



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 11, 1997

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

OR97-0769

Dear Mr. Pigott:

You have asked whether certain information is subject to required public disclosure pursuant to chapter 552 of the Government Code. Your request was assigned ID# 105182.

The Texas Department of Public Safety (the "department") received a request for "all electronic driver records that are maintained by the [department]." You inform us that the department is willing to release most of the driver records to the requestor, and that the department does not seek to except the driver history from release. However, you have submitted Exhibit B as a sample of the requested records and seek to withhold three items of information contained in the document.¹ You assert that section 552.108 of the Government Code excepts the digital photograph, digital signature, and thumb prints from disclosure.² We have considered the exception you claim and reviewed the information submitted.

¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

²We note that you have not claimed any exceptions for the remainder of the information contained in Exhibit B. However, we caution that some of this information may be confidential and that release of some of this information is governed by sections 521.045 - 521.053 of the Transportation 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). The requested information falls within the purview of section 552.108. We therefore conclude that section 552.108 of the Government Code excepts the requested records from required public disclosure. You may choose to release all or part of the information that is not otherwise confidential by law. Gov’t Code § 552.007.

We are resolving this matter with this 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 may 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,



Yen-Ha Le
Assistant Attorney General
Open Records Division

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Ref: ID# 105182

Enclosures: Submitted documents

cc: Mr. Mark A. Evans
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(w/o enclosures)