



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 2, 2013

Mr. Jeffrey L. Moore
Brown & Hofmeister, L.L.P.
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2013-07295

Dear Mr. Moore:

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# 487988.

The Colony Police Department (the "department"), which you represent, received a request for the identity of the complainant who requested a welfare check of a named individual. You claim some of the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note most of the submitted information is not responsive to the instant request, which seeks only the identity of the complainant. This ruling does not address the public availability of non-responsive information, and the department is not required to release it in response to this request.

You claim the responsive information, which consists of the name of the complainant, is excepted under section 552.108(a)(2) of the Government Code. However, we note basic information about an arrested person, an arrest, or a crime is not excepted from disclosure under section 552.108. Gov't Code § 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) (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). Basic information includes, among other things, the identification and

description of the complainant. *See* Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). In this instance, the information you seek to withhold consists of the complainant's name. Because the complainant's name is basic information, it may not be withheld under section 552.108. As you raise no further exceptions to its disclosure, the department must release the responsive information.

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,



Sean Nottingham
Assistant Attorney General
Open Records Division

SN/tch

Ref: ID# 487988

Enc. Submitted documents

c: Requestor
(w/o enclosures)