



March 11, 1999

Mr. Frank Crull
Assistant General Counsel
Legal Services
Texas Department of Public Safety
5805 N. Lamar Boulevard
Austin, Texas 78773-0001

OR99-0695

Dear Mr. Krull :

You ask this office to reconsider our ruling in Open Records Letter No. 99-0047 (1999). Your request was assigned ID# 123303.

The Department of Public Safety ("DPS") received a request for information in connection with a traffic citation. You sought the decision of this office as to whether DPS could withhold the requested information under sections 552.103 and 552.108 of the Government Code. In Open Records Letter No. 99-0047 (1999), this office determined that DPS could not withhold the information in question because it had not timely sought a decision of this office pursuant to section 552.301(a) of the Government Code.

In your request for reconsideration you provide a copy of the envelope in which DPS received the request for information and note that, although the requestor's letter is dated November 30, 1998, the envelope is stamped to indicate that DPS received the request on December 2, 1998. You also supply an affidavit to the effect that DPS's request for the decision of this office under section 552.301 was hand delivered to this office on December 16, 1998. Based on these representations, we will assume that DPS timely submitted its request for a decision to this office. Open Records Letter No. 99-0047 is overruled. We therefore consider your arguments for withholding the requested information under sections 552.103 and 552.108.

Section 552.108(a)(1) excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor
that deals with the detection, investigation, or prosecution of crime . . .
if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]

You characterize the information you submitted in connection with your request for a decision as “representative samples.” *See* Gov’t Code § 552.301(b)(3) (governmental body must submit, in connection with request for attorney general decision, the requested information or representative samples thereof). In our opinion, the information you submitted is not representative of all of the types of information requested.¹ Please be advised that 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. *See id* § 552.302 (where request for attorney general decision does not comply with requirements of section 552.301, information at issue is presumed to be public). In particular, we note your representation that the radar manual responsive to a part of the request “will be made available . . . in the format approved for release to the public.” You have not submitted any portion of the radar manual in connection with this request. You may withhold portions of the radar manual in question only to the extent that this office has in a prior ruling determined that portions of this manual may be withheld and the facts upon which the ruling was based have not changed.

You advise that there is pending prosecution in connection with the traffic citation to which the information relates. Based on your representations we conclude that, except as noted above, and with the exception of “basic information” contained therein, you may generally withhold the requested information under section 552.108(a)(1) at this time.

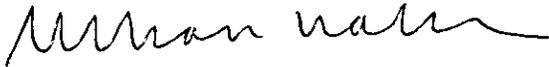
Section 552.108 does not except from required public disclosure “basic information about an arrested person, an arrest, or a crime.” Gov’t Code § 552.108(c). You must release these types of information in accordance with *Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). *See also* Open Records Decision No. 127 (1976) (summarizing what is “basic information”).

In view of this disposition, we need not address your section 552.103 claim except to note that, absent a special showing, which you have not made here, section 552.103 does not protect “basic information” either. Nor does it protect information for which copies or representative samples were not properly submitted pursuant to section 552.301(b).

¹You have submitted copies or sample copies of DPS “State Vehicle Operation Data” forms, a “Radar Log” and “Radar Shift Log,” pictures of tuning forks with serial numbers and other information, a certification of speedometer accuracy, and the traffic citation.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "William Walker".

William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 123303

Enclosures: Submitted documents

cc: Mr. Edward V. Stack
9040 B McConnell
Laughlin AFB, Texas 78840
(w/o enclosures)