



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 19, 1996

Mr. Ron M. Pigott  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR96-0580

Dear Mr. Pigott:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 38679.

The Texas Department of Public Safety ("DPS") received a request for copies or a transcript of a 9-1-1 call made on January 28, 1996. You explain that the 9-1-1 call is related to a speeding citation issued by the DPS on that date. You assert that the 9-1-1 tape should be withheld from disclosure pursuant to section 552.103(a) of the Government Code.

To show the applicability of section 552.103(a), a governmental body must show that information is related to pending or reasonably anticipated litigation to which a governmental body is a party. *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex.App.--Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 551 (1990) at 4. You have not shown that DPS is a party to pending or anticipated litigation.<sup>1</sup> As you have not shown the applicability of section 552.103(a) to the tape at issue, it must be released to the requestor.

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<sup>1</sup>We note that, pursuant to 552.303 of the Government Code, this office notified you that you should submit additional information in order for this office to determine the applicability of section 552.103(a) to the information at issue. However, you did not timely submit the needed additional information.

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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy". The signature is fluid and cursive, with the first name "Ruth" being the most prominent.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/rho

Ref.: ID# 38679

Enclosure: Submitted tape

cc: Ms. Bobbie L. Spriggs  
1820 Shiloh Road, Suite 1001  
Tyler, Texas 75703  
(w/o enclosure)