in the law, facts, and circumstances on which this previous ruling was based. Accordingly, we conclude the sheriff must rely on Open Records Letter Nos. 2010-10196 and 2010-15249 as previous determinations and withhold or release the identical information in accordance with those prior rulings. *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).

You claim section 552.108(a)(2) of the Government Code for the submitted information. Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. *See* Gov't Code § 552.108(a)(2). 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 offense report number C09-09-8911 pertains to a criminal investigation conducted by the sheriff in which no arrests were made and no criminal charges were pursued. Thus, you state the information at issue relates to a criminal investigation that ended in a result other than conviction or deferred adjudication. Based on your representations and our review, we agree section 552.108(a)(2) is applicable to offense report number C09-09-8911.

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*, and includes a detailed description of the offense. *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); Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*). Thus, with the exception of the basic information, the sheriff may withhold offense report number C09-09-8911 under section 552.108(a)(2) of the Government Code.¹

In summary, the sheriff must rely on Open Records Letter Nos. 2010-10196 and 2010-15249 as previous determinations and withhold or release offense report numbers C09-12-0486 and C09-09-8960 in accordance with those prior rulings. With the exception of the basic information, the sheriff may withhold offense report number C09-09-8911 under section 552.108(a)(2) of the Government Code.

¹As our ruling is dispositive, we need not address your remaining argument against disclosure of the submitted 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, 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,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/tp

Ref: ID# 396410

Enc. Submitted documents

c: Requestor
(w/o enclosures)