



September 28, 1999

Mr. Duncan R. Fox
Assistant Chief, Legal Services
Texas Department of Public Safety
Box 4087
Austin, Texas 78773-0001

OR99-2737

Dear Mr. Fox:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128996.

The Texas Department of Public Safety ("DPS") received a request for witness statements regarding an automobile accident. You claim that the requested information is excepted from disclosure under sections 552.108 and 552.103 of the Government Code. We have considered the exceptions you claim and reviewed the information submitted.

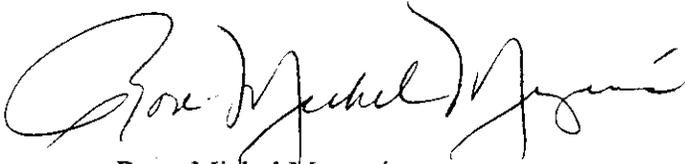
You assert that the requested information is excepted from disclosure based on section 552.108 of the Government Code. Section 552.108 of the Government Code states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from required public disclosure "if release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). You inform us that the investigation is ongoing, the crime has not yet been prosecuted and the requested information pertains to the pending case. We, therefore, believe that the release of the information "would interfere with the detection, investigation, or prosecution of crime." *Id.*, See 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). (court delineates law enforcement interests that are present in active cases)

However, section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). We believe such basic information refers to the information held to be public. Thus, with the exception of the basic front page offense and arrest information, you may withhold the requested information from disclosure based on

section 552.108(a)(1).¹ We note that you have the discretion to release all or part of the remaining information that is not otherwise confidential by law. Gov't Code § 552.007

As section 552.108 is dispositive, we will not address the other exception you claim. 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,



Rose-Michel Munguía
Assistant Attorney General
Open Records Division

RMM\nc

Ref: ID# 128996

Encl: Submitted documents

cc: Mr. David E. Browne
State Farm Insurance
900 Pecan Street
Del Rio, Texas 78840
(w/o enclosures)

¹Generally, basic information is not excepted under section 552.103.ORD 362 (1983).