



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 23, 2019

Lieutenant Mitchell R. Selman
Collin County Sheriff's Office
4300 Community Avenue
McKinney, Texas 75071

OR2019-13708

Dear Lt. Selman:

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# 767020.

The Collin County Sheriff's Office (the "sheriff's office") received a request for information pertaining to a specified incident number. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

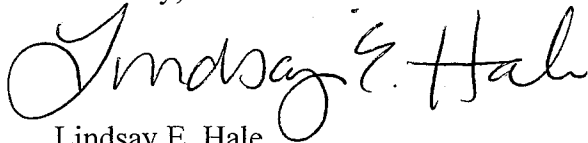
Section 552.108(a)(1) of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]" Gov't Code § 552.108(a)(1). A governmental body claiming section 552.108(a)(1) must explain how and why release of the requested information would interfere with the detection, investigation, or prosecution of crime. *See id.* §§ 552.108(a)(1), .301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You assert, and submit a representation from the Collin County District Attorney's Office (the "district attorney's office") stating, the submitted information relates to a pending criminal investigation and prosecution and the district attorney's office objects to its disclosure. Based upon your representation and our review, we conclude release of the submitted information 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). Thus, section 552.108(a)(1) is applicable to the submitted information.

We note, however, section 552.108 of the Government Code 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*. See 531 S.W.2d at 186-88; Open Records Decision No. 127 (1976) (summarizing the types of information considered to be basic information). Thus, with the exception of the basic information, which must be released, the sheriff’s office may withhold the submitted information under section 552.108(a)(1).¹

Finally, although you ask this office to issue a previous determination permitting the sheriff’s office to withhold information subject to section 552.108(a)(1) of the Government Code without the necessity of seeking a ruling from this office, we note that in Open Records Letter No. 2016-25498 (2016) this office already issued such a previous determination to the sheriff’s office. Additionally, you request that this office issue previous determinations that would authorize the sheriff’s office to withhold a 9-1-1 caller’s telephone number under section 552.101 of the Government Code in conjunction with section 772.318 of the Health and Safety Code; a public citizen’s date of birth under section 552.101 of the Government Code in conjunction with common-law privacy; and information in an offense report subject to section 552.108(b)(1) of the Government Code without the necessity of seeking a ruling from this office. See Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). We decline to issue such previous determinations at this time. Accordingly, 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,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/eb

¹As our ruling is dispositive, we need not address your remaining arguments against disclosure.

Ref: ID# 767020

Enc. Submitted documents

c: Requestor
(w/o enclosures)