



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 21, 1997

Ms. Jennifer D. Soldano
Associate General Counsel
Texas Department of Transportation
Dewitt C. Greer State Highway Building
125 E. 11th Street
Austin, Texas 78701-2483

OR97-0415

Dear Ms. Soldano:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103457.

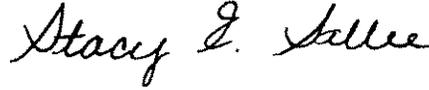
The Texas Department of Transportation (the "department") received a request for "monthly barricade inspection reports" pertaining to a particular construction project. You claim that some of the requested information is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 409 of chapter 23 of the United States Code. This office has previously determined, however, that section 409 only regulates discovery in court proceedings and not the availability of information under chapter 552 of the Government Code. *See* Open Records Letter No. 96-1059 (1996). You have raised none of the Open Records Act's other exceptions to required public disclosure with regard to the records at issue.¹ The department therefore must release the requested records in their entirety.

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

¹In Open Records Decision No. 561 (1990), this office concluded that where a federal agency shares information with a governmental body in Texas pursuant to a policy affording the governmental body greater access to the information than that afforded to the general public, the statutory predecessor of section 552.101 of the Government Code will except such information from public disclosure if the information is confidential in the hands of the federal agency under federal law. Because no federal agency has shared the information at issue with the department, Open Records Decision No. 561 (1990) is inapplicable here.

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/RWP/ch

Ref.: ID# 103457

Enclosures: Submitted documents

cc: Mr. James L. Mitchell
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(w/o enclosures)