



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 29, 1994

Ms. Ann Pesce
Records Management Officer
City of Palestine
504 North Queen Street
Palestine, Texas 75801

OR94-192

Dear Ms. Pesce:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code (former article 6252-17a, V.T.C.S.).¹ Your request was assigned ID# 23694.

The City of Palestine (the "city") received a request for a compilation of statistical information concerning traffic citations. You indicate that the compilation is from police department ticket books, which were made available to the requestor. You urge that the compilation itself should be withheld from disclosure under section 552.108 (former section 3(a)(8), V.T.C.S. article 6252-17a) because it was put together for internal police department use after a complaint was filed with the department concerning issuance of traffic citations. Section 552.108 provides as follows:

(a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure].

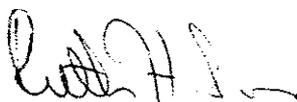
(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from [required public disclosure].

¹We note that the Seventy-third Legislature repealed V.T.C.S. article 6252-17a. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

To assert this exception, it must be clear from the information itself or you must demonstrate how a release of the information will unduly interfere with law enforcement or prosecution. Open Records Decision Nos. 518 (1989) at 6 (if not apparent on the face of the information, governmental body must show how release will interfere with law enforcement); 434 (1986) at 2 (relevant question is whether release will undermine law enforcement or prosecution). You have not shown that release of this information will interfere with law enforcement or prosecution, and it is not apparent to this office how release of the compiled information will unduly interfere with law enforcement interests, especially since the information that served as a basis of the compilation has been disclosed. This information must therefore be released to the requestor.

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 contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Government Section

RHS/rho

Ref.: ID# 23694

Enclosures: Submitted documents

cc: Mr. Andre Ingram
415 Texas Avenue
Palestine, Texas 75801
(w/o enclosures)