



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 16, 2019

Mr. Robert L. Galligan
Counsel for City of Mission
Jones, Gallagan, Key & Lozano, L.L.P.
P.O. Box 1247
Weslaco, Texas 78596

OR2019-19295

Dear Mr. Galligan

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# 783403.

The City of Mission (the "city"), which you represent, received a request for information pertaining to specified incidents. 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.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. *See* Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You state the information you marked relates to closed cases that did not result in convictions or deferred adjudications. Therefore, we agree section 552.108(a)(2) is applicable to the information you marked.

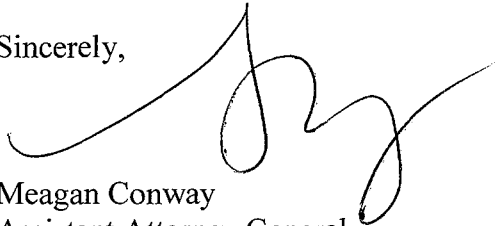
However, section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. *Id.* § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-88; Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*). In this instance, we note you seek to withhold the identifying information of the complainant under section 552.108(a)(2). We note, however, basic

information includes, among other things, the identity of the complainant. *See* ORD 127 at 3-4. You have also marked the entire narrative portion of the submitted incident reports as information you seek to withhold under section 552.108. Basic information includes a detailed description of the offense. *See id.* The remaining information at issue does not contain information sufficient to satisfy the requirement that a “detailed description of the offense” be released as basic information. *See id.* Accordingly, we determine the city must release a sufficient portion of the narrative to encompass a detailed description of the offense. Thus, with the exception of the basic information, which must be released, the city may withhold the information you marked under section 552.108(a)(2) of the Government Code. The city must release the remaining 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,



Meagan Conway
Assistant Attorney General
Open Records Division

MC/eb

Ref: ID# 783403

Enc. Submitted documents

c: Requestor
(w/o enclosures)