



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

October 12, 1990

Mr. David M. Douglas
Assistant Chief, Legal Services
Texas Department of Public Safety
Box 4087
Austin, Texas 78773-0001

OR90-490

Dear Mr. Douglas:

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# 10361.

The Texas Department of Public Safety received an open records request for copies of all investigative reports concerning a particular traffic accident that involved a state trooper. We have considered the exception you claimed, specifically section 3(a)(3), and have reviewed the documents at issue. A previous determination of this office, Open Records Decision No. 43 (1974), a copy of which is enclosed, resolves your request in part. Section 47 of article 6701d, V.T.C.S. makes public, accident reports that are required to be submitted to the DPS by peace officers as well as any supplements to those reports, including witness statements. Section 3(a)(3) does not protect these types of information from required public disclosure, despite the fact that they relate to reasonably anticipated litigation.

You may, however, withhold pursuant to section 3(a)(3) any portion of the DPS internal investigation of the accident that relates to litigation resulting from the accident. See Open Records Decision No. 551 (1990). We have marked the documents that you may withhold under the Open Records Act until they become available to the adverse party through discovery or otherwise.

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 OR90-490.

Yours very truly,


Susan Garrison
Assistant Attorney General
Opinion Committee

SG/RWP/le

Ref.: ID# 10361

Enclosures: Open Records Decision No. 43
Marked documents

cc: John C. Chunn
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