



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 16, 1992

OR92-101

Mr. John Pouland  
Executive Director  
General Services Commission  
P. O. Box 13047  
Austin, Texas 78711-3446

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Dear Mr. Pouland:

The General Services Commission received a written request for copies of bid proposals submitted in connection with a requisition for law enforcement surveillance equipment advertised on behalf of the Texas Department of Public Safety. Your predecessor asked whether the requested information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. The request was assigned ID# 12810.

Following consultation with the Department of Public Safety, the commission asserted that the requested information may be excepted pursuant to section 3(a)(8), which protects:

*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.*

Information may be withheld under this provision if its release would unduly interfere with law enforcement and crime prevention. See Open Records Decision No. 366 (1983).

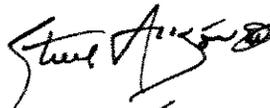
Two previous determinations of this office, Open Records Decision Nos. 22A (1974), and 143 (1976) resolve your request. The first concluded that information which would reveal specific operations or specialized equipment directly related to

the investigation or detection of crime is excepted under section 3(a)(8). The second decision determined that information regarding the cost and description of electronic eavesdropping equipment owned by a police department could also be withheld under this exception.

The factual distinction between these decisions and the current request for information is that the pending request involves information relating to both the successful bidder and the unsuccessful bids. However, we do not believe this distinction requires either the disclosure of all bids or the withholding of only the successful bid. By learning which equipment was rejected, one might ascertain the nature of the equipment that was purchased. For these reasons, we believe that you may withhold the requested information.

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 OR92-101.

Yours very truly,



Steve Aragon  
Assistant Attorney General  
Opinion Committee

SA/nhb

Ref.: ID# 12511

cc: Mike Hollingsworth  
President  
Alliant Development Corporation  
P. O. Box 5030  
New Bern, North Carolina 28561