



March 12, 1999

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

OR99-0700

Dear Mr. Crull:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 122710.

The Department of Public Safety (the "DPS") received a request for the following fifteen categories of information pertaining to Officer R.A. Krener and "any speed control device" that this officer had access to from January 1, 1998, until the date of the request:

1. Name, address and phone number of the manufacturer of the radar unit or units used by the officer.
2. Make, model, serial number, date of purchase, and date placed into service of each unit used.
3. Operations manual from the department and manufacturer of each unit used.
4. Calibration logs of each unit used.
5. Calibrations certifications performed on each unit from date purchased to present.
6. Name, address, and qualifications of individuals performing calibration certifications.
7. Maintenance and service records for each unit used.

8. Copy of the officer standard operating procedure in using these units.
9. Copy of all citations issued while using these units.
10. List of all incentive programs for the individual issuing citations, such as rewards, quotas and/or disciplinary actions.
11. A copy of this officer's personnel file, radar certification sections and all.
12. List how each unit was connected to the power source.
13. Maintenance and service records and speedometer calibrations for the patrol vehicle used by this Officer.
14. Serial numbers of the tuning forks used.
15. A copy of the issuing officer's supervisor's personnel file, Radar Training Section.

You have supplied information which you contend is a representative sample of the information responsive to this request. You assert that the responsive information is excepted from public disclosure by sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the submitted documents.

The "representative sample" submitted by you consists of: (1) citation number 114236, (2) two pages of a "Radar Shift Log," and (3) four pages of vehicle service records. You have not included any information that can be construed as representative of information requested in categories 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 14, or 15. This opinion applies only to information represented in the sample supplied by you for our consideration. If you have not already done so, you must release all responsive information in your possession for which the submitted information is not representative, unless that information is made confidential by law or this office has in a prior ruling determined that it may be withheld and the facts upon which that ruling was based have not changed. See Gov't Code §§ 552.301(a), 552.302.

You advise that there is a pending prosecution to which the information relates. Based on your representations and our review of the submitted information, we conclude that, except as noted above, and with the exception of "basic information" contained therein, you may generally withhold the responsive 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

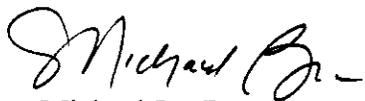
types of information in accordance with *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). *See also* Open Records Decision No. 127 (1976) (summarizing what is "basic information").

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).

In conclusion, you may withhold the information requested in categories 4 and 13 and must release the remainder of the requested information unless that information is confidential by law or this office has in a prior ruling determined that it may be withheld and the facts upon which that ruling was based have not changed.

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,



Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/eaf

Ref: #ID# 122710

Enclosures: Submitted documents

cc: Mr. Barry Mosley
P.O. Box 294
Columbus, Texas 78934
(w/o enclosures)