



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 29, 1994

Mr. Charles Karakashian, Jr.  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR94-768

Dear Mr. Karakashian:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. We assigned your request ID# 28088.

The Texas Department of Public Safety ("DPS") received a request for the vehicle identification numbers on certain DPS cars. From your arguments, we understand you to raise section 552.108 of the Government Code.

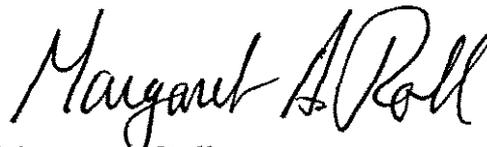
Section 552.108 provides as follows:

- (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].

When information does not relate to an active criminal investigation, a governmental body claiming the "law enforcement" exception must reasonably explain how and why releasing the requested information would unduly interfere with law enforcement and crime prevention. Open Records Decision No. 434 (1986) at 2-3.

You state that DPS is concerned only about releasing the vehicle identification numbers of vehicles used in undercover work; DPS is not concerned about releasing the identification numbers of "marked" DPS vehicles or unmarked vehicles with exempt license plates. You claim that releasing the vehicle identification numbers of undercover vehicles would allow potential suspects to determine if a vehicle is registered to the DPS and, therefore, would lead to disastrous consequences. We agree. Because you have shown that releasing these numbers would unduly interfere with law enforcement and crime prevention, you may withhold the vehicle identification numbers of the undercover vehicles under section 552.108 of the Government Code. The numbers of those vehicles marked as DPS vehicles or those unmarked vehicles that have exempt license plates must be released. If you have questions about this ruling, please contact our office.

Yours very truly,



Margaret A. Roll  
Assistant Attorney General  
Open Government Section

MAR/LBC/rho

Ref.: ID# 28088

Enclosures: Submitted documents

cc: Ms. Helen N. Langley  
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P.O. Box 447  
Okarche, Oklahoma 73762  
(w/o enclosures)