



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 8, 2011

Mr. Reg Hargrove  
Assistant Attorney General  
Public Information Coordinator  
General Counsel Division  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

OR2011-12969

Dear Mr. Hargrove:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 429353 (PIR #11-31113).

The Office of the Attorney General (the "OAG") received a request for information pertaining to any complaint filed against the requestor. The OAG asserts the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the OAG's claimed exception and have reviewed the information at issue.

Section 552.108(a)(1) excepts from disclosure information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime if release of the information would interfere with the detection, investigation, or prosecution of crime. Gov't Code § 552.108(a)(1). By its terms, section 552.108 applies only to a law enforcement agency or a prosecutor. This office has concluded, however, that where an incident involving alleged criminal conduct is still under active investigation or prosecution, section 552.108 may be invoked by any proper custodian of information that relates to the incident. *See* Open Records Decision Nos. 474 (1987), 372 (1983). The custodian of the records may withhold the information if it provides this office with a demonstration that the information relates to

the pending case and a representation from the law enforcement entity that it wishes to withhold the information.

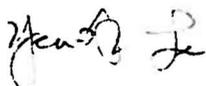
The OAG informed the Parker County Attorney's Office (the "county") of the request. The county asks the OAG to withhold the information from disclosure so as not to interfere with an ongoing criminal investigation. Based on the submitted arguments and our review of the information, we agree release of the information will interfere with the detection, investigation, or prosecution of crime. *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). Accordingly, the OAG has shown the applicability of section 552.108(a)(1) to Exhibit B.

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 Publishing*. *See* Open Records Decision No. 127 (1976). Therefore, with the exception of the basic front page offense and arrest information, the OAG may withhold Exhibit B from disclosure based on section 552.108(a)(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](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/akg

Ref: ID# 429353

Enc: Submitted documents

c: Requestor  
(w/o enclosures)

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(w/o enclosures)