



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

June 30, 2022

Mr. Samuel R. Jimison
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2022-18965

Dear Mr. Jimison:

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# 956699 (ORR Nos. JDaw1 CRog1).

The Corpus Christi Police Department (the "department") received two requests from different requestors for records related to a specified incident involving a named individual. The department claims some of the submitted information is excepted from disclosure under sections 552.108 and 552.1175 of the Government Code.¹ We have considered the exceptions the department claims 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 this exception is applicable to the information at issue. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). The department states the submitted information relates to a pending criminal investigation or prosecution. Based on this representation, we conclude release of the information the department marked will 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 generally applicable to the information the department marked.

¹ Although the department also raises section 552.101 of the Government Code, the department has not provided any arguments to support this exception. Therefore, we assume the department has withdrawn its claim this section applies to the submitted information. *See* Gov't Code §§ 552.301, .302.

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*. See 531 S.W.2d at 186-88; Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). We note basic information includes, among other items, the identity of the complainant and the location of the incident. See ORD 127 at 3-4. Thus, with the exception of the basic information, the department may withhold the information it marked under section 552.108(a)(1) of the Government Code.

Section 552.1175 of the Government Code provides in part:

(a) This section applies only to:

...

(17) and elected public officer[.]

(b) Information that relates to the home address, home telephone number, emergency contact information, or social security number of an individual to whom this section applies, or that reveals whether the individual has family members is confidential and may not be disclosed to the public under this chapter if the individual to whom the information relates:

(1) chooses to restrict public access to the information; and

(2) notifies the governmental body of the individual's choice on a form provided by the governmental body, accompanied by evidence of the individual's status.

Gov't Code § 552.1175(a)-(b). The information we marked consists of information of an individual who is among the types of individuals listed in section 552.1175(a). See *id.*; *cf. id.* Gov't Code § 552.117(c)) (providing "family member" has meaning assigned by Fin. Code § 31.006(d). Thus, the department must withhold the information we marked under section 552.1175 if the individual to whom the information pertains elects to restrict access to the information in accordance with section 552.1175(b). However, if no election is made, the department may not withhold the marked information under section 552.1175. Further, the department has not demonstrated any portion of the remaining information is protected by section 552.1175. Therefore, the city may not withhold any of the remaining information on this basis.

In summary, with the exception of the basic information, the department may withhold the information it marked under section 552.108(a)(1) of the Government Code. The department must withhold the information we marked under section 552.1175 of the Government Code if the individual to whom the information pertains elects to restrict access to the information in accordance with section 552.1175(b) of the Government Code. The department 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,

Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/jxd

Ref: ID# 956699

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)