



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 1, 2014

Mr. Edward Adrian Sandoval
Assistant District Attorney
Cameron County
964 East Harrison Street
Brownsville, Texas 78520

OR2014-21604

Dear Mr. Sandoval:

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# 545011.

The Brownsville Police Department (the "department") received two requests from the same requestor for certain information relating to case number 14083306. The department has released some of the responsive information. You claim the submitted information is excepted from disclosure under sections 552.103, 552.108, and 552.1175 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

We note the requestor has asked the department to answer questions. The Act does not require a governmental body to answer factual questions, conduct legal research, or create new information in responding to a request. *See* Open Records Decision Nos. 563 at 8 (1990), 555 at 1-2 (1990). However, a governmental body must make a good faith effort to relate a request to information held by the governmental body. *See* Open Records

¹Although you do not raise section 552.1175 of the Government Code in your brief, we understand you to raise this exception based on the substance of your argument. We note that although you discuss section 552.117 of the Government Code for the information of the peace officer at issue, we note section 552.1175 is the proper exception to raise for information held in a non-employment context.

Decision No. 561 at 8 (1990). We assume the department has made a good faith effort to do so.

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 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). A governmental body claiming section 552.108(a)(1) must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the submitted information pertains to a pending criminal investigation and prosecution. Based on your representation, we conclude the release of the information at issue would 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). Therefore, we agree that section 552.108(a)(1) is applicable to the submitted information.

However, section 552.108 does not except from disclosure basic information about a crime. Gov’t Code § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle*, 531 S.W.2d at 186–87. *See Open Records Decision No. 127* (1976) (summarizing types of information considered basic information). We note basic information includes, among other things, the identification and description of the complainant, but does not include the home address, telephone number, or family member information of the complainant, unless the address is the location of the crime, premises involved, or place of arrest. *Id.* We further note basic information does not include information related to a suspect who was not arrested. *Id.* Thus, with the exception of basic information, the department may withhold the submitted information under section 552.108(a)(1) of the Government Code.²

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/>

²As our ruling is dispositive for this information, we do not address your remaining arguments against its disclosure, except to note that, generally, basic information held to be public in *Houston Chronicle* is not excepted from public disclosure under section 552.103 of the Government Code. *See Open Records Decision No. 597*(1991).

[url_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,

A handwritten signature in black ink that reads "Britni Fabian". The signature is written in a cursive, flowing style.

Britni Fabian
Assistant Attorney General
Open Records Division

BF/bhf

Ref: ID# 545011

Enc. Submitted documents

c: Requestor
(w/o enclosures)