



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 29, 2014

Mr. Ronald B. Collins
Counsel for the City of El Campo
Duckett, Boulogny & Collins, L.L.P.
P.O. Box 1567
El Campo, Texas 77437

OR2014-07068

Dear Mr. Collins:

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# 521000.

The City of El Campo (the "city"), which you represent, received a request for the name of the individual who reported a specified incident. 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 the requestor seeks only the name of the individual who reported the specified incident. You have submitted a document that contains information beyond this specified piece of information. Thus, the portions of the submitted document that do not consist of the information requested are not responsive to the present request. This ruling does not address the public availability of any information that is not responsive to the request and the city is not required to release that information in response to the request.

You assert the responsive information is excepted under section 552.108 of the Government Code. Section 552.108(b)(1) provides, "An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from the requirements of Section 552.021 if . . . release of the internal record or notation would interfere with law enforcement or prosecution."¹ Gov't Code § 552.108(b)(1). A governmental body raising

¹Although you do not cite to section 552.108(b)(1) of the Government Code in your brief, we understand you to raise this exception based on the substance of your argument.

section 552.108 must reasonably explain the applicability of section 552.108. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested).

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 Publ'g 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); Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). We note the basic information includes, among other items, the identity of the complainant. *See* ORD 127 at 3-4.

You argue the responsive information is protected by section 552.108 of the Government Code because it identifies a confidential informant who notified the department of possible criminal activity. You state the city's police department (the "department") "feels there is potential for both intimidation (and retaliation) and harming of future cooperation that the [d]epartment hopes to receive from the informant in regards to future criminal activity." However, because the complainant's name is basic information, the city may not withhold this information under section 552.108 of the Government Code. Gov't Code § 552.108(c). Although you also argue releasing this information may subject future complainants to retaliation, we find you have not demonstrated how the complainant's name is otherwise excepted from disclosure. Therefore, the city 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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 521000

Enc. Submitted documents

c: Requestor
(w/o enclosures)