



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

May 22, 1990

Ms. Mary Ann Courter  
Legal Counsel  
Department of Public Safety  
Box 4087  
Austin, Texas 78773-0001

OR90-196

Re: Training materials used to instruct law enforcement  
officers to detect violations of DWI laws

Dear Ms. Courter:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 6882.

You were asked to provide (1) training materials and other information used by Department of Public Safety personnel to identify vehicles driven by persons who may be engaged in the offense of driving while intoxicated and (2) copies of all citations issued by a particular Department of Public Safety Trooper from 1987 to the present. We have considered the exception you claimed, specifically, section 3(a)(8), and have reviewed the documents at issue. Previous decisions of this office, including Open Records Decisions Nos. 127 (1976) and 531 (1989) which are enclosed, resolve your question. See also Northern California Police Practices Project v. Craig, 153 Cal. Rptr. 173 (App.3d 1979). You may withhold the portions of the documents that we have marked.

The request also encompasses tapes. You state that the portions of the videotapes in the possession the department relevant to this request total approximately 171 minutes of copyrighted material used in law enforcement personnel training at the DPS Training Academy. These videos are not copied and distributed outside of the agency because they are copyrighted by Northwestern University Traffic Institute. Although copyrighted information may be subject to public disclosure under the Open Records Act, the custodian of public records must comply with copyright law and is not required to furnish copies of copyrighted

records. Members of the public may inspect copyrighted materials held by governmental bodies, to the extent that they are not excepted from disclosure by provisions of the Open Records Act, and may make copies of the records unassisted by the governmental body. Attorney General Opinion MW-307 (1981); Open Records Decision No. 550 (1990).

You state that the film footage is available at the Department of Public Safety for an attorney from this office to view in order to determine whether it is excepted from disclosure by section 3(a)(8). We will defer viewing the videotapes at this time to allow you to examine the records we have marked and determine from them what similar portions of the tapes may be excepted from public disclosure by section 3(a)(8). If the markings on the written records do not give you enough guidance to decide what segments of the tape are excepted by that section, please contact us for assistance. The requestor may view any segments of the videotape not excepted from disclosure by section 3(a)(8).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-196.

Yours very truly,



Susan Garrison  
Assistant Attorney General  
Opinion Committee

SG/le

Ref.: ID# 6882

Enclosure: Marked Documents; Attorney General Opinion  
MW-307 (1981); Open Records Decisions Nos. 550  
(1990); 531 (1989); 127 (1975).