



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 29, 1996

Mr. Ron M. Pigott  
Assistant General Counsel  
Texas Department of Public Safety  
5805 North Lamar Blvd. Box 4087  
Austin, Texas 78773-0001

OR96-1324

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100052.

The Texas Department of Public Safety (the "department") received a request for

all statements, written interviews, field sketches, notes, measurements, field diagrams, scale diagrams, witnesses' names, addresses, phone numbers, photographs, audio and video tapes, reports, supplements and any other information obtained, written, recorded, or developed by the investigating officer or other officers involved in the investigation of the accident investigated by you that occurred on December 17, 1995, on the State Highway 34 South, Terrell, Texas at 4:56 p.m.

You claim that the requested information is excepted from required public disclosure pursuant to sections 552.103 and 552.108 of the Government Code. You have submitted a representative sample of the requested information for our review.<sup>1</sup>

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime,"

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<sup>1</sup> In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

and “[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; *see Holmes v. Morales*, 39 Tex. Sup. Ct. J. 781, 1996 WL 325601 (June 14, 1996). We note, however, that information normally found on the front page of an offense report is generally considered public. *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). Thus, you must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. *See* Open Records Decision No. 127 (1976) (summarizing the types of information deemed public by *Houston Chronicle*); *see also* Open Records Decision No. 597 (1991) (basic information in an offense report generally may not be withheld under section 552.103). We therefore conclude that, except for front page offense report information, section 552.108 of the Government Code excepts the requested records from required public disclosure, although you may choose to release all or part of the information at issue that is not otherwise confidential by law. Gov’t Code § 552.007.<sup>2</sup>

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.

Sincerely,



Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/ch

Ref.: ID# 100052

Enclosure: Submitted Documents

cc: Ms. Bridgette Clark  
Senior Claims Representative  
1200 E. Collins Blvd., Suite 318  
Richardson, Texas 75081  
(w/o documents)

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<sup>2</sup> Because we are able to make a determination under section 552.108, we do not address your argument under section 552.103.