



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 18, 2011

Ms. Martha T. Williams  
Olson & Olson, L.L.P.  
Wortham Tower, Suite 600  
2727 Allen Parkway  
Houston, Texas 77019

OR2011-07012

Dear Ms. Williams:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 422622.

The City of Bayou Vista (the "city"), which you represent, received a request for complaints made against the requestor. The city claims the information is excepted from disclosure under sections 552.101, 552.103, and 552.108 of the Government Code. We have considered the city's claimed exceptions and reviewed the submitted information. We have also received and considered the requestor's comments. *See* Gov't Code § 552.304 (interested party may submit written comments regarding availability of requested information).

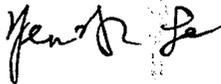
Section 552.108(a) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime." *Id.* § 552.108(a)(1). Generally, a governmental body claiming section 552.108 must reasonably explain how and why 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). In this instance, the city argues release of the information, which relates to a pending criminal case, will compromise the case. Based on the city's representation and our review of the records, we agree the city may withhold Exhibit B under section 552.108(a)(1). *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

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 the complainant's identity and description. Thus, with the exception of the basic front page offense and arrest information, the OAG may withhold the requested information from disclosure based on section 552.108(a)(1).<sup>1</sup>

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,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/em

Ref: ID# 422622

Enc: Submitted documents

c: Requestor  
(w/o enclosures)

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<sup>1</sup>Although the city also seeks to withhold the witness' identity under section 552.101 of the Government Code in conjunction with the informer's privilege, section 552.108 is dispositive. Thus, we do not address the city's assertion under section 552.101. Also, we need not address the city's assertion under section 552.103 except to note basic information may not be withheld from public disclosure under section 552.103. Open Records Decision No. 597 (1991).