



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTON  
ATTORNEY GENERAL

September 18, 1990

Mr. Robert L. Dillard III  
Attorney for City of University Park  
1800 Lincoln Plaza  
500 N. Akard  
Dallas, Texas 75201

OR90-447

Dear Mr. Dillard:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10061.

The City of University Park received an open records request for, inter alia, "full copies of the internal investigations of" two named police officers. Although you originally contended that the requested information came under the protection of sections 3(a)(1), 3(a)(3), and 3(a)(8) of the Open Records Act, you now advise this office that all disciplinary actions against those officers have been concluded. Consequently, you now only seek to withhold, pursuant to section 3(a)(1), information that reveals grand jury testimony, the results of polygraph examinations, and the statement of a confidential informant. These types of information are deemed confidential by law and must be withheld. See Code Crim. Proc. art. 20.16 (grand jury testimony); V.T.C.S. art. 4413(29cc), § 19A (results of polygraph examinations); Roviaro v. United States, 353 U.S. 53 (1957) (informers privilege protects informer's statement to the extent that it reveals informer's identity). You must release the remaining information at this time if you have not already done so.

The city also received a subsequent open records request for tape recordings and transcripts of the personnel hearing of one of the officers. You state that this type of hearing is not normally tape recorded, that the hearing in question was recorded only at the request and expense of the officer's attorney, that the tape recordings are now in the sole possession of the officer's attorney, and that no transcripts of the recordings exist. Given these facts, it is clear that the city does not possess this requested

information; you need not, therefore, comply with that request. See Economic Opportunities Development Corp. v. Bustamante, 562 S.W.2d 266, 268 (Tex. Civ. App. - San Antonio 1978, writ dismiss'd).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-447.

Yours very truly,



Jim Moellinger  
Assistant Attorney General  
Opinion Committee

JM/RWP/le

Ref.: ID# 10061  
ID# 10063  
ID# 10094  
ID# 10221  
ID# 10310  
ID# 10316

Enclosures: Submitted documents

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