



March 11, 1999

Lieutenant Bill Kral
Amarillo Police Department
200 E. 3rd
Amarillo, Texas 79101-1514

OR99-0697

Dear Lieutenant Kral:

You ask this office to reconsider our ruling in Open Records Letter No. 98-3254 (1998). Your request for reconsideration was assigned ID# 123218.

The City of Amarillo Police Department (the "city") received a request for information relating to a motor vehicle accident. The city sought to withhold portions of the requested information under section 552.108 of the Government Code. In Open Records Letter No. 98-3254, we determined, based on the date on the request for information, that the city could not withhold any information under section 552.108 because the city had not timely requested a decision from this office. *See* Gov't Code §§ 552.301(a), 552.302 (if governmental body fails to request an attorney general decision within ten business days of its receipt of written request for information, information is presumed to be public). In your request for reconsideration, you provide an affidavit to the effect that the city received the request for information on October 18, 1998 and sought the decision of this office on October 20, 1998, and that the date on the request for information was incorrect. Based on your representations, we overrule Open Records Letter No. 98-3254 and conclude that the city timely sought the decision of this office in this matter. Accordingly, we will consider your claim under section 552.108.

Section 552.108(a)(2) 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:

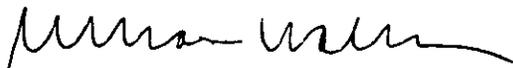
...

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]

You advise that the case investigation to which the requested information relates has been concluded, that there has been no adjudication, and that therefore the investigation has not resulted in conviction or deferred adjudication. Based on your representations, we conclude that you may withhold the information at issue under section 552.108(a)(2).¹

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.

Sincerely,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref.: ID# 123218

Enclosures: Submitted documents

cc: Mr. William Edward Gallet
4314 S. Crockett
Amarillo, Texas 79110
(w/o enclosures)

¹Subsection (c) of section 552.108 provides that the section does not protect "basic information" about an arrested person, an arrest, or a crime. Here, you advise that you have released the "state accident report" to the requestor. See Transportation Code ch.550, subch. C; amended § 47 of former art.6701d (set out in Vernon's under Transportation Code § 550.065). In our opinion, the release of the state accident report satisfies the section 552.108(c) requirement for release of "basic information."