



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 18, 1996

Mr. Ron M. Pigott  
Assistant General Counsel  
Texas Department of Public Safety  
Box 4087  
Austin, Texas 78773-0001

OR96-2424

Dear Mr. Pigott:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103179.

The Texas Department of Public Safety (the "department") received a request for information concerning an automobile accident involving a fatality. You inform this office that one of the individuals involved in the accident has been charged with criminally negligent homicide as a result of the accident. You assert that the information requested is excepted from disclosure pursuant to sections 552.103 and 552.108 of the Government Code.

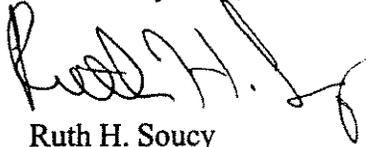
We note initially that the information submitted to this office includes a motor vehicle accident report. In the past legislative session, the legislature, in House Bill 391, amended article 6701d, V.T.C.S., to require that the department is required to release a copy of the accident report on request to, among others, a person who provides the department with two or more of the following: (1) the date of the accident, (2) the name of any person involved in the accident, or (3) the specific location of the accident. Act of May 27, 1995, 74th Leg., R.S., ch. 894, § 1, 1995 Tex. Sess. Law Serv. 4413. Since the requestor supplied two or more of the required items of information concerning the accident, the motor vehicle accident reports must be supplied to the requestor.

We next address your assertion that the remaining information is excepted from disclosure pursuant to section 552.108 of the Government Code. Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime" and "[a]n 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." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). We have reviewed the records and agree that

section 552.108 excepts the remaining records from disclosure.<sup>1</sup> We also note that the department has discretion to release all or part of this information that is not otherwise confidential by law. See Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 103179

Enclosures: Submitted documents

cc: Ms. Rachel Carder  
Davis & Wilkerson, P.C.  
P.O. Box 2283  
Austin, Texas 78768  
(w/o enclosures)

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<sup>1</sup>As the information at issue may be withheld from disclosure pursuant to section 552.108, we need not address your section 552.103(a) argument.