



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 20, 1995

Mr. Robert Giddings
The University of Texas System
Office of General Counsel
201 West Seventh Street
Austin, Texas 78701-2981

OR95-133

Dear Mr. Giddings:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 29472.

The University of Texas System (the "system") has received a request for information relating to the arrest of the requestor for certain traffic offenses, including driving while intoxicated, driving without a license, and fleeing police. In addition, the requestor seeks "certified copies of oaths of office for" certain system officials and employees. You advise us that the system has made some of the requested information available to the requestor, to the extent that it exists. However, you object to release of the remainder of the requested information, which you have submitted to us for review, and claim that sections 552.103 and 552.108 of the Government Code except it from required public disclosure.

Section 552.108 excepts from required public disclosure

(a) [A] record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . ;
[and]

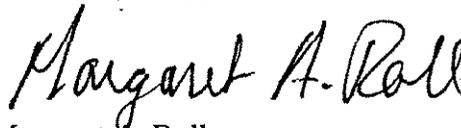
(b) [A]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution

Gov't Code § 552.108. When applying section 552.108, this office distinguishes between information relating to cases that are still under active investigation and other information. Open Records Decision No. 611 (1992) at 2. In cases that are still under active investigation, section 552.108 excepts from disclosure all information except that generally found on the first page of the offense report. See generally *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Otherwise, when the "law enforcement" exception is claimed, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how its release would unduly interfere with law enforcement. Open Records Decision No. 434 (1986) at 3 (citing *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977)). Whether information falls within the section 552.108 exception must be determined on a case-by-case basis. *Id.* at 2.

We understand that the requested information relates to offenses investigated by the University of Texas at Arlington Police Department and that the Tarrant County District Attorney's prosecution of Mr. Gradle for these offenses is on-going. Accordingly, we conclude that, except for first-page offense report information, the system may withhold the requested information under section 552.108 of the Government Code. Because we resolve this matter under section 552.108, we need not address the applicability of section 552.103 at this time.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Margaret A. Roll
Assistant Attorney General
Open Government Section

MAR/GCK/rho

Enclosures: Submitted documents

Ref.: ID# 29472

cc: Mr. Ronald Craig Gradle
1303 Paxton Avenue
Arlington, Texas 76013
(w/o enclosures)