ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 20, 2010

Mr. Mark G. Mann
Assistant City Attorney
City of Garland
P.O. Box 469002
Garland, Texas 75046-9002

OR2010-15943

Dear Mr. Mann:

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# 402063 (GCA 10-0728).

The Garland Police Department (the "department") received a request for information pertaining to report number 2010R016298. You state that a redacted copy of the arrest report has already been provided to the requestor. You claim that the redacted information is excepted from disclosure under section 552.108 of the Government Code. We have reviewed the submitted information and considered the exception you claim.

Section 552.108(a)(1) provides, in pertinent part:

> (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure] if:
>
> > (1) 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(a)(1) must reasonably explain how and why release of the requested information would interfere with the detection, investigation, or prosecution of crime. *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

that the requested records pertain to an ongoing investigation in which charges have been filed. Based on your representation and our review, we find that release of the information at issue would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publishing 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) (specifying law enforcement interests that are present in active cases). Accordingly, the department may withhold the marked portions of the report under section 552.108(a)(1) of the Government Code. The remaining information must be released to the requestor.[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, 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,

Misty H Barham

Misty Haberer Barham
Assistant Attorney General
Open Records Division

MHB/sdk

Ref: ID# 402063

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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[1] We note that the information being released contains information which is confidential with regard to the general public, but to which the requestor has a special right of access under section 552.023. *See* Gov't Code § 552.023 (governmental body may not deny a person, or a person's representative, access to information regarding that person, solely on grounds that information is considered confidential by privacy principles). Therefore, if the department receives another request for this same information from a different requestor, then the department should again seek a decision from this office.