



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

April 18, 1991

Ms. Iris Jones  
City Attorney  
P.O. Box 1088  
Austin, Texas 78767

OR91-193

Dear Ms. Jones:

The former legal advisor to the Austin Police Department asked whether an incident report is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Her request was assigned ID# 5992. She asked whether the requested information was excepted by sections 3(a)(1), 3(a)(3), or 3(a)(8) of the Open Records Act.

We have reviewed the information and believe it may be withheld pursuant to section 3(a)(8), which excepts

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

The test for section 3(a)(8) is whether release of the requested information will unduly interfere with law enforcement or crime prevention. *See Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). We believe the information requested on this occasion meets the test on its face. Consequently, the city may withhold the information pursuant to 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 OR91-193.

Yours very truly,

A handwritten signature in black ink, appearing to read "Steve Aragon". The signature is fluid and cursive, with a small flourish at the end.

Steve Aragon  
Assistant Attorney General  
Opinion Committee

SA/lb

Ref.: ID# 5992