



July 23, 1999

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

OR99-2072

Dear Mr. Crull:

You have asked whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 126149.

The Department of Public Safety (the "department") received a request for a certified copy of a complete accident investigation file. You submitted records from the investigation file that you contend are excepted from under section 552.108 of the Government Code. We note initially that it is our understanding the department has provided the requestor with front page information concerning the incident and with a certified copy of the accident report. We also note that the documents submitted to this office include an autopsy report, which is public under section 11 of article 49.25 of the Texas Code of Criminal Procedure. The autopsy report must be released. *See* Open Records Decision No. 529 at 4 (1989). We will address your arguments against disclosure of the other records at issue.

Section 552.108(a)(1) of the Government Code provides that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from required public disclosure "if release of the information would interfere with the detection, investigation, or prosecution of crime." You state that there is an ongoing investigation into the accident. Since you assert that the investigation is ongoing, we agree that section 552.108(a)(1) protects the records at issue from disclosure. Open Records Decision No. 216 at 3 (1978).

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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written over the word 'Sincerely,'.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 127125

Encl: Submitted documents

cc: Ms. Catheryn Leigh Cox
P.O. Box 4939
Austin, Texas 78766
(w/o enclosures)