



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 1, 2011

Mr. Samuel B. Katz
Chief Appellate Prosecutor
Comal County Criminal District Attorney
150 North Seguin, Suite 307
New Braunfels, Texas 78130

OR2011-11005

Dear Mr. Katz:

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# 425859 (Comal File No. 11-OR-037).

The Comal County Sheriff's Office (the "sheriff") received a request for a specified incident report pertaining to a burglary at the requestor's address. You state the sheriff will redact social security numbers pursuant to section 552.147(b) of the Government Code.¹ You claim that the requested information is excepted from disclosure under sections 552.103, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.²

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

¹Section 552.147(b) of the Government Code authorizes a governmental body to redact a living person's social security number from public release without the necessity of requesting a decision from this office under the Act. *See* Gov't Code § 552.147.

²This letter ruling assumes that the submitted representative sample of information is truly representative of the requested information as a whole. This ruling does not reach, and therefore does not authorize, the withholding of any other requested information to the extent that the other information is substantially different than that submitted to this office. *See* Gov't Code §§ 552.301(e)(1)(D), .302; Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).

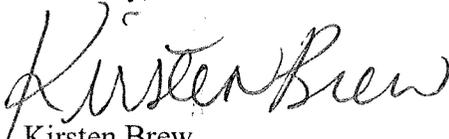
prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]” See Gov’t Code § 552.108(a)(1). A governmental body claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. See *id.* § 552.301(e)(1)(A). You state that the release of the requested information would interfere with an ongoing criminal investigation and potential prosecution. Based on your representation, we conclude that release of the requested information would interfere with the detection, investigation, or prosecution of crime, and we agree section 552.108(a)(1) is applicable to this information. 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.*, 536 S.W.2d 559 (Tex. 1976).

Section 552.108 of the Government Code 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*. See Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). Accordingly, with the exception of basic information, the sheriff may withhold the requested information under section 552.108(a)(1) of the Government Code.³

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,



Kirsten Brew
Assistant Attorney General
Open Records Division

KB/em

³As our ruling is dispositive, we need not address your remaining claim except to note section 552.103 of the Government Code does not generally except from disclosure the same basic information that must be released under section 552.108(c) and basic information described in *Houston Chronicle* does not include information subject to section 552.130 of the Government Code. See Open Records Decision No. 597 (1991).

Ref: ID# 425859

Enc. Submitted documents

c: Requestor
(w/o enclosures)