



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

November 26, 1990

Ms. Leah A. Curtis
Assistant Criminal District
Attorney - Civil Section
Bexar County Justice Center
300 Dolorosa, Suite 4049
San Antonio, Texas 78205-3030

OR90-560

Dear Ms. Curtis:

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# 10018.

The Bexar County District Attorney's Office has received a request for all records contained in its files concerning a certain case. The request is from the attorney for the defendant in the case. The defendant in the case will complete a six month term of deferred adjudication on November 30, 1990. You assert that the requested information is an "open prosecutorial file" excepted from required disclosure by section 3(a)(8) of the Open Records Act.

Much of the information you enclosed is arrest-related law enforcement information, the availability of which is governed by Open Records Decision No. 127 (1976) (copy enclosed). You must release any of the information within the "available to the public" category in Open Records Decision No. 127. See Open Records Decision No. 408 (1984). The criminal history information from the TCIC/NCIC computer system included in the file must be withheld. See Open Records Decision No. 565 (1990). The officer's narrative version of the incident is public information. See Open Records Decision No. 354 (1982). Portions of the documents we have marked as public information, because it is not clear on the face of the documents how they would unduly interfere with law enforcement or prosecution. See Open Records Decision No. 434 (1986).

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 OR90-560.

Yours very truly,



Kay H. Guajardo
Assistant Attorney General
Opinion Committee

KHG/le

Ref.: ID# 10018

Enclosure: Open Records Decision Nos. 127, 565, 354, 334

cc: Sarah Flowers
Legal Assistant
San Pedro III, Bldg. 3
410 West Craig Place
San Antonio, Texas 78212