



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 6, 2019

Ms. Captoria Brown
Paralegal
City of Carrollton
1945 East Jackson Street
Carrollton, Texas 75006

OR2019-12031

Dear Ms. Brown:

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# 763882 (City ID# 15375).

The City of Carrollton (the "city") received three requests from the same requestor for information pertaining to a specified incident.¹ You state the city released basic information to the requestor pursuant to section 552.108(c) of the Government Code. *See* Gov't Code 552.108(c) (basic information about an arrest, arrested person, or crime not excepted from disclosure under section 552.108). You claim the submitted information is excepted from disclosure under sections 552.101, 552.108, 552.130, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a)(2) 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 . . . it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]" *Id.* § 552.108(a)(2). Section 552.108(a)(2) is applicable only

¹We note the city sought and received clarification of the request for information. *See* Gov't Code § 552.222(b) (stating if information requested is unclear to governmental body or if large amount of information has been requested, governmental body may ask requestor to clarify or narrow request, but may not inquire into purpose for which information will be used); *City of Dallas v. Abbott*, 304 S.W.3d 380 (Tex. 2010) (holding when governmental entity, acting in good faith, requests clarification of unclear or overbroad request for public information, ten-business-day period to request attorney general opinion is measured from date request is clarified or narrowed).


if the information at issue relates to a concluded criminal case that did not result in a conviction or deferred adjudication. Where a governmental body has custody of information relating to a case of a law enforcement agency, the custodian of the records may withhold the information if it provides this office with a demonstration the information relates to the case and a representation from the law-enforcement agency that it wishes to have the information withheld. You provide a representation from the Denton County District Attorney's Office (the "district attorney's office"), in which the district attorney's office objects to the release of the submitted information because it pertains to a closed criminal investigation that did not result in a conviction or deferred adjudication. Based on this representation, we conclude section 552.108(a)(2) is applicable to the submitted information.

However, as you acknowledge, 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). Section 552.108(c) refers to the basic information held to be public in *Houston Chronicle*. See 531 S.W.2d at 186-187; see also Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). Accordingly, with the exception of basic information, which you state the city already released, the city may withhold the submitted information under section 552.108(a)(2) of the Government Code on behalf of the district attorney's office.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/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,



Patrick P. Mehaffy
Assistant Attorney General
Open Records Division

PPM/mo

²As our ruling is dispositive, we need not address your remaining arguments against disclosure of this information.

Ref: ID# 763882

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Third Party
(w/o enclosures)