



December 7, 1999

Mr. Allen Smiley
Legal Services
Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR99-3537

Dear Mr. Smiley:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 131236.

The Department of Public Safety (the “department”) received a request for information and photos regarding a motor vehicle accident. You claim that the information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

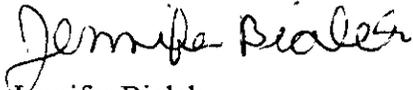
Section 552.108(a)(1) excepts from disclosure information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime if release of the information would interfere with the detection, investigation, or prosecution of crime. You state that the requested information relates to a pending criminal investigation. Accordingly, we find that release of the requested information would interfere with the detection, investigation, or prosecution of crime. *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). Therefore, we conclude that the department may withhold the information under section 552.108(a)(1). As you acknowledge, the department must release the peace officer’s accident report. *See V.T.C.S. art. 6701d, § 47(b)(1)*.

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 in *Houston Chronicle Publishing 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). Further, basic information generally may not be withheld from

public disclosure under section 552.103. Open Records Decision No. 362 (1983). 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). 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.

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,



Jennifer Bialek
Assistant Attorney General
Open Records Division

JHB/cwt

Ref: ID# 131236

Encl. Submitted documents

cc: Mr. Jerry Gueldner
Claim specialist
State Farm Insurance Companies
P.O. Box 4739
Wichita Falls, Texas 76303
(w/o enclosures)