



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 29, 1994

Mr. John D. Gilliam
Sherman City Attorney
P.O. Box 1106
Sherman, Texas 75091

OR94-424

Dear Mr. Gilliam:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 25610.

The City of Sherman (the "city") has received a request for traffic citations issued by the city, specifically those issued to persons who have requested to take the defensive driving course. You have submitted the requested information to us for review and claim that section 552.108 of the Government Code exempts it from required public disclosure.

Section 552.108 exempts from required public disclosure:

- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime
- (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.

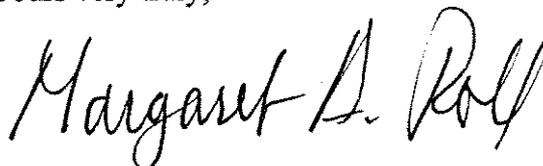
When applying section 552.108, this office distinguishes between information relating to cases that are still under active investigation and other information. Open Records Decision No. 611 (1992) at 2. In cases that are still under active investigation, section 552.108 exempts from disclosure all information except that generally found on the first page of the offense report. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127-(1976). Otherwise, when the "law enforcement" exception is claimed, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how

release would unduly interfere with law enforcement. Open Records Decision No. 434 (1986) at 3 (citing *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977)). Whether information falls within the section 552.108 exception must be determined on a case-by-case basis. *Id.* at 2.

You do not claim that the submitted information relates to an on-going law enforcement investigation. In addition, you have not explained, nor does the submitted information supply an explanation on its face, how release of the submitted information would unduly interfere with law enforcement. We conclude, therefore, that the city may not withhold the requested information under section 552.108 of the Government Code. The city must release the requested information in its entirety.

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 this office.

Yours very truly,



Margaret A. Roll
Assistant Attorney General
Open Government Section

MAR/GCK/rho

Ref.: ID# 25610

Enclosures: Submitted documents

cc: Mr. Curtis N. Edwards
Affiliated Driving School
2202 Rex Cruse
Sherman, Texas 75092
(w/o enclosures)