



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 3, 1992

Mr. Charles Karakashian, Jr.
Assistant General Counsel
Texas Department of Public Safety
5805 North Lamar Boulevard-Box 4087
Austin, Texas 78773-0001

OR92-445

Dear Mr. Karakashian:

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# 16358.

You have received a request for copies of photographs and video tape recordings of the scene of a certain accident. You claim that the requested information is excepted from required public disclosure by sections 3(a)(3) and 3(a)(8) of the Open Records Act.

Section 3(a)(8) of the act 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.

Where an incident involving allegedly criminal activity is still under active investigation or prosecution, section 3(a)(8) may be invoked by any proper custodian of information which relates to the incident. Open Records Decision No. 474 (1987) at 4-5.

The Travis County District Attorney's Office advises us that the requested information relates to pending criminal prosecution. We have examined the documents submitted to us for review and conclude that the requested information may be withheld under section 3(a)(8) of the Open Records Act. As we resolve this

matter under section 3(a)(8), we need not address the applicability of section 3(a)(3) at this time.

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 OR92-445.

Yours very truly,



Rick Gilpin
Assistant Attorney General
Opinion Committee

RG/GCK/lmm

Ref.: ID# 16358
ID# 16381
ID# 16672

cc: Mr. John C. Dunaway
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