



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 13, 2011

Ms. Neera Chatterjee  
Public Information Coordinator  
Office of General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701-2902

OR2011-09947

Dear Ms. Chatterjee:

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# 423714 (OGC# 137118).

The University of Texas Southwestern Medical Center (the "university") received a request for information pertaining to a specified incident. You state the university has released some of the responsive information. You claim portions of the submitted information are excepted from disclosure under sections 552.108 and 552.130 of the Government Code. You also state the current request may implicate the interests of Dallas County Hospital District d/b/a Parkland Health and Hospital System ("Parkland"). You notified Parkland of this request for information and of its right to submit arguments to this office as to why its information should not be released. We have considered the exceptions you claim and reviewed the submitted information. We have also considered comments from an attorney on behalf of Parkland.<sup>1</sup> See Gov't Code § 552.304 (providing that interested party may submit written comments regarding why information should or should not be released).

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<sup>1</sup>We note that we only rule on the information submitted by the university for our review. See Gov't Code § 552.301(e)(1)(D). Therefore, we do not address the additional information submitted by the attorney for Parkland.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. *Id.* § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You explain, and have provided a statement showing, the information at issue, which you have marked, is maintained by the university's police department (the "department") and relates to a criminal investigation conducted by the department. You further state the investigation has concluded and did not result in conviction or deferred adjudication. Based on these representations and our review, we agree section 552.108(a)(2) is applicable to the information you have marked.

However, we note, and you acknowledge, section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. *Id.* § 552.108(c). Basic information refers to the information held to be public in *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), and includes the identification and description of the complainant. *See* Open Records Decision No. 127 (1976) (summarizing types of information made public by *Houston Chronicle*). Accordingly, although you seek to withhold the complainant's identity under section 552.108, this information must be released pursuant to section 552.108(c). Thus, with the exception of basic information, which must include the identification and description of the complainant, the university may withhold the information you have marked under section 552.108(a)(2) of the Government Code.<sup>2</sup> As our ruling is dispositive, we need not address your remaining arguments.

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

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<sup>2</sup>We note, and you acknowledge, that this requestor has a special right of access under section 552.023 of the Government Code to some of the information being released. *See* Gov't Code § 552.023(a). Therefore, if the university receives another request for this information from a person who does not have a special right of access to this information, the university should resubmit this same information and request another decision from this office. *See id.* §§ 552.301(a), .302; Open Records Decision No. 673 (2001).

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,



**Tamara H. Holland**  
**Assistant Attorney General**  
**Open Records Division**

THH/sdk

Ref: ID# 423714

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

c: Jameene Y. Banks  
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