



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 23, 1998

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

OR98-1730

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 116873.

The Texas Department of Public Safety (the "department") received an open records request for the "arrest reports" of four individuals who the requestor claims were arrested by a particular state trooper. You state, however, that after searching the department's records you were able to identify records pertaining to only two of the named individuals.¹ You contend that, except for the categories of information specifically made public in *Houston Chronicle Publishing Company 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), the offense report at issue is excepted from required public disclosure pursuant to section 552.108 of the Government Code.

Section 552.108(a)(1) of the Government Code excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime." Because you have informed us that the records at issue pertain to a pending criminal investigation and prosecution, we conclude that you have met your burden of establishing that the release of the requested information at this time could interfere with law enforcement or prosecution. The department therefore may withhold the information at issue pursuant to section 552.108(a)(1).

¹The department therefore need not comply with the other aspects of the request. See Open Records Decision No. 445 (1986) (Open Records Act does not require governmental body to obtain information not in its possession or to prepare new information in response to open records request).

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,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/RWP/mjc

Ref: ID# 116873

Enclosures: Submitted documents

cc: Mr. Tom D. Fowler
Williamson County Sun
P.O. Box 39
Georgetown, Texas 78627
(w/o enclosures)